

An
Bord
Pleanála

Board Direction
BD-014954-24
ABP-313182-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/12/2023.

The Board decided to approve the proposed road development generally in accordance with the Inspector's recommendation, based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

(a) European Union legislation and strategies including in particular:

- The relevant provisions of **European Union Directive 2014/52/EU** amending **Directive 2011/92/EU (EIA Directive)** on the assessment of the effects of certain public and private projects on the environment,
- **Directive 92/43/EEC (Habitats Directive)** and **Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives)** which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union and
- **Sustainable and Smart Mobility Strategy 2020** (EU Commission 2020)

(b) National Policy and Guidance including in particular:

- the **Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan 2021-2030**,
- the **Climate Action Plan 2023**,

- the **Design Manual for Urban Roads and Streets 2019**,
- the **Cycle Design Manual 2023**,
- the **Smarter Travel - A Sustainable Transport Future: A New Transport Policy for Ireland 2009-2020**, and
- the **Department of Transport National Sustainable Mobility Policy 2022**.

(c) Regional Policy including in particular:

- the **Transport Strategy for the Greater Dublin Area 2022-2042**, and
- the **Eastern and Midlands Regional Spatial and Economic Strategy, 2019-2031**.

(d) Local Planning Policy including in particular:

- the **Dublin City Development Plan 2022-2028**,
- **Dublin City Biodiversity Action Plan 2021-2025**.

(e) The following matters:

- the nature, scale and design of the proposed road development (Bus Connects Clongriffin to City Centre Core Bus Corridor Scheme) as set out in the application for approval and the pattern of development along the route,
- the entirety of the documentation submitted by the National Transport Authority (applicant) in support of the proposed development, including the Environmental Impact Assessment Report and the Natura Impact Statement, and the range of mitigation and monitoring measures proposed,
- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and

- the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment and proper planning and sustainable development of the area.

The Board considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Baldoyle Bay SAC, North Dublin Bay SAC, South Dublin Bay SAC, Howth Head SAC, Howth Head Coast SPA, Skerries Islands SPA, Rockabill SPA, Lambay Island SPA, Ireland's Eye SPA, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Malahide Estuary SPA, Baldoyle Bay SPA, Rogerstown Estuary SPA, Dalkey Islands SPA, The Murrough SPA, North West Irish Sea cSPA, Rockabill to Dalkey Island SAC and Lambay Island SAC are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Baldoyle Bay SAC, North Dublin Bay SAC, South Dublin Bay SAC, Howth Head SAC, Howth Head Coast SPA, Skerries Islands SPA, Rockabill SPA, Lambay Island SPA, Ireland's Eye SPA, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Malahide Estuary SPA, Baldoyle Bay SPA, Rogerstown Estuary SPA, Dalkey Islands SPA, The Murrough SPA, North West Irish Sea cSPA, Rockabill to Dalkey Island SAC and Lambay Island SAC, in view of the Sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Baldoyle Bay SAC, North Dublin Bay SAC, South Dublin Bay SAC, Howth Head SAC, Howth Head Coast SPA, Skerries Islands SPA, Rockabill SPA, Lambay Island SPA, Ireland's Eye SPA, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Malahide Estuary SPA, Baldoyle Bay SPA, Rogerstown Estuary SPA, Dalkey Islands SPA, The Murrough SPA, North West Irish Sea cSPA, Rockabill to Dalkey Island SAC and Lambay Island SAC

- i. Mitigation measures which are included as part of the current proposal,
- ii. Conservation Objective for these European Sites, and
- iii. Views of prescribed bodies in this regard.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions received during the course of the application;
- the Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant during the course of the application, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusion for EIA

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU and Section 50(2) of the Roads Act 1993, as amended. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

- Negative impacts on **human health and population** arising from construction include noise, traffic and dust disturbance to residents of neighbouring dwellings. All of these impacts are low to moderate. Adequate mitigation measures are proposed to ensure that these impacts are not significant and include adequate mitigation for operational noise.
- Benefits/positive impacts on the **Air and Climate**, the operation of the proposed development will have a significant positive effect on human health and population due to the displacement of CO₂ from the atmosphere arising from an increased use of public transport which will be electrified and the reduction of cars on the route. Negative impacts during construction relate to the embodied

carbon of construction materials which will have a negative significant impact but for the short term, any increase in carbon is considered significant, however the construction phase represents a significantly small percentage of the sectoral emission ceilings outlined in CAP 23 for the 2021-2025 carbon budget period, the proposed development represents 0.00967% of the transport emission ceiling for the period.

