

An
Bord
Pleanála

Board Direction
BD-014871-23
ABP-314056-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/12/2023.

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 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, and
- **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.

(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**, and
- the **South Dublin County Development Plan 2022-2028**.

(e) The following matters:

- the nature, scale and design of the proposed road development (Liffey Valley 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.

Appropriate Assessment: Stage 1:

The Board noted that the proposed road development is not directly connected with or necessary for the management of a European Site.

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application, the report and screening assessment as completed by the Inspector that the following sites are the European Sites for which there is a likelihood of significant effects on:

- North Dublin Bay Special Area of Conservation (Site Code: 000206),
- South Dublin Bay Special Area of Conservation (Site Code: 000210),
- Howth Head Special Area of Conservