

MEETING OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

5th July 2021

Item: 11

Proposed Regional Surface Water Attenuation Pond 2A, Cherrywood SDZ, as part of Project Ireland 2040 and supported by the Urban Regeneration & Development Fund (URDF).

Report submitted in accordance with Part XI, Section 179(3) of the Planning and Development Acts, 2000 (as amended), Part 8 of the Planning and Development Regulations, 2001 (as amended), and Section 138 of the Local Government Act 2001 (as amended).

1. PC/CSDZ/005/2021

In accordance with Part 8, Article 81 of the Planning and Development Regulations, 2001 (as amended), Dún Laoghaire-Rathdown County Council (the Council) gave notice of the proposed development, in the Irish Times, The Independent and The Evening Herald newspapers on 30th April 2021 and the Gazette newspaper on 6th May 2021. Plans and particulars of the proposed development were made available for inspection from 30th April 2021 to 31st May 2021 at the Forward Planning Infrastructure and Planning Departments, County Hall, Marine Road, Dún Laoghaire, and the Council Offices, Dundrum and on the DLR Consultation Hub, on the Council's website www.dlrcoco.ie.

Submissions and observations with regards to the proposed development could be made up to and including 15th June 2021.

<https://dlrcoco.citizenspace.com/transportation/proposed-regional-surface-water-attenuation-pond-2/>

Chapter 4 of the Cherrywood Planning Scheme identifies the existing physical infrastructure in the Cherrywood SDZ and sets out the services and physical infrastructure required to provide for the quantity of development envisaged in Cherrywood. A component of this physical infrastructure is environmental infrastructure and the Planning Scheme identifies several Regional Ponds to be located at several major outfall locations. The proposed development consists of a Regional Attenuation Pond 2A and ancillary services, such as an access and maintenance road, walkway, Greenway link, inlet and outlet pipes to and from the pond and landscaping.

The pond is essential infrastructure to facilitate and support the delivery of housing in Cherrywood, including the development of Dun Laoghaire Rathdown County Council's own residential housing plot in Lehaunstown. Circa 2,800 residential dwellings, including local authority social housing, circa 14,850m² of commercial development floorspace in the Lehaunstown and Tully Village centres and the educational facilities in the catchment will rely on Pond 2A for surface water management.

2. SITE LOCATION AND DESCRIPTION

The site of the proposed development is located within the Cherrywood Planning Scheme Area which has been designated as a fast-track Strategic Development Zone by Government. This designation facilitates development deemed economically or socially important to the State.

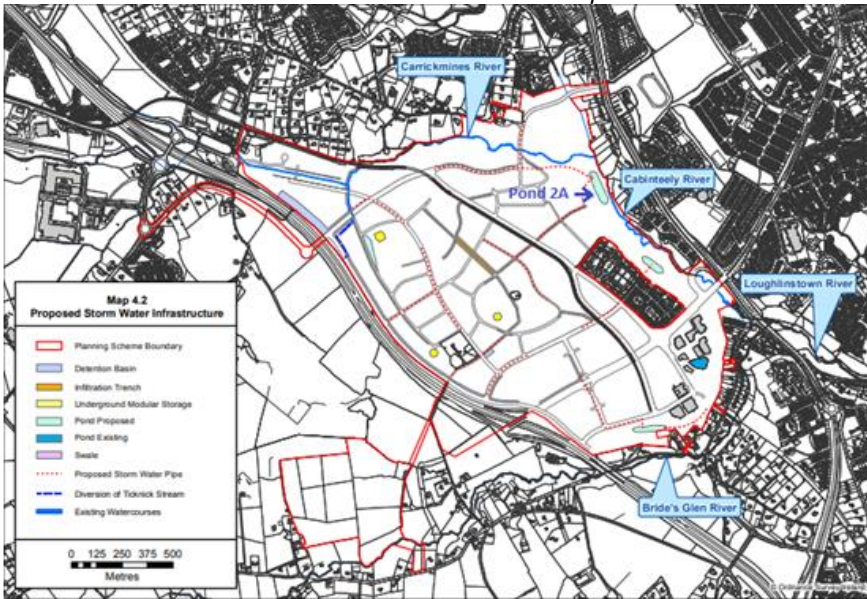
Specifically, the proposed Regional Attenuation Pond 2A is to be located on lands zoned 'Green Infrastructure', within the Lehaunstown Valley, towards the north east of the Cherrywood Planning Scheme area, in Lehaunstown, Development Area 1, Growth Area 2. See FIG 1 Indicative Location – extract Map 4.2 CPS and FIG 2 Site Location, below.

The delivery of this Regional Attenuation Pond will serve a large catchment within the Cherrywood Planning Scheme area and will ensure the proper and sustainable surface water management of development within it, providing surface water attenuation and SuDS benefits and mitigating flood risk. This Regional Pond will also provide habitat and biodiversity benefits and will become an amenity feature for the residents of Cherrywood that reflects and contributes

to the distinctive character of the Linear Park, within Lehaunstown Valley.

The indicative location of Pond 2A is detailed on Map 4.2 of the Cherrywood Planning Scheme, reproduced below, FIG 1.

FIG 1 INDICATIVE LOCATION MAP- EXTRACT Map 4.2 CPS



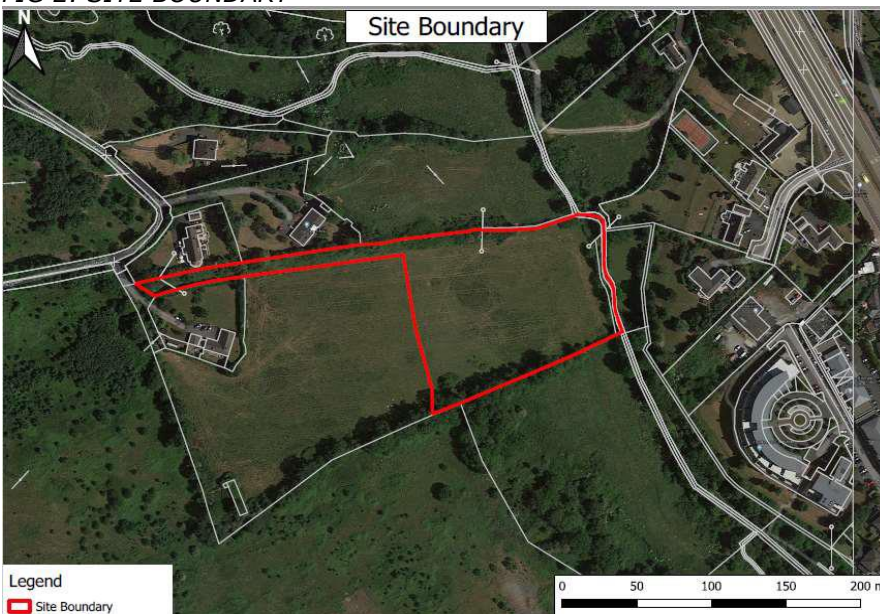
The proposed site location for the Pond 2A is shown below in FIG 2. The site is located in proximity to that as indicated on Map 4.2 of the CPS and as described above. Located to the north, south and west are greenfield sites and to the east runs the Cabinteely River. The site is bounded on the northern, southern and eastern edges by existing mature hedgerows. To the west lies the RES 2 zoned lands owned by DLR County Council. There are 4 no. existing dwellings within proximity, to the west of the site. The site slopes steeply from the western edge eastwards towards Cabinteely River.

In terms of Built Heritage, the site, in part, is located within the RMP 026-127 Lehaunstown Military Camp, as identified on Map 3.1 'Archaeology' of the Planning Scheme.

In terms of Habitats, Map 5.3 'Mammals' of the Planning Scheme, identifies badger sets within the site, close to the central southern boundary.

There is a proposed greenway to the south of the site, to run along the southern edge of the site from Tully Park to Lehaunstown Valley/Linear Park. The site is to be accessed from the proposed Level 5 Road, to the west of the site and along the northern boundary, part of which currently forms Lehaunstown Lane.

FIG 2: SITE BOUNDARY



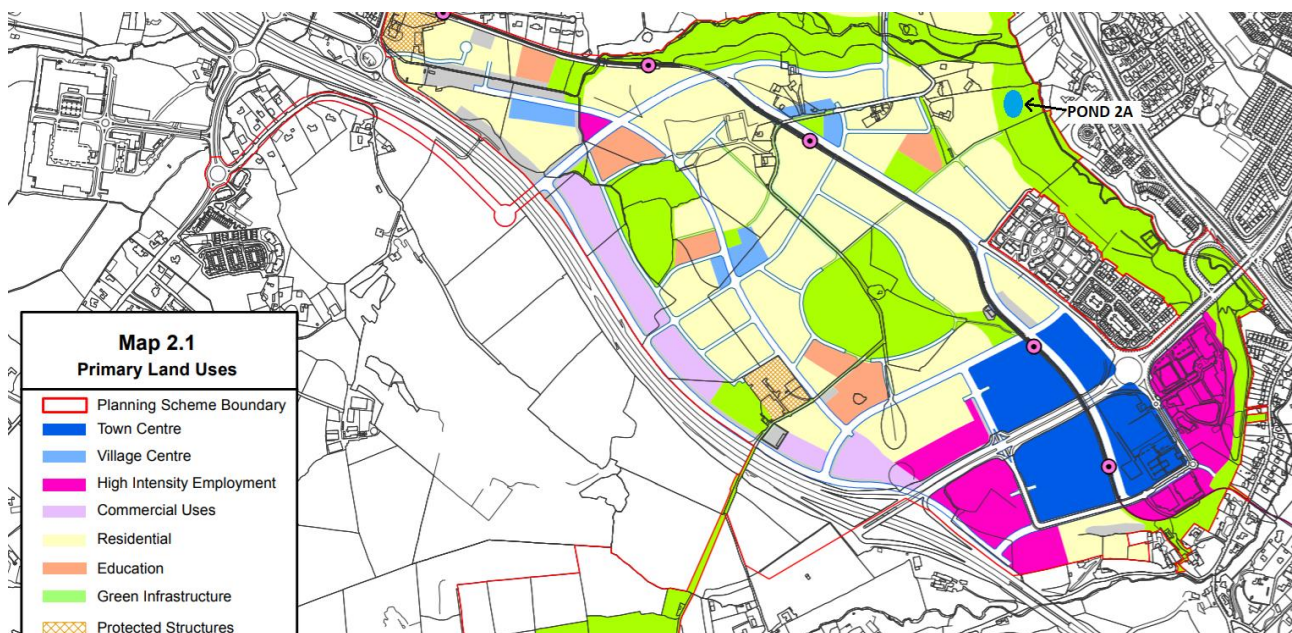
This project forms part of the internal common infrastructure projects for Cherrywood, as required by Objective PI 6, Section 4.2.1 'Surface water Drainage' and identified on Map 4.2 'Storm Water Infrastructure and in Table 6.2.1: 'Infrastructure Requirements for Development Area 1, Lehaunstown'.

3. ZONING AND OTHER OBJECTIVES

Part IX of the Planning and Development Act 2000 – 2011 provides that the Government may designate a Strategic Development Zone and specify the types of development which may be permitted. This purpose of such designation is to facilitate development, which in the opinion of the Government, is of economic or social importance to the State. The SDZ planning process is set out in Sections 165 to 171 of the Planning and Development Act 2000 – 2011 which provides that a Planning Scheme is prepared by a Development Agency specified by the Government.

Dún Laoghaire-Rathdown County Council (DLRCC), which has been specified as the Development Agency by Government Order, has prepared a Planning Scheme for the Cherrywood Strategic Development Zone (SDZ). The Planning Scheme identifies Sustainable Urban Drainage Systems (SuDS) including regional attenuation ponds, to be located appropriately within the public realm to provide surface water management for the Cherrywood SDZ.

Planning Scheme Map 2.1 outlines the Primary land uses designated within the Cherrywood Planning Scheme. Pond 2A is to be located in lands zoned for Green Infrastructure, see Map 2.1 extract below. Section 4.2.1 'Surface water Drainage', Objective PI 6, together with GI 15, require the Regional Attenuation Ponds to be located in open space areas. As such and being located within lands zoned for Green Infrastructure and designated 'Natural Greenspace – Lehaunstown Valley' (Map 5.1: Planned Public open Space', the proposed development is consistent in terms of the locational and land use requirements of the Planning Scheme.



Pond 2A is central to the Surface water management strategy of the Cherrywood Planning Scheme and the following specific objectives of the Scheme:

- PI 6: It is an objective to promote Sustainable Urban Drainage Systems (SuDS) to manage surface and groundwater regimes sustainably. Regional Ponds are listed in the measures as a key element of the SuDS solution proposed for the Planning Scheme area in the public realm areas, i.e. those areas not within private developments.
- PI 7: It is an objective to ensure that stormwater management, flood attenuation and Sustainable (Urban) Drainage Measures (SuDS), including the requirement to undertake Stormwater Audits, shall form part of the pre-planning, planning and post construction stages of any application.

- PI 8: It is an objective to ensure that SuDS measures shall be fully implemented on all sites to 1 litre per second per hectare runoff rates, unless otherwise agreed with Dún Laoghaire Rathdown County Council. In this regard solutions other than tanking systems shall be required for all developments. For larger applications Green Roofs shall be used in accordance with Dún Laoghaire Rathdown County Council's Green Roofs Guidance Document.
- GI 16: To promote open SuDS features and wetland features in planned open spaces, subject to satisfactory resolution of management programmes, public safety, ease of cleansing and maintenance access, in accordance with the requirements of 4.1.2.
- GI 55: To require that SuDS features in river valley areas shall be designed as extensive, naturalistic open features (e.g. ponds, wetlands) of value to wildlife and local amenity. Their water quality and storage objectives shall be dealt with in combination with landscape integration, visual amenity and protection/enhancement of biological diversity.

Other relevant Objectives:

GI 15 SuDS along greenways
 GI 43 Protection of trees and hedgerows
 GI 59 Habitat Management Plan
 GI 60 Biodiversity and Riparian habitats
 HI 1 and HI 2 Archaeology

The proposed development is consistent with the specific objectives of the Cherrywood Planning Scheme.

The provision of Pond 2A accords with the following County Development Plan 2016 - 2022 Policies:

Section 4 – Green County Strategy

4.1.3.7 Policy LHB25: Rivers and Waterways It is Council policy to maintain and protect the natural character and ecological value of the river and stream corridors in the County and where possible to enhance existing channels and to encourage diversity of habitat. It is also policy (subject to the sensitivity of the riverside habitat) to provide public access to riparian corridors to promote improved passive recreational activities.

4.2.1.1 Policy OSR1: Green Infrastructure Strategy It is Council policy to protect existing green infrastructure and encourage and facilitate, in consultation with relevant stakeholders, the development of new green infrastructure, recognising the synergies that can be achieved with regard to the following, sustainable transport, provision of open space amenities, sustainable management of water, protection and management of biodiversity and protection of cultural and built heritage.

Section 5 – Physical Infrastructure Strategy

5.1.1.3 Policy EI3: Surface Water Drainage and Appropriate Assessment It is Council policy to require that a Sustainable Drainage System (SuDS) is applied to any development and that site specific solutions to surface water drainage systems are developed, which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans and 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document.

5.1.1.8 Policy EI8: Sustainable Drainage Systems It is Council policy to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).

In addition, Pond 2A aligns with the following Corporate Themes and goals of the DLR Corporate Plan 2020-2024:

Theme - A Leader in environmental protection and climate action

CG. 1: Show leadership in protecting our Environment, through education and in how we work

CG. 1.1: Take a leadership role to combat the impacts of climate change and focus our work towards the transformational shift of our economies and societies towards climate resilient and sustainable development.

CG. 1.2: Implement the County Council's Climate Change Action Plan 2019-2024.

CG. 1.4: Protect the County's biodiversity by ensuring our green and blue spaces and the Dublin Bay biosphere are prioritised in development activities.

CG. 1.9: Minimise the occurrence of flooding throughout the County and work with the OPW to implement recommendations of the Flood Risk Management Plans.

C.G. 3: Enhance people's lives through access to sustainable travel choices, across our network of communities.

C.G. 3.9: Implement the objectives of the County Development Plan Local Area Plans and the Cherrywood Planning Scheme.

Theme – Enriching quality of life through vibrant communities, housing and amenities

C.G. 2: Facilitate the development of a variety of housing options, enabling improved choice, that drives quality of life for all.

C.G. 2.1: Work in partnership with the Department of Housing, Planning and Local Government, Housing Agency, LDA and voluntary bodies and private rental sector to increase housing supply.

C.G. 2.2: Improve the delivery of social and affordable housing to meet the housing demands of the people of the county, focusing on a renewed delivery of Council constructed secure homes.

C.G. 2.3: Provide enabling infrastructure and services in conjunction with key stakeholders to support new homes and create new communities and places.

C.G. 2.5: Implement the objectives of the Cherrywood Strategic Development Zone (SDZ) Planning Scheme.

C.G. 2.6: Advance all elements of the Urban Regeneration Development Fund (URDF).

C.G. 4: Provide quality community, recreational, sporting and cultural opportunities for all who live, work and visit the county.

C.G. 4.5: Continue to develop and implement appropriate cost effective and sustainable masterplans for parks and open spaces.

C.G. 5: Enhance the vitality of our towns and villages while preserving our natural and built heritage.

C.G. 5.5: Prioritise connectivity and sustainability in design and planning for the County.

C.G. 5.6: Provide and maintain a high-quality public realm.

4. PROPOSED WORKS

The proposed development consists of a Regional Attenuation Pond 2A and ancillary Services, such as an access and maintenance road, walkway, Greenway link, inlet and outlet pipes to and from the pond and landscaping.

Pond 2A is designed to provide attenuation volume for the 1 in 100 year storm event and treatment for the 1 in 1 year storm event, in accordance with Objective PI 6 of Section 4.1.2 of the Planning Scheme. The designed storage capacity of the pond has an additional factor of 10% to account for climate change.

The catchment discharging to Pond 2A, measuring approximately 39 Ha, comprises both public and private roads as well as private developments.

Given the topography of the catchment, Pond 2A will receive the incoming surface water via 2 inlets, one from the north west and one from the south west. The northwest inlet will be provided via a swale that will run parallel to the proposed access and maintenance road. The southwest inlet will be provided via pipes. The pond outlet will be provided via a swale and ultimately outfall to the Cabinteely river.

The Pond 2A design consists of a series of terraced sub-ponds that adapt to the surrounding topography, see plan FIG3 and cross-section FIG 4, drawings below. The pond design also includes internal flow controls to attenuate flows to a discharge flow of 39l/s, which equates to a controlled discharge of 1 l/s/ha as per the requirements of the Cherrywood Planning Scheme. This low flow rate of 1 l/s/ha is half that of the industry standard and will result in a discharge to the river at approximately one third of the rate a "greenfield" site of similar area to the Pond 2A catchment would discharge, thereby greatly reducing flood risk during extreme rainfall

events.

The pond design took cognisance of numerous development site constraints. With reference to Planning Scheme Map 5.2, hedgerows to the northern and southern boundaries of the site are to be retained. With reference to Planning Scheme Map 5.3, the pond is to be constructed outside of the nearby badger sett buffer zone. With reference to Planning Scheme Map 4.4, the pond will not encroach on the wayleave associated with the existing Carrickmines Trunk sewer that traverses the northern boundary of the site.

The design also pays due regard to flood risk and the OPW's Eastern Catchment Flood Risk Assessment and Management (CFRAM) study. The pond is to be located outside of the predicted Carrickmines Stream CFRAM flood extents for 100-year and 1000-year major storm events and so it will not adversely impact the flood storage potential of the Linear park. In addition, the engineering design is such that the pond body does not extend beyond the lands zoned for Green Infrastructure, thereby ensuring that the development potential of the adjacent DLRCC Housing site is not compromised.

The archaeological assessment report undertaken for the proposed development identifies that area lies partially within the zone of archaeological potential for an 18th century military camp (DU026-127). Tully Church (DU026-023001), the zone of archaeological potential for which is located c.408m to the southwest of the proposed development area, is also a National Monument in State Care (Nat. Mon. 225). The archaeological assessment report recommends that a programme of archaeological testing and metal detecting is carried out within the proposed development area prior to the commencement of construction. It is noted that the Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) concur with this recommendation, refer to Section 9 below. To ensure the protection of the military camp, DLRCC will engage the services of a suitably qualified archaeologist at detailed design stage to advise and will undertake a programme of archaeological testing and metal detecting in advance of construction commencement.

FIG 3 LAYOUT PLAN OF POND 2A

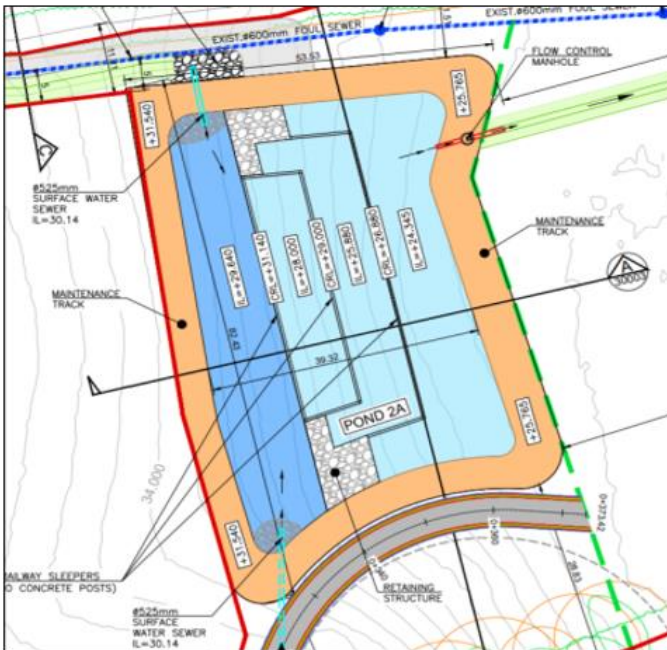
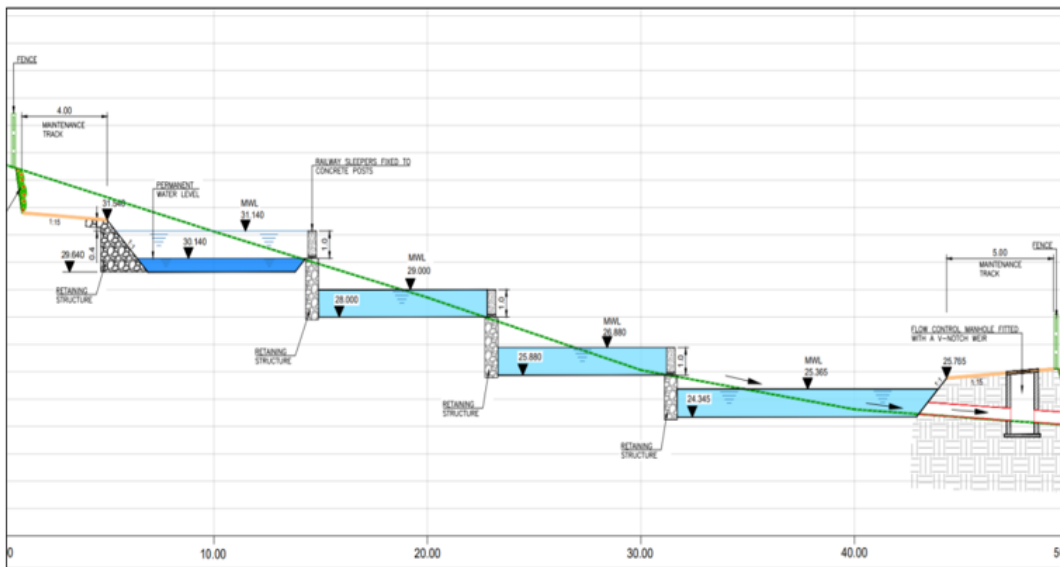


