

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,

25th July 2019

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| AN BORD PLEANÁLA | |
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From:

Ann Moran

Ref: Broadmeadow Way'

Case Reference: PL06F.304624

Dear Board Members,

I am writing to you in connection with the above application by Fingal County Council.

My interest in this is based on the very detrimental impact the planned route will have on the farm and livelihood of my uncle Jack Sheehan. Jack's farm at [REDACTED] will be divided into two separate parcels of land by the portion of the Broadmeadow Way which follows the course of the Pill River.

Jack's farm is zoned for agricultural use – permitting the land to be split will hinder its agricultural use. This might be necessary but regrettable if there were no other routes available but it would be very simple to put the route around Jack's land without needing to split any other farms.

The final paragraph on page 9 (of 33) of the Broadmeadow Way Planning Report submitted by Fingal County Council states that "From ... Corballis Cottages Road the route continues westwards along the edge of agricultural lands and continues to the back of an existing farm-stead.." (the farm-stead referred to is that of my uncle Jack Sheehan) and further states that "the route continues parallel to the river, parallel along an existing property boundary..".

Deliberately or not this emphasises the fact that the route is along the edge of agricultural land and continues along an existing property boundary while failing to mention that between those parts of the route it splits Jack's home (including farm buildings) and land around it from the rest of his farm.

My concerns about this proposed route are grouped below under the following headings:

- Farm Viability
- Security Risk
- Optimising Use of the Greenway
- The Use of Compulsory Orders

Farm Viability

I enclose some pages extracted from the Environmental Impact Assessment Report ("EIAR"). Jack's farm is referred to in it as Farm 6.

You should note on page 210 that **Jack's farm is the only one that is suffering land severance**. Table 11.5 shows this as impacting 9% of the farm land but the report fails to make clear that **Jack's house and all farm buildings are on the 9% side of the proposed route**. The EIAR classifies this impact as a 'Major adverse' impact.

On page 211 the table at the top of the page states that Farm 6 suffered no land loss to the Donabate Distributor Road ("DDR"). The fact is that Jack already lost land on the other side of the Corballis Cottages Road as it was acquired under CPO for the DDR.

Jack's farm is suffering an entirely unnecessary severance as the route could very easily go around Jack's farm and by doing so could have a more direct route to Donabate – a route which would generate more use and save more car trips.

The mitigation the EIAR claims for the severance (compensation and gated ways through the route) do not address the underlying issue of the route unnecessarily dividing a working farm from its buildings.

Table 11.6 combines the high severance impact with medium sensitivity to give an overall 'moderate' impact. This is not correct – the overall impact on Jack's farm is high because the bulk of his land is being separated from all his farm buildings.

The viability of the farm, which has already been reduced in size due to land taken by CPO for the Donabate Distributor Road, will be seriously damaged:

- the daily operation of the farm will be adversely affected by moving cattle and farm equipment from one side of the greenway to the other. It will involve opening and closing a number of double gates – this will require two people on what is a relatively small farm
- the flexibility of the use and layout of the fields will be limited by the Greenway crossing the farm
- undoubtedly, insurance costs will increase with a claimed 438,000 trips through the farm by Greenway users every year (see EIAR page 69 enclosed)
- I have been told locally that farmers will be responsible to clean up the unavoidable animal fouling of the greenway
- litter left by users of the Greenway will be a risk to the cattle on the farm
- there will be also a need to provide access for maintenance works
- 438,000 passers by will end the privacy Jack currently enjoys

Security Risk

Apart from the damage to the viability of the farm the route of the track will pass closely behind Jack's house. This is a security risk to the house, farm buildings, animals and farm equipment. Anyone at anytime of day or night could access the route and Jack's house. The Broadmeadow Way Planning Report refers to screening at Jack's house "in the interest of privacy" - this will achieve nothing for Jack's security. The security risk cannot be addressed by any form of screening as the gates on the route as it traverses Jack's farm will leave his property exposed to unauthorised access. The route will also provide a quiet escape route for intruders - especially at night.