- Negative impacts on **Water** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering watercourses, the sea or groundwater during the construction phase of the development. These impacts will be mitigated by measures outlined within the application and can therefore be ruled out.
- Negative impacts on **biodiversity** relate to the removal of habitat in the form of hedgerows and treelines. Such impacts are not considered significant and can adequately be mitigated for within the scheme. Vegetation will be planted in the vicinity to bolster existing treelines and hedgerow. Significant impacts are therefore not expected in this regard. The avoidance of trees with roosting potential for bats and the maintenance of commuting corridors, as well as preconstruction bat surveys will ensure significant impacts to bats are avoided. Preconstruction surveys will ensure that no mammals, birds or invasive species are present within the works areas. Adequate mitigation measures are proposed to ensure the protection of such mammals and birds encountered and to prevent the spread of invasive species. Significant impacts to biodiversity can therefore be ruled out.
- **Noise and Dust** impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures in relation to dust and the use of noise abatement at sensitive locations. Significant noise impacts arise in relation to construction noise during nighttime and weekend hours when thresholds are lower. Works will generally be carried out in daytime hours causing no significant effects. In the event that works are required during nighttime or weekend hours, liaison with residents in this regard and the use of noise abatement will reduce the level of impacts. Noise disturbance from the operation of the development can be ruled out, electric bus fleet and less cars will have a positive impact on

operational noise. Significant impacts arising from noise and dust disturbance during the construction, operational and decommissioning stages can therefore be ruled out.

- Negative **traffic** impacts arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. Whilst some localised impacts arising from road closures may arise, significant impacts arising from traffic can be ruled out.
- The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate.
- The EIAR has considered that the main significant direct and indirect and cumulative effects of the proposed development on the receiving environment. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors would occur.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

Proper Planning and Sustainable Development:

The proposed road development (Bus Connects Clongriffin to City Centre Core Bus Corridor Scheme) would deliver a key component of the National Transport Authority's Bus Connects programme with the stated aim to improve bus services across the country. It would also provide safer infrastructure for pedestrians and cyclists and would deliver sustainable connectivity and integration with other transport services. The public realm along the bus corridor would also be improved.

The Board considered that the proposed road development, subject to compliance with the conditions set out below, would be in accordance with national, regional and local planning policies, including multiple policies and objectives set out in the Dublin City Development Plan 2022-2028. It is further considered that the need, justification and purpose of the proposed road development has been adequately demonstrated, that it is acceptable in terms of its likely effects on the environment and that an approval for the proposed road development would be consistent with national climate ambitions and with the relevant provisions of the Climate Action Plan 2023 through the delivery of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction targets. The proposed road development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.
(b) All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: To ensure proper protection of the environment and to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site.

3. Prior to the commencement of development at each section of the proposed works, pre-construction surveys shall be carried out to determine the presence of protected mammal, bird or bat species.

Reason: In the interest of environmental protection.

4. Proposed kerb height differentials between footpaths, cycle tracks and bus lanes, specified on the drawings and documents submitted with the application for approval, shall be retained in perpetuity.

Reason: In the interest of maintaining the proper functionality of the scheme.

5. Prior to the commencement of development, the developer shall agree in writing with the planning authority the design and layout of pedestrian crossing facilities over cycle tracks at island bus stops on a on a case-by-case basis which shall be informed by the recently published Cycle Design Manual (National Transport Authority, September 2023).

Reason: In the interests of pedestrian and cyclist safety.

6. The applicant shall plant low level hedging and/or shrubs along the boundary with the Malahide Road of the proposed green area either side of the proposed pedestrian and cycle link at Ayrfield Drive.

Reason: In the interest of visual amenity.

7. The applicant shall provide a footpath directly outside properties at, and adjacent to, 109 Malahide Road.

Reason: In the interests of clarity.

8. In accordance with the Environmental Impact Assessment Report, all works shall be monitored by an Ecological Clerk of Works or Ecologist. Monitoring schedules shall be included in Site Specific Habitats Protection and Re-instatement Method Statements.

Reason: In the interest of environmental protection.

9. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) and a Construction Stage Mobility Management Plan (CSMMP) for the construction phase of the development for the written agreement of the planning authority. The CSMMP shall promote the use of public transport, cycling and walking by personnel accessing and working on the construction site. The agreed CTMP and CSMMP shall be implemented in full during the course of construction of the development.

Reason: In the interest of traffic safety and promoting sustainable travel during the construction period.

10. In accordance with the Environmental Impact Assessment Report, all works to Protected Structures, and Structures of Cultural heritage interest shall be monitored and recorded by an Architectural Heritage Specialist, Re-instatement Method Statements shall be submitted to the planning authority to be held on file.

Reason: In the interest of environmental protection.

11. Noise monitoring shall be carried out during the construction phase of the proposed road development by the developer to ensure that construction noise threshold levels (L_{Aeq} , period) shall not exceed the levels set out in Table 9.7 (Construction Noise Threshold (CNT) levels for the proposed scheme) of Chapter 9 (Noise and Vibration) of the Environmental Impact Assessment Report. During the construction phase, noise monitoring shall be carried out at representative Noise Sensitive Locations as the work progresses along the scheme to evaluate and inform the requirement and/or implementation of noise management measures. Noise monitoring shall be conducted in accordance with ISO 1996–1 (ISO 2016) and ISO 1996–2 (ISO 2017).

