



An
Bord
Pleanála

Board Direction
BD-011337-22
ABP-313468-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/10/2022.

The Board decided to approve the application generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended),
- (c) 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,
- (d) the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028,
- (e) the nature and extent of the proposed works as set out in the application for approval,
- (f) the information submitted in relation to the potential impacts on ecology and architectural heritage and including the Natura Impact Statement,
- (g) the submissions and observations received in relation to the proposed development, and

- (h) the report and recommendation of the Planning Inspector.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment, would not adversely affect the character and setting of the protected structure, and would therefore be in accordance with the proper planning and sustainable development of the area.

Stage 1 Appropriate Assessment Screening

The Board agreed with the appropriate assessment and conclusions contained in the Inspector's report that Dalkey Islands SPA, Rockabill to Dalkey Island SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA, Howth Head Coast SPA, Baldoyle Bay SPA, Ireland's Eye SPA, Malahide Estuary SPA, The Murrough SPA, Lambay Island SAC, Lambay Island SPA, and Rogerstown Estuary SPA are the European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Stage 2 Appropriate Assessment

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development for the above referenced European sites. The Board considered the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular the

- (i) Site Specific Conservation Objectives for these European Sites (where available),
- (ii) Current conservation status, threats and pressures of the qualifying interest features,

- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically some small-scale local planning applications in the area,
- (iv) view of the Department of Arts, Heritage and the Gaeltacht,
- (v) mitigation measures (set out at 7.1.8 of the applicant's NIS) which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications 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 would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment, would not pose a risk to water quality, would not be detrimental to the visual or landscape amenities of the area and would not adversely affect the character and setting of the Protected Structure. The proposed development would secure and improve access to the harbour and would thus, constitute a positive impact for users of the harbour and 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 on the 4th day of May 2022, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the Natura Impact Statement and the Construction Environmental Management Plan, for the proposed development shall be implemented in full.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European sites.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare a finalised Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and as may be required in order to comply with the conditions of this order. The finalised CEMP shall be placed on file and retained as part of the public record.

Reason: In the interest of protecting the European Sites and biodiversity.

4. All works to the protected structure, shall be carried out under the supervision of a qualified engineer or architect with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. The local authority and 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. 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 to monitor construction works.

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.

6. On the completion of the proposed remedial works, two nest boxes suitable for black guillemots shall be installed at Coliemore Harbour. The siting, design and methodology for their installation shall be submitted to, and agreed in writing with, the planning authority.

Reason: To enhance local biodiversity at Coliemore Harbour.

Board Member



Maria FitzGerald

Date: 05/10/2022