It is clearly possible to avoid splitting Jack's farm.

The Use of Compulsory Purchase Orders

I am also concerned at the proposed use of Compulsory Purchase Orders in this situation. Surely CPOs should only be used where there is no other equally good option which does not require the use of CPOs. In this case having the route go around Jack's farm would not require a CPO.

Jack has already had a piece of land compulsory purchased for the new Distribution Road which is currently under construction. This new road incorporates a high quality cycle path -- given that Jack has already contributed land to facilitate this I feel it is not unreasonable to propose that the Broadmeadow Way route should connect with Newbridge House via that new cycle route and not through Jack's farm.

Other councils have agreed that CPOs will not be used for greenways. The Great Western Greenway (Westport to Achill) is a great success - it used "permissive access" where the landowners retained full ownership of their land but allowed public access.

The previously idle Waterford to Dungarvan rail line now operates as a highly successful greenway. When that was developed, the line was still in the possession of the state transport company, which facilitated the easiest of transfers for the proposed infrastructure.

The use of Compulsory Purchase orders to split Jack's farm is not only heavy-handed - I believe it will be more costly than the alternative route around his farm.

Optimising Use of the Greenway

The purpose of splitting Jack's land is to take the greenway to Newbridge House. The alternative of continuing the greenway along the railway line to Donabate village would result in the greenway connecting two well populated areas -- rather than connecting a well populated area (Malahide) with an area with little population (Newbridge House). Linking Malahide directly with Donabate will ensure the route is used by the maximum number of people and at a cost which is best value for money. There is no point in building greenways if not enough people use them.

In addition by keeping to lands adjacent to the railway line the route would comply more fully with the Strategy for the Future Development of National and Regional Greenways which has the following aims:

- Severance is minimised to the maximum extent feasible whilst keeping in mind the requirements of Greenway users
- Impact on land-holdings is minimised in so far as is possible ; and
- Needs of landowners and local communities are considered fully to maximise their support and goodwill. An essential early step in route planning.

Conclusion

For all the reasons set out above I would urge An Bord Pleanála to approve the Broadmeadow Way plans only once the route has been amended to go around and not through Jack Sheehan's farm.

I will make myself available to meet at the farm or for any oral hearing in relation to this matter.

Yours Sincerely



Ann Moran

11.2.21 Overall, assuming a construction period of seven months and that standard construction methodology is adhered to, the construction activity will not give rise to significant adverse impacts.

Operational Phase

Table 11.5 Summary Details of Individual Farms in the Study Area and Impacts.

| | Farm 3 | Farm 6 | Farm 7 | Farm 10 | Farm 13 |
|--|--|--|--|---|--|
| Area (ha) of affected farm | 1.8 | 18.5 | 80 | 1.9 | 13.9 |
| Type of farm enterprise | Grass field used for grazing or silage/hay. | Beef enterprise. | Equine, sheep and tillage, vegetable cropping. | Grass field around dwelling used for grazing or silage/hay. | Tillage |
| Land type - EPA Code | 12, 15 | 72, 12, 51 | 12, 31, 51 | 12 | 12 |
| Land quality | Good quality | Good quality | Good quality | Good quality | Good quality |
| % of study area | 1.5% | 16% | 69% | 1.5% | 12% |
| Sensitivity | Medium | Medium | High | Low/Medium | Medium |
| Landtake (ha) | 0 | 1.22 | 0.4 | 0.006 | 0.8 |
| % of farm taken | 0% | 6.5% | 0.5% | 0.3% | 6% |
| Severance/separation | No | Yes (1.7ha) | No | No | No |
| % land severed | 0% | 9% | 0% | 0% | 0% |
| Nature of impact (before mitigation) | Not significant (low level of disturbance from construction activity). | Major adverse impact from separating farmyard from remainder of farm. | Very low impact from loss of land. | Low impact from loss of land. | Moderate impact from loss of land. |
| Recommended mitigation measures | General mitigation measures specified below. | Provision of agricultural access from farmyard and maintenance of field access from public road. | General mitigation measures specified below. | General mitigation measures specified below. | General mitigation measures specified below. |
| Significance of impact due to Greenway (after mitigation) | Not significant | Moderate adverse | Not significant | Not significant | Moderate adverse |