FIG 4 CROSS SECTION OF POND 2A DESIGN



5. APPROPRIATE ASSESSMENT

The proposed development is subject to the Guidance for Planning Authorities on Appropriate Assessment of Plans and Projects in Ireland (Department of Housing, Planning Community and Local Government, February 2010), and the Planning and Development (Amendment) (No. 3) Regulations 2011. These require that screening is carried out for all projects to examine if any impacts are likely on Natura 2000 sites, that is, Special Areas of Conservation (SAC's) and Special Protection Areas (SPA's).

Roughan & O'Donovan, the multi-disciplinary design team appointed by the Development Agency Project Team (DAPT), reviewed the proposed development with respect to the requirement for an Appropriate Assessment and submitted a report, document reference P2ACH-ROD-EWE-SW_AE-RP-EN-30001.

Having reviewed and considered this Appropriate Assessment Screening Report and general information on the nature of the project, the Council has been able to conclude that there is no likelihood of any significant effects on European sites arising from the proposed works, either alone or in combination with other plans or projects.

Therefore, it has been concluded that an Appropriate Assessment is not required for these proposed works.

6. ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Section 93 of the Planning and Development Regulations 2001 (as amended) outlines the instances in which an Environmental Impact Assessment Report is required.

The proposed development is subject to an assessment in accordance with Section 93 and Schedule 5 of the Planning & Development Regulations, 2001 (as amended).

An Environmental Impact Assessment screening determination, in relation to the proposed development, has been made by Dún Laoghaire-Rathdown County Council in accordance with Section 120 (4) and Schedule 7 of the Planning & Development Regulations, 2001 (as amended). The decision has been informed by information prepared by Roughan & O'Donovan, the multi-disciplinary design team appointed by the Development Agency Project Team (DAPT), on behalf of the Council - *EIA Screening Report, document reference P2ACH-ROD-EWE-SW_AE-RP-EN-30005* - having regard to the characteristics of the proposed development, in relation to size, the accumulation with other existing development, any associated demolition works, the use of natural resources in particular land, soil, water and biodiversity, the production of waste, pollution and nuisances, surface and foul water, air and noise pollution, risk of major accident and characteristics of potential impacts.

Having reviewed and considered this Environmental Impact Assessment Screening Report and general information on the nature of the project, the Council has determined that an EIAR is not

required in this instance.

7. IMPLICATIONS OF THE PROPOSED DEVELOPMENT FOR THE PROPER PLANNING AND SUSTAINABLE DEVELOPMENT OF THE AREA

The Regional Attenuation Pond 2A will ensure proper and sustainable surface water management to serve a large catchment within Cherrywood SDZ area. Pond 2A will provide surface water attenuation and SuDS benefits for Cherrywood and will mitigate flood risk for the area. Pond 2A will also provide habitat and biodiversity benefits and will become an amenity feature for the residents of Cherrywood that reflects and contributes to the distinctive character of the Linear Park, Lehaunstown Valley.

An EIA screening has been carried out and it has been determined that an EIAR is not required, as there is no real likelihood of significant environmental effects.

An AA screening has been carried out and it has been determined that a full Appropriate Assessment is not required as the proposal will not have a significant effect on any European sites, individually or in combination with other plans or projects.

In conclusion, the development proposed is considered to be consistent with the provisions of the Cherrywood Planning Scheme, the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, the draft Dún Laoghaire-Rathdown County Development Plan 2022 – 2026 and the proper planning and sustainable development of the area.

8. INTERNAL REPORTS

As part of the pre-statutory consultation process, the Part 8 planning pack for Pond 2A was referred for assessment and comment to the nominated members of the Interdepartmental circulation list for Part 8 planning applications. The following table outlines commentary received from each of the DLRCC departments and the Forward Planning Infrastructure Department responses as sponsoring department to same.