Reason: In the interest of management of construction noise and protection of adjoining amenities.

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development. Any new or improved surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

A surface water management plan (SWMP) detailing the control and management measures for surface water environment during the construction phase shall be prepared/updated and included in the finalised CEMP and during construction, these measures shall be implemented.

Reason: In the interests of protection of receiving surface waters and habitat protection.

13. Prior to the commencement of development, details of measures to protect fisheries and water quality of the watercourses along or proximate to the route of the proposed road development shall be outlined and placed on file. Full regard

shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared by the developer or appointed agent in consultation with the planning authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

14. At detailed design stage, the developer shall engage with Uisce Éireann to agree adequate protection of existing significant assets and ensure appropriate access is maintained during and following construction. All works that would impact on Uisce Éireann's assets shall be carried out in compliance with Uisce Éireann's Standards and Codes of Practice.

Where the developer proposes a temporary or permanent connection to a public water/wastewater network operated by Uisce Éireann, the developer shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Reason: To ensure that Uisce Éireann's assets are protected during the construction and to adhere to appropriate standards.

15. Prior to commencement of development, the developer, and/or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, an updated Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Environmental Impact Assessment Report and a demonstration of proposals to adhere to best practice and protocols.

The updated CEMP shall also include details of intended construction practice for the development, including hours of working, compound/works area lighting, noise management measures and surface water management proposals.

The construction of the development shall be constructed in accordance with the updated CEMP.

Reason: In the interest of protecting the environment, the landscape, the integrity of European Sites and sensitive receptors and in the interest of public health.

16. The developer shall monitor queuing time / delays at each works location on the R107 and record traffic flows on the local road network at locations to be agreed with the planning authority. Such monitoring information shall be provided in a report to the planning authority on a weekly basis.

Reason: In the interest of orderly development.

17. The developer and/or any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site as set out in the Environmental Impact Assessment Report. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works. Should archaeological material be found, the archaeologist may have work stopped and the developer shall carry out the necessary mitigation/ recording. The planning authority shall be furnished with a report describing results of monitoring.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Prior to the commencement of development, the developer, and/or any agent acting on its behalf, shall submit an Invasive Species Management Plan to the planning authority, which includes details of a pre-construction survey to be carried out. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during construction as soon as is practicably possible. The developer shall also ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of protection of biodiversity and mitigating ecological damage associated with the development.

19. (a) Trees to be felled shall be examined prior to felling and demolition to determine the presence of bat roosts. Any clearance works shall be in accordance with the Transport Infrastructure Ireland Guidelines for the Treatment of Bats during the construction of National Road Schemes.

(b) No ground clearance shall be undertaken and no vegetation shall be cleared from the 1st March to 31st August, unless otherwise agreed with the planning authority.

Reason: In the interest of protection of local biodiversity.

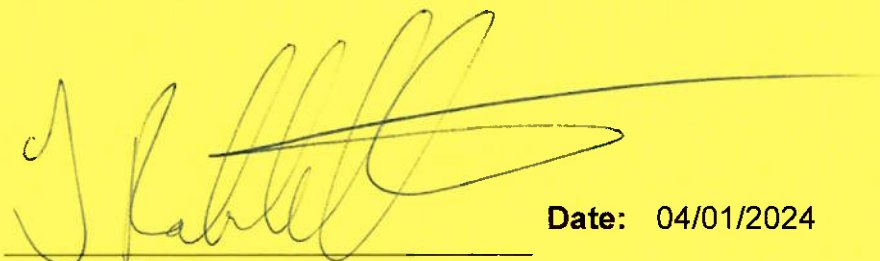
20. Prior to commencement of development, a comprehensive agreement shall be put in place and agreed in writing between the National Transport Authority and the planning authority on the procedures for the handing over and handing back of the core bus corridor and taking in charge arrangements.

Reason: In the interest of orderly development.

Note:

Since the lodgment of the application to An Bord Pleanála, Dublin City Development Plan 2022-2028 came into effect. In considering the application and arriving at its decision, the Board was satisfied that no material policy changes arose in the new statutory plan and the proposed road development (Clongriffin to City Centre Core Bus Corridor Scheme) continues to be strongly supported in specified policy in the adopted statutory plan. Accordingly, and taking into account all of the matters raised in submissions, the Board was satisfied that no further consultation was necessary as a result of the coming into effect of the new statutory plan.

Board Member

A handwritten signature in black ink, appearing to read 'Tom Rabbette', written over a horizontal line. The signature is stylized and cursive.

Tom Rabbette

Date: 04/01/2024