| | Farm 3 | Farm 6 | Farm 7 | Farm 10 | Farm 13 |
|---|---|--|--|---|---|
| Cumulative Impact after considering Impact of Donabate Distributor Road (DDR). | DDR landtake = c.1.4ha which is 45% of land parcel; therefore Major Adverse | No landtake or significant impact due to DDR | No landtake or significant impact due to DDR | DDR landtake = c.0.5ha which is 26% of land parcel; therefore Major Adverse | Moderate adverse (There was a major adverse impact on the original holding but this plot is now a separate holding) |

LAND LOSS

- 11.2.22 Following fencing off of the proposed greenway at the beginning of the construction phase land loss cannot be mitigated – other than through statutory compensation.

SEVERANCE

- 11.2.23 Three permanent agricultural accesses across the proposed greenway will be provided in Farm 6. While these will maintain the access between the farmyard and the lands south of the proposed greenway, the separation will have a residual impact on the operation of the farm; for example to move livestock or machinery will require opening and closing gates – requiring additional time and labour.

DISTURBANCE

- 11.2.24 Movements and noise from pedestrians and cyclists will become part of the background environment and as such will not disturb livestock. However, there is potential for disturbance if users of the proposed greenway behave in a threatening manner towards livestock, where trespass on to private land occurs, or where dogs are not controlled adequately. There is also an increased risk of disturbance caused by litter which could be accidentally ingested by farm animals. A low level of permanent disturbance will be caused to the farms along the proposed greenway. Damage to soil at construction sites will improve over several years and in the longer term this damage should not be significant.

Mitigation Measures

Introduction

- 11.2.25 Mitigation of impacts takes place under two headings:
- General mitigation measures – described below.
 - Compensation under the Compulsory Purchase System – compensation to farmers due to land acquisition, drainage works, reinstatement of boundaries and loss of facilities is part of the statutory process for compensation for the compulsory acquisition of land and all related matters which is dealt with separately under that procedure.

- 11.2.26 The landtake and severance impacts will occur during the construction phase once the area required for the proposed greenway is fenced off.

Severance

- 11.2.27 The severed land parcel will be provided with permanent agricultural crossings on the proposed greenway.
- 11.2.28 Severed field access from the public road will be reinstated so that there is a permanent access from the public road into the agricultural field.
- 11.2.29 Where existing water and electricity supplies to fields or farmyard are severed the supply will be reinstated by the developer by provision of ducting or an alternative water source or electricity supply.
- 11.2.30 Landowner will be compensated to allow for cattle handling facilities in severed land parcel.

Disturbance

- 11.2.31 The developer will liaise with landowners prior to the finalisation of the design of the scheme. Issues expected to result from disruption during the works will be addressed during consultations between the landowners and the developer.
- 11.2.32 A key contact will be appointed by the contractor during the construction phase to facilitate communications between affected landowners and the contractor. Good communication with farmers will facilitate the organisation of farm enterprises, so that livestock are kept as far away as possible from the construction work during critical times. Liaison between the contractor and farmers during the works will also minimise difficulties caused by the restriction of access to severed land parcels.
- 11.2.33 Boundary fencing will be erected to delineate the construction boundary and prevent disturbance to adjacent land and livestock.
- 11.2.34 The landowner will have access to all severed land during the construction of the scheme. Where this access is temporarily disrupted the landowner must be notified in advance. Temporary gates across the fenced area should be provided.
- 11.2.35 Disrupted electricity and water supplies shall be restored within a time agreed with landowners. The contractor shall make provision for alternative supplies to be provided (e.g. generators or water tankers) if supplies cannot be restored within the agreed time frame.
- 11.2.36 The contractor shall minimise impacts on agricultural land due to construction noise through a programme of mitigation measures for noise control as described in Chapter 10 (Noise and Vibration).
- 11.2.37 The contractor will also employ measures to prevent the spread of dust and mud onto adjoining lands as described in Chapter 9 (Air and Climate).
- 11.2.38 Where land is taken temporarily for the construction of the proposed greenway the contractor shall store all the topsoil so that it can be spread back over the land to allow for successful crop establishment. The restored land shall be level, adequately drained