Internal Reports	
Department	Response
Architects In correspondence dated 12th February 2021, The Architects Department confirmed no objection to the proposed development. Comments were noted on issues relating to the following: location of surface water drainage infrastructure for the DLRCC Housing plot; Planning Scheme indicative greenway route; construction access route and Pond 2A construction compound; topographical surveys; pre-commencement and post construction photos; section of culvert along swale at north boundary of DLRCC housing plot; the maintenance and access road for the pond; Irish Water infrastructure on the DLRCC Housing plot detailed in the Planning Scheme.	Observations noted. Commentary related to Pond 2A Part 8 application addressed in design iterations; commentary related to future stages are to be addressed at detailed design and / or construction stages.

<p><u>Housing</u> In correspondence dated 12th February 2021, The Housing Department confirmed no objection to the proposed development. Comments were noted on issues relating to the following: the housing site to be made good on completion of Pond 2A works; storage of excavated material; location of surface water drainage infrastructure for the DLRCC Housing plot; Planning Scheme indicative greenway route; construction access route and Pond 2A construction compound; topographical surveys; pre-commencement and post construction photos; section of culvert along swale at north boundary of DLRCC housing plot; the maintenance and access road for the pond; Irish Water infrastructure on the DLRCC Housing plot detailed in the Planning Scheme.</p>	<p>Observations noted. Commentary related to Pond 2A Part 8 application addressed in design iterations; commentary related to future stages are to be addressed at detailed design and / or construction stages.</p>
<p><u>Community and Cultural Development</u> In correspondence dated 12th February 2021 no objection to the proposed development was confirmed.</p>	<p>Observation noted.</p>
<p><u>Forward Planning Infrastructure</u> In correspondence dated 12th February 2021 no objection to the proposed development was confirmed.</p>	<p>Observation noted.</p>
<p><u>Planning Department</u> In correspondence dated 12th February 2021 no objection to the proposed development was confirmed. The following comment is noted; The applicant is advised to prepare Environmental Impact Assessment Report (EIAR) Screening documentation for the Part 8 development process.</p>	<p>Observation noted. EIA Screening Report prepared by Roughan & O'Donovan, document reference P2ACH-ROD-EWE-SW_AE-RP-EN-30005. It has been determined that an EIAR is not required, as there is no real likelihood of significant environmental effects.</p>
<p><u>Infrastructure and Climate Change – Capital Projects</u> In correspondence dated 15th February 2021 no objection to the proposed development was confirmed.</p>	<p>Observation noted.</p>
<p><u>Infrastructure and Climate Change – Estates Officer</u> In correspondence dated 16th February 2021 no objection to the proposed development was confirmed. Comments were noted relating to the lease arrangement on the development lands.</p>	<p>Observation noted. The Property Management Department are progressing matters relating to the lease arrangement and anticipate that there will be no impediment to delivering Pond 2A as a nature-based infrastructure development.</p>
<p><u>Infrastructure and Climate Change – Environment Enforcement</u> In correspondence dated 11th February 2021 no objection to the proposed development was confirmed.</p>	<p>Observation noted.</p>
<p><u>Infrastructure and Climate Change – Transportation Planning</u> In correspondence dated 12th February 2021 no objection to the proposed development was confirmed. Comments</p>	<p>Observation noted. Greenway design comments will be duly considered by the design team at Detailed Design Stage.</p>

were noted relating to the detailed design of the greenway.	
<u>Infrastructure and Climate Change – Climate Action Officer</u> In correspondence dated 11th February 2021 no objection to the proposed development was confirmed.	Observation noted.
<u>Municipal Services – Water Services</u> The Water Services Department commissioned JBA Consulting Engineers to undertake a review of the engineering proposals for Attenuation Pond 2A. JBA Consulting Engineers prepared a technical note dated 12th February 2021 noting no objection to the proposed development. Comments were noted on issues relating to the following: modelling of catchment and contributing areas; treatment volume and attenuation volumes; stormwater auditing.	Observations noted. Extensive liaison undertaken between the design team and JBA Consulting Engineers over the course of March and April 2021 and all commentary related to Pond 2A Part 8 application addressed in design iterations; further design detail to be addressed at detailed design and / or construction stages.
<u>Municipal Services – Parks</u> In correspondence dated 11th February 2021 no objection to the proposed development was confirmed.	Observation noted.
<u>Municipal Services – Road Maintenance</u> In correspondence dated 11th February 2021 no objection to the proposed development was confirmed.	Observation noted.
<u>Municipal Services – Traffic and Road Safety</u> In correspondence dated 11th February 2021 no objection to the proposed development was confirmed.	Observation noted.

9. STATUTORY BODIES/ORGANISATIONS

As part of the statutory Part 8 process, notice of the proposed development was circulated on 30th April 2021 to the following Statutory Bodies;

- An Taisce
- Minister of Housing
- Minister of State
- Dublin Regionals Authority (EMRA)
- Transport Infrastructure Ireland (TII)
- Environmental Protection Agency (EPA)
- Irish Water
- National Transport Authority (NTA)
- Department of Housing, Local Government and Heritage

2 submissions were received as part of the Statutory consultation process. 1 submission from TII was received on 27th May 2021 and 1 submission from Department of Housing, Local Government and Heritage, Development Applications Unit (DAU) was received on 15th June 2021.

TII Submission:

The Authority requests that the planning authority shall have regard to the following clause with respect to the proposed project:

The proposed development is located in close proximity to a Luas Line;

The applicant should ensure that there is no adverse impact on Luas operation and safety.

The development shall comply with TII's "Code of engineering practice for works on, near, or adjacent to the Luas light rail system".

Response: DLRCC agree to comply with these conditions.

Development Applications Unit (DAU) Submission:

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Archaeology

It is noted that the proposed development is located in the vicinity of a recorded monument (DU026-127) Military Camp. A desktop Archaeological Assessment report, by Irish Archaeological Consultants Ltd. is included as part of the planning application. This report recommends pre-development archaeological testing and metal detection.

The National Monuments Service agrees with the recommendations as outlined in the archaeological report to record the potential impact, if any, on archaeological remains in the area where development is proposed to take place.

Archaeological monitoring and excavation should be undertaken as follows:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out archaeological pre-development archaeological testing and metal detection by a suitably qualified archaeologist at the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent;
2. Should significant archaeological features be found, any works which would affect them shall cease pending agreement with the National Monument Service as to how they are to be dealt with;
3. Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the National Monuments Service. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Response: DLRCC will engage the services of a suitably qualified archaeologist to advise and will send further correspondence to the Departments DAU as required.

10 SUBMISSIONS/OBSERVATIONS

10.1 Submissions

In accordance with Part 8, Article 81 of the Planning Regulations, 2001 (as amended) the Council gave notice of the proposed development in the Irish Times, The Independent and The Evening Herald newspapers on 30th April 2021 and the Gazette newspaper on 6th May 2021 indicating that submissions would be accepted up to and including 15th June 2021. A site notice, in the prescribed format, was also erected on the site and maintained in place for the prescribed period.

10.2 Persons/bodies who made submissions

No submissions were received by Dun Laoghaire-Rathdown County Council within the stipulated time period.

11 RECOMMENDATION:

The proposed development is considered to be consistent with the Cherrywood Planning Scheme, as amended and in accordance with the provisions of the 2016 - 2022 Dún Laoghaire-Rathdown County Development Plan and with the proper planning and sustainable development of the area. In accordance with the legislation, the proposed development may be carried out as recommended in the Chief Executive's Report, unless the Council, by resolution, decides to vary

or modify the development otherwise than as recommended, or decides not to proceed with the development.

Subject to the above, members are hereby notified in accordance with Section 138 of the Local Government Act 2001, as amended, of the intention to proceed with the proposed development subject to the following conditions:

1. The development shall be carried out in its entirety with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
2. Discharge from Pond 2A shall be limited to 1 l/s/ha in accordance with PI 8 of the Cherrywood Planning Scheme.
3. A Stormwater Audit shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction / prior to commissioning stage in accordance with PI 7 of the Cherrywood Planning Scheme.
4. The construction of the development shall be managed in accordance with a final Construction Management Plan (CMP). In this regard the final Construction Management Plan shall include a Community Liaison Plan, a Construction Traffic Management Plan, and a Construction and Demolition Waste Management Plan. The final CMP shall include a detailed Construction Environmental Management Plan (CEMP) for the development. The CEMP will detail how all significant elements of the construction works will be undertaken and managed in accordance with the planning application, planning conditions, any other relevant legislative environmental requirements and with best practice.
5. It shall be ensured that there is no adverse impact on Luas operation and safety. The development shall comply with TII's "Code of engineering practice for works on, near, or adjacent to the Luas light rail system".
6. The services of a suitably qualified archaeologist shall be engaged to carry out archaeological pre-development archaeological testing and metal detection by a suitably qualified archaeologist at the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent. Should significant archaeological features be found, any works which would affect them shall cease pending agreement with the National Monument Service as to how they are to be dealt with. Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the National Monuments Service. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

OWNER:

Anne Devine, Director of Service, Forward Planning Infrastructure Department

C/390/21

(Agenda Item No. 11) Part 8 - Proposed Development of Regional Surface Water Attenuation Pond 2A, Cherrywood SDZ

The report of the Chief Executive was **CONSIDERED**.

A discussion took place during which Ms A. Devine, Director of Forward Planning Infrastructure and Mr. R. Fahy, Senior Executive Engineer, Cherrywood, Forward Planning Infrastructure responded to Members' queries.

It was proposed by Councillor C. Smyth, seconded by Councillor J. Gildea and

RESOLVED:

"That the report of the Chief Executive be **AGREED**."