

**SEA SCREENING DECISION – 5th September 2011**

**PLANNING AND DEVELOPMENT ACTS 2000-2010  
PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT)  
REGULATIONS 2004**

**SOUTH DUBLIN COUNTY COUNCIL DEVELOPMENT PLAN 2010-2016  
PROPOSED VARIATION NO. 1**

Report Pursuant to Article 13 K (1) of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) as amended by the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011, (S.I. No. 201 of 2011)

DETERMINATION OF THE NEED FOR ENVIRONMENTAL ASSESSMENT OF A VARIATION OF THE SOUTH DUBLIN COUNTY DEVELOPMENT PLAN IN TERMS OF THE PROVISIONS OF ARTICLE 13K OF THE PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2004

**1.0 Introduction**

- 1.1** South Dublin County Council (the Planning Authority) intends to initiate the procedures for making a Variation of the County Development Plan 2004-2010 under Section 13 of the Planning and Development Act 2000 (as amended) (the Act).
- 1.2** At the County Council meeting on July 11<sup>th</sup> 2011, it was proposed and agreed to initiate the procedure for the making of a variation to the County Development Plan in line with the motion below:

That this Council, for the following stated reason: To ensure the sustainable and orderly planning and development of Newcastle by facilitating completion of the unfinished development of this site and by further meeting the social needs of the community i.e. providing suitable and sustainable accommodation for elderly persons in the area; proposes to initiate a variation to the County Development Plan as follows:

*It is a specific local objective of the Council to provide for the development of a retirement village at Ballynakelly, Newcastle, County Dublin. The retirement village will facilitate the provision of a range of purpose-built accommodation for older people and will include a mix of independent and care supported facilities in a secure and managed environment.*

*The retirement village at Ballynakelly will comprise:*

- *individual retirement homes that provide for assisted living designed to HIQA 2008 Standard*
- *a nursing home (for less mobile residents of the retirement village)*
- *a new medical/health centre and*
- *a community centre which will provide dining, recreation, hygiene and health care facilities to be shared by the residents on a communal basis*

*The development of the retirement village at this location shall be subject to the following provision: Development of the nursing home element and communal centre for the retirement village to be undertaken in tandem with the retirement homes*

It is therefore proposed to initiate the procedures for the variation of the South Dublin County Development Plan 2010-2016 as follows;

### 1.3 Written Statement

Insert new Specific Local Objective No. 94.

#### 'Ballynakelly, Newcastle- Retirement Village'

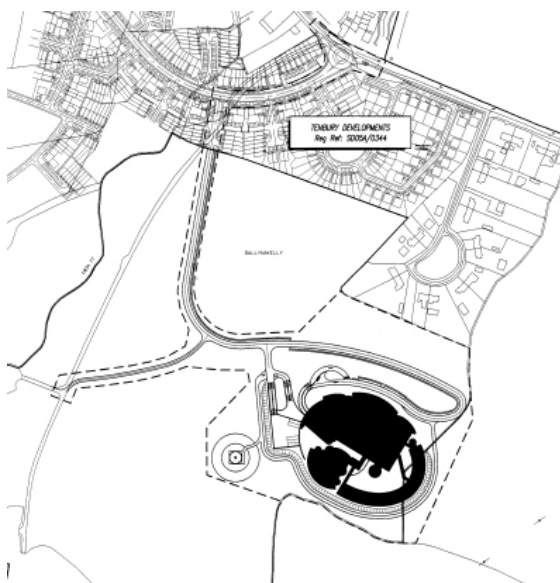
"It is an objective of the Council to provide for the development of a retirement village at Ballynakelly. The retirement village will facilitate the provision of a range of purpose-built accommodation for older people and will include a mix of independent and care supported facilities in a secure and managed environment.

The retirement village will comprise of:

- individual retirement homes that provide for assisted living designed to HIQA 2008 Standard
- a nursing home (for less mobile residents of the retirement village)
- a new medical/health centre and
- a community centre which will provide dining, recreation, hygiene and health care facilities to be shared by the residents on a communal basis

The development of the nursing home element and communal centre for the retirement village shall be undertaken in tandem with the retirement homes "

### 1.4 Background



An application for permission planning reference SD06A/0659, on a site of 8.53 hectares, was received on 1<sup>st</sup> August 2006 from Johny and Katy Janssens for the development of a Hotel and Leisure Centre incorporating a 255 bedroom hotel, restaurant, spa-leisure centre with underground parking. Permission was subsequently granted on the 30<sup>th</sup> January 2007 and construction commenced on site in September 2007. Construction has subsequently ceased on site for the past number of years, with the basement foundations of the hotel and the access road to serve the site being the only constructed elements on site. Planning Permission for this proposed development will expire on the 29<sup>th</sup> January 2012.

The proposed variation relates to most of the site as granted under SD06A/0659, with an additional 3.8 Ha of land, a total of 10.38 Ha in all; the existing zoning objective (Objective B- to protect and improve Rural Amenity and to provide for the development of agriculture) as per the South Dublin County Development Plan 2010-2016, would remain unchanged.

### 1.5 Description of Lands

The site is located to the south and east of Newcastle Village and to the south west of Greenogue Industrial Estate. The subject site is located directly to the south-west of a small housing estate known as Ballynakelly Cottages. The cottages are either single storey or dormer-type dwellings. Two large detached dwellings are located to the south of the subject

site and are raised significantly above the site by way of their setting on higher ground. A large residential scheme is largely constructed to the north of the site by. To the south, east and west of subject site are large hedged fields.



Source: Ordnance Survey Ireland

Access to the site is through the housing development by Tenbury Developments currently under construction to the north of the site; an access road has been partially constructed from the estate distributor road to serve the subject site. This access road links to the R120 (Rathcoole Road), which runs through the village. Access to the road is presently closed off by a gate.

The boundary with the Ballynakelly housing development is demarcated by differing boundary treatments to the rear of the respective dwellings. The boundary with the adjoining housing development to the north comprises of a concrete block wall running east to west. The north-western and south-eastern boundaries consist of mature hedging.



The southern half of the subject site has been largely excavated to date and the south eastern corner of the site contains the foundations of a hotel, permitted under SD06A/0659. The majority of this part of the site has been fully archaeologically excavated by license, **Excavation Licence No: 07E0245**. All construction works have ceased on site to date. The northern area of the site (to the east of the access road), which was outside the boundary of SD06A/0659, remains largely undisturbed as grassland.

The subject site is located on lands zoned 'B' in the South Dublin County Development Plan 2010-2016- where it is an objective "To protect and improve Rural Amenity and to provide for the development of agriculture." The hotel, recreational facility/sports club and restaurant leisure centre, as granted permission under SD06A/0659, and which lies largely unfinished, was listed as being open for consideration under Table 10.4 of the County Development Plan 2004 – 2010.

The lands to the north of the site consist of lands zoned 'A1' "To provide for new residential communities in accordance with approved Area Plans". The adjoining lands to the northeast of the site are zoned Objective 'A' "To protect and or improve residential amenity."

## 1.6 Proposed Variation

The main aspect to the proposal in relation to the subject site at Ballynakelly is for the insertion of a new Specific Local Objective No.94 into the Written Statement as follows;

### 'Ballynakelly, Newcastle- Retirement Village'

"It is an objective of the Council to provide for the development of a retirement village at Ballynakelly. The retirement village will facilitate the provision of a range of purpose-built accommodation for older people and will include a mix of independent and care supported facilities in a secure and managed environment.

The retirement village will comprise of:

- individual retirement homes that provide for assisted living designed to HIQA 2008 Standard
- a nursing home (for less mobile residents of the retirement village)
- a new medical/health centre and
- a community centre which will provide dining, recreation, hygiene and health care facilities to be shared by the residents on a communal basis

The development of the nursing home element and communal centre for the retirement village shall be undertaken in tandem with the retirement homes"

## 2.0 REQUIREMENTS

- 2.1 In terms of the provisions of Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (the Regulations), where a planning authority proposes to make a variation of a development plan under Section 13(2) of the Act, it shall (before giving notice under Section 13(2) of the Act) consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account criteria set out in Schedule 2A of the Regulations.
- 2.2 In terms of the Regulations, it is mandatory to undertake the screening process to determine whether or not to carry out a strategic environmental assessment as set out in Article 13K of the Regulations. An assessment of the proposed variation in terms of the criteria set out in Schedule 2A of the Regulations is set out in Section 3 below.

## 3.0 ASSESSMENT IN TERMS OF SCHEDULE 2A OF THE PLANNING AND DEVELOPMENT (STRATEGIC ENVIRONMENTAL ASSESSMENT) REGULATIONS 2004

<b>1.0 THE CHARACTERISTICS OF THE PLAN HAVING REGARD IN PARTICULAR TO:</b>
<b>1.1 The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources;</b>
The Proposed Variation will set the framework for the provision of a retirement village on the site. Any subsequent planning permission will be assessed in accordance with the

<p>proper planning and sustainable of the area and with the policies and objectives of the South Dublin County Development Plan 2010-2016 (which has already been subject to the full Strategic Environmental Assessment process and Environmental Report).</p>
<p><b>1.2 The degree to which the plan influences other plans, including those in a hierarchy.</b></p> <p>As a proposed addition of a Specific Local Objective for a particular site to the South Dublin County Development Plan 2010-2016, the proposed variation will not influence other plans.</p>
<p><b>1.3 The relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.</b></p> <p>The proposed variation will incorporate into the South Dublin County Development Plan an objective to facilitate the provision of a retirement village and medical/community facilities. The integration of environmental considerations, in particular with a view to promoting sustainable development will be achieved through the implementation of all relevant development plan policies and objectives in relation to any future planning applications, in consultation with the relevant environmental authorities.</p>
<p><b>1.4 Environmental problems relevant to the plan.</b></p> <p>The site of the proposed variation to the Development Plan lies approximately 1 km to the south-east of the historic centre of Newcastle village. The village and its immediate surroundings exhibit a range of archaeological sites primarily dating from the Early Historic and Medieval periods and as a consequence are covered by an Archaeological Planning Constraints area defining a Zone of Archaeological potential, DU020-003/ DU021-017.</p> <p>The site of the present development lies outside this general pattern of land use to the south east of the village and is outside the formal Zone of Archaeological Potential for Newcastle. The development will not impact on any Recorded Monument. However, the proposed development is located within arable land within a wider archaeologically-rich landscape where a number of previously recorded archaeological sites and field boundaries have been ploughed out to the extent that they are no longer visible at ground level. Equally, recent archaeological investigations to the north and south of the SLO have revealed previously unknown prehistoric and Early Historic sites which had no prior surface indication. In addition, a number of aerial photographic anomalies have been identified within the development area which could potentially indicate the presence to currently unrecognised archaeological features or materials at this location. As a result of these investigations, the Council has recently informed the National Monument Service of the presence of a double ditched D-shaped enclosure on lands within the boundary of the site of the proposed Local Zoning Objective. The response from the National Monuments Service will determine whether or not this structure will eventually be included in the Record of Monuments and Places.</p>
<p><b>1.5 The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste management or water protection).</b></p> <p>These plans and programmes are addressed in the South Dublin County Development Plan 2010-2016 and are not specifically addressed in this Proposed Variation.</p>

<p><b>2.0 CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED, HAVING REGARD, IN PARTICULAR, TO:</b></p>
<p><b>2.1 The probability, duration, frequency and reversibility of the effects.</b></p> <p>The Proposed Variation would, subject to planning permission, 1) result in the partially altering the current permitted use of the structure, granted permission under Register Reference SD06A/0659 from Hotel use to Hotel/Retirement Home use and 2) result in the construction of purpose-built housing units and health-care facilities for older people on greenfield land.</p>

The additional construction would take place on previously undisturbed ground. Due to the sensitivity of the site, additional archaeological investigations will be necessary in advance of any development to allow for an accurate assessment of the potential impact of proposed development and to determine the necessity of any further mitigation strategy that may be required. This should include a geophysical survey and archaeological test-excavation.

The results of the archaeological report, and the opinion of the National Monuments Service Department of Arts, Heritage and the Gaeltacht, will inform the Council's response. As it is the policy of the Council to secure the preservation (i.e. preservation in-situ or, as a minimum, preservation by record) of all sites and features of historical and archaeological interest, the likely impact of the development would either be none to minimal, if preservation in-situ, or long term and permanent, if preservation by record.

## **2.2 The cumulative nature of the effects.**

Significant cumulative negative environmental effects are not expected from the proposed variation.

The potential cumulative significant effects on the environment of recent developments in the Newcastle area are currently being assessed in a Historic Area Assessment for Newcastle. It is envisaged that the outcome of the assessment will be incorporated into the forthcoming review of the Newcastle Local Area Plan.

## **2.3 The transboundary nature of the effects.**

It is considered that there will be no likely significant transboundary effects on the environment.

## **2.4 The risks to human health or the environment (e.g. due to accidents).**

No risks to human health or to the environment have been identified.

## **2.5 The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected).**

The implementation of the proposed variation will be specific only to the subject site which has an area of 10.38 Hectares. There will be a resultant increase in population arising from the proposed variation. The precise nature of the increase is difficult to quantify in advance of a planning application. The original hotel planned for 255 bedrooms and the additional land might accommodate approx. 60 retirement residential units.

Adequate and appropriate waste-water and surface-water treatment will be necessary to deal with any increase in population given the capacity constraints in the Ringsend Waste Water Treatment Plant and "*bad status*" classification of the Griffeen River catchment.

While the site of the proposed variation is just outside the Newcastle Local Area Plan area, it could be considered that the proposal is consistent with the continued functioning of the Village.

## **2.6 The value, and vulnerability of the area likely to be affected due to:**

### **(a) special natural characteristics or cultural heritage;**

The site of the proposed specific local objective (SLO) lies approximately 1km south-east of the historic centre of Newcastle-Lyons village.

The village of Newcastle-Lyons and its immediate surroundings exhibit a range of recorded archaeological sites primarily dating from the early historic and later medieval periods and as a

consequence are covered by an Archaeological Planning Constraint area defining a Zone of Archaeological Potential or an AAP. The AAP is recorded (DU020-003) in the Record of Monuments and Places (RMP) for Co. Dublin (Figure 1). The RMP is a list of structures protected under section 12 of the National Monuments (Amendment) Act, 1994. Inclusion in this list effectively designates the bulk of the village of Newcastle-Lyons as a National Monument.

Recent archaeological investigations to the east of the village, including in some of the area of the SLO, have revealed a significant late prehistoric and early medieval horizon. This activity was previously unknown.

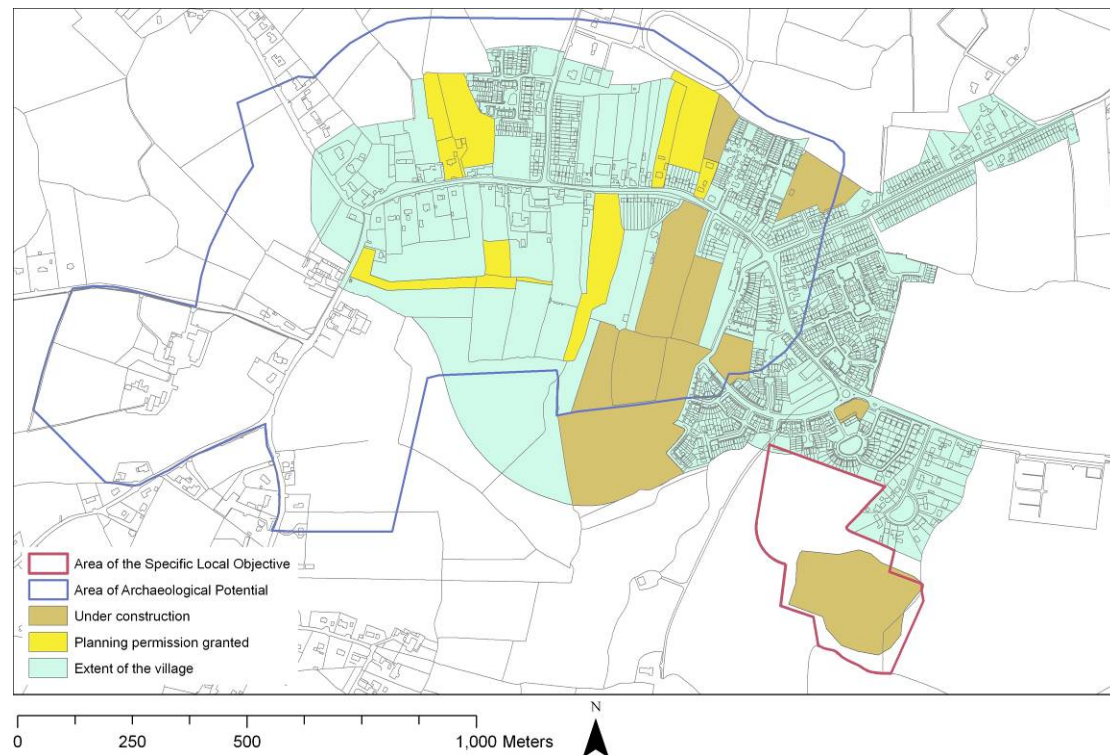


Figure 1 Newcastle-Lyons village with the AAP, the SLO and areas currently under construction and those with planning permission granted.

**The principal factors contributing to the archaeological/historical significance of Newcastle are as follows:**

- The layout of the original medieval village and field systems has largely remained intact since the 13<sup>th</sup> century, despite the fact that the existing buildings fronting the Main Street are mainly 20<sup>th</sup> century structures.
  - Although changes had occurred to the land-holding system during the later medieval and early modern periods many of the former burgage plots remain visible as topographical features on the ground, or are identifiable through LiDAR or in aerial photographs.
  - Many of the original features of the manorial settlement still survive, including the 13<sup>th</sup> Century motte (DU020-0031) and a later medieval parish church (DU020-00302). A granite cross (DU020-00303) may indicate the presence of an earlier pre-Anglo-Norman foundation. These are located outside the Local Area Plan lands.
    - A series of medieval tower houses, both upstanding (DU020-00304, DU020-00307) and known from documentary sources and through archaeological field-survey (DU020-00306, DU021-01702) are located throughout the Village core including on the Local Area Plan lands.
    - Geophysical survey and excavation (Excavation Report Number 02E0859), prior to development, to the north of Main Street have revealed evidence for the Anglo-Norman burgage plots and the 15<sup>th</sup>-century borough defenses. The geophysical survey also revealed evidence for a circular enclosure. This was preserved in-situ and the development adjusted accordingly so as to leave the site unaffected.
    - Geophysical survey and test excavation (Excavation Report Number 04E1426) within the immediate vicinity of one of the upstanding tower houses (DU020-003007) revealed evidence for late medieval and early modern settlement and agriculture.

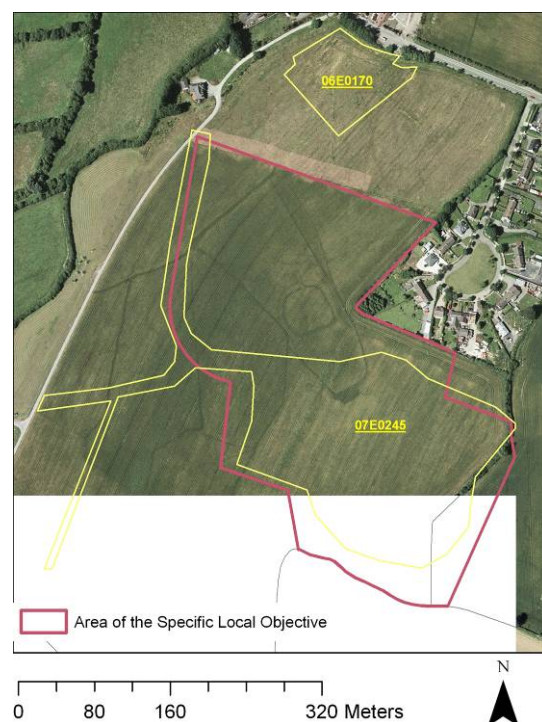
▪ The juxtaposition of surviving medieval archaeological features, the evidence gathered from archaeological survey and the remnant land-holding system in which these monuments are set means that Newcastle-Lyons is an exceptionally well-preserved example of a medieval manorial settlement. It is considered by landscape historians, historical geographers and archaeologists to be of regional and possibly also of national importance.

▪ Developments to the east of the village, within lands designated by the Local Area Plan which includes a portion of the AAP, have uncovered, previously unknown, archaeological evidence for extensive late prehistoric and early medieval activity in the area.

▪ These archaeological remains included evidence for late prehistoric ritual activity including funerary activity in the form of pit-cremations, Bronze Age and Iron Age ring-ditches, a Bronze Age burnt mound and a large Bronze Age ritual pool. These sites were excavated under license and are preserved in record in the National Monuments Service, Department of the Arts, Heritage and the Gaeltacht (Excavation Report Numbers 03E0369, 06E1137, 07E0245).

▪ Evidence for early medieval settlement activity included an enclosed settlement site (rath), evidence for unenclosed settlement and multiple cereal-drying kilns. These sites were excavated under license and are preserved in record in the National Monuments Service, Department of the Arts, Heritage and the Gaeltacht (Excavation Report Numbers 06E0176, 06E1137, 07E0245).

▪ A D-shaped enclosure is clearly identifiable in an aerial photograph (Figure 2) within the area of the specific local objective. This is within close vicinity of the early medieval settlement activity previously identified via excavation (Excavation Report Number 07E0245). South Dublin County Council has recently informed the National Monument Service of the presence of this enclosure. The response from the National Monuments Service will determine whether or not this structure should be included in the Record of Monuments and Places.



**Figure 2** D-shaped enclosure as captured in aerial photograph, 2005, Ballynakelly townland (Irish Grid Reference E 300578, N 227996), with excavation areas indicated.

### **The enclosure was described as follows in the referral to the National Monuments Service**

“A D-shaped enclosure (52m E – W, 49m N – S) is evident as a cropmark in the 2005 aerial photographs of Ballynakelly townland. There is evidence of a double-ditch along its north-western side and an entrance or causeway to the north northwest.

Linear and a pit like feature were identified during an excavation to the south of the enclosure in 2007 (07E0245) in the same location as cropmarks which correspond with field boundaries surveyed during the 1st Ed OS. An Iron Age pit, Early Medieval cereal-drying kiln and associated field boundaries were excavated during the same excavation. An early medieval enclosure was excavated 200m due north in 2006 (06E0176)”.



While the inclusion of the proposed SLO in the County Development Plan will lead to proposals for the development of the land for a Retirement Village, the South Dublin County Development Plan 2010 -2016 already includes appropriate policies and objectives which ensure that any planning applications which may have implications for archaeological heritage are subjected to archaeological investigation and monitoring. These are set out in Section 2 Archaeological and Architectural Heritage under Archaeological Heritage Policies AA1 to AA4, in particular

**Policy AA2: Historical and Archaeological Sites and Features**

*It is the policy of the Council to secure the preservation (i.e. preservation in-situ or, as a minimum, preservation by record) of all sites and features of historical and archaeological interest. In securing such preservation the Council will have regard to the advice and recommendations of the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government.*

It is not anticipated that the value and vulnerability of the special archaeological heritage of Newcastle will be significantly affected through implementation of the Variation, given that the status and protection at both national level and in the County Development Plan will ensure that any development proposal where adverse impacts on the archaeological heritage would occur are avoided or mitigated against using appropriate measures.

**(b) exceeded environmental quality standards or limit values;**

None identified

**(c) intensive land use**

See (a) above

**2.7 The effects on areas or landscapes which have a recognised national, European Union or international protection status.**

There are no such designated landscapes affected by the proposed Variation.

#### **4 CONSULTATIONS**

A draft of this Screening Report (5<sup>th</sup> August 2011) determined that implementation of the Development Plan Variation No. 1 for Ballynakelly, Newcastle would not be likely to have significant environmental effects (having regard to Schedule 2A of the SEA Regulations).

The Councils then issued a formal notice to

- The Environmental Protection Agency (EPA)
- The Department of the Environment, Community and Local Government (DOECLG)
- The Department of Arts, Heritage and the Gaeltacht (DOAHG)
- The adjoining Local Authorities of Dun Laoghaire Rathdown, Wicklow, Kildare, Fingal and Dublin City

in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 - 2011, providing them with an opportunity to comment on whether or not they consider significant effects on the environment would be likely to arise. The draft Screening Report accompanied the notice.

The EPA replied that the Councils' position with regard to the need for Strategic Environmental Assessment (SEA) of the Plan was noted. They provided a number of specific comments on the proposed variation.

The Department of Arts, Heritage and the Gaeltacht (DOAHG) "*noted that the area in question is rich in archaeological remains and that archaeological investigations have already been carried out on part of the subject lands. It is also noted that the South County Dublin Development Plan includes policies and objectives that ensure any development proposals will be subject to archaeological investigation and monitoring. It is considered that these policies and objectives will ensure that archaeological heritage is adequately catered for in any future activity in the area*".

## **5 SCREENING DECISION**

Following the four week period from the date of the notice, the Councils determined that the proposed Variation No. 1 would not be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the SEA Regulations and the submissions or observations received in response to the notice.

The Screening Report has since been updated taking account the relevant submissions or observations received in response to the notice to become this Screening Decision, copies of which will be made available for public inspection at the offices of the Council during opening hours and on the Council website at [www.sdcc.ie](http://www.sdcc.ie) . A copy of the Screening Decision will also be sent to the relevant environmental authorities in accordance with A7 – 13K (5)(a) the Planning and Development (Strategic Environmental Assessment) Regulations 2004 - 2011.

Based on the completion of Schedule A in Section 3 above, it is the Council's decision that further SEA of Variation No. 1 of the South Dublin County Council Development Plan 2010 – 2016 is not necessary as the Plan is not considered likely to have significant effects on the environment.

**Planning Department,  
South Dublin County Council,  
County Hall,  
Tallaght,  
Dublin 24.**