and shall not contain stones or gravel or other materials Imported on to the site during construction.

- 11.2.39 Where excavations occur or surface drains are crossed the drainage design of the proposed greenway will intersect any existing field drains and carry the drainage water to a suitable outfall.

Residual and Cumulative Impacts

Table 11.6 Summary of Individual Farm Residual Impacts.

| Farm ID | Magnitude of Impact | Sensitivity | Overall Significance of Impact |
|----------------|---|--------------------|--|
| 3 | Very low due to permanent disturbance. | Medium | Not significant due to greenway but major adverse due to cumulative impact of Donabate Distributor Road. |
| 6 | High due to severance. Low - medium due loss and land and permanent disturbance. | Medium | Moderate adverse due to greenway and no cumulative impact due Donabate Distributor Road. |
| 7 | Very low - due to loss of land | High | Not significant due to greenway and no cumulative impact due Donabate Distributor Road. |
| 10 | Very low due to loss of land and permanent disturbance. | Low/medium | Not significant due to greenway but major adverse due to cumulative impact of Donabate Distributor Road. |
| 13 | Medium impact due to loss of 6% of the holding | Medium | Moderate adverse due to greenway and no cumulative impact due Donabate Distributor Road because this is a newly owned land parcel. |

Landtake

- 11.2.40 Temporarily acquired land during the construction phase will be reinstated according to the construction plan which will specify that these lands will be restored to a state which is as close as possible to their original state. The agronomy assessment assumes that it will take several years for this land to reach its pre-construction production potential. The impact of permanent land loss is a residual impact with imperceptible-slight adverse significance after mitigation (see Table 11.6).
- 11.2.41 Approximately 2.5ha of agricultural land will be acquired for the construction of the proposed greenway which is a not significant impact on the entire affected area (116.4ha). The cumulative impact due to the Donabate Distributor Road increases the overall land take to approx. 3.7ha and the overall cumulative impact is Slight Adverse when the distributor road is considered. This cumulative impact is not significant on a regional basis (County Dublin) (see Table 11.6).

Severance

- 11.2.42 Severance of direct access between the farmyard and public road gives rise to a moderate adverse Impact in Farm 6. While access is provided across the proposed greenway, gates will have to be opened and closed and handling facilities may be required to manage livestock at the crossing points (see Table 11.6).
- 11.2.43 Approximately 1.7ha of agricultural land will be severed/separated due to the proposed greenway which is a not significant Impact on the entire affected area (116.4ha). There is no additional cumulative severance/separation Impact due to the Donabate Distributor Road. This Impact is not significant on a regional basis (County Dublin) (see Table 11.6).

Disturbance

- 11.2.44 The residual disturbance Impacts due to noise and pedestrian and cyclist traffic will not be significant and will not require mitigation. However there is the potential for disturbance from trespass, litter and inadequately controlled dogs. There is a potential impact on land drainage. After mitigation the cumulative disturbance Impact from the proposed greenway and Donabate Distributor Road is assessed as being not significant (see Table 11.6).

11.3 Non-Agricultural Assets

Road Network

- 11.3.1 There will be no significant Impact on the local road network arising from the operation of the proposed development at any of the locations where the proposed development and the local road network intersect.
- 11.3.2 Local upgrade works on the R106 Dublin Road will not affect the normal traffic flow into and out of Malahide village when the construction works are completed. The works will enhance the pedestrian and cycle access for all users and will form part of ongoing upgrade works in the locality for pedestrian and cycle access to all areas.
- 11.3.3 Works at the junction of O'Hanlon's Lane and Bissets Strand Road will improve the safety of all using this junction and will improve the access and safety for pedestrians and cyclists at this junction. The installation of the new pedestrian crossing at this location will help slow traffic on the road to the benefit of all users. The revised junction will also improve vehicular access to and from O'Hanlon's Lane onto Bissets Strand.
- 11.3.4 Works at the Bissets Strand Road at the railway bridge will improve the access for all users especially the mobility impaired. The new traffic signals at the bridge will improve safety for cyclists at all times whether they are using the proposed greenway or just travelling along the road. The new dedicated parking area and bin store for the local residents will improve their access and safety.
- 11.3.5 Proposed works on the Corballis Cottages Road will upgrade this dangerous section of the road and improve sight lines approaching the narrow railway bridge for all users. The installation of the traffic lights at the bridge to allow safe access for pedestrians and cyclists will cause minor delays on this section of road but will help to slow the traffic along a narrow country road and will also improve safety for all users.

Table 4.5 Recorded Number of Pedestrians Exiting Malahide Demesne Main Car Park and Newbridge Demesne Main Car Park.

| Survey Date | Malahide Demesne Main Car park | Newbridge Demesne Main Car park |
|-------------------------------|--------------------------------|---------------------------------|
| Weekday (Thursday 28/09/2017) | 994 | 306 |
| Weekend (Saturday 30/09/2017) | 2,465 | 1,084 |
| Total (Both dates) | 3,459 | 1,390 |

Pedestrians at Malahide:Pedestrians at Donabate = 3,459:1,390 = 0.71:0.29 (Malahide:Donabate Ratio)

Estimated Number of Trips

- 4.4.13 Pedestrian and cyclist counts recorded along a number of existing greenways and similar walking/cycling facilities in Ireland were used as references to estimate the average daily trips on the proposed development.
- 4.4.14 Taking into consideration the usage recorded on similar greenway and walking/cycling routes (refer to Table 4.3 above: Locations (a), (b), (c), (g), (h), and (i)), the usage estimated for the proposed development is an average of 1,200 trips per day, in both directions (aggregated for both directions, i.e. not in each direction).
- 4.4.15 Estimated Average Usage on the proposed development = 1,200 trips/day, in both directions.
- 4.4.16 To estimate the number of trips during weekdays and weekends: Based on the number of pedestrians exiting car parks on a normal weekday and a normal weekend, the ratio of users during weekdays and weekends is estimated as 1:2.1. This ratio is applied to average weekly usage (7x average daily usage) to estimate the number of users during weekdays and weekends.
- 4.4.17 To estimate the number of trips during peak seasons: To estimate usage during peak seasons, the peak season factor of 1.85 is applied to estimated average weekday and weekend trips.
- 4.4.18 The estimated usage (trips) for the proposed development is summarised in Table 4.6.

Table 4.6 Estimated Potential Trips on the proposed development.

| | Total Trips |
|---------------------------------------|-------------|
| Average daily trips (x) x | 1,200 |
| Average weekly trips (w) 7 * x | 8,400 |
| Average weekday trips (y) w * 1/9.2 | 913 |
| Average weekend trips (z) w * 2.1/9.2 | 1,917 |
| Peak season weekday trips 1.85 * y | 1,689 |
| Peak season weekend trips 1.85 * z | 3,546 |
| Annual number of trips 365 * x | 438,000 |

Estimated Number of Users

- 4.4.19 Using the estimated number of trips on the proposed development (Table 4.6 above), the number of potential users can be estimated as follows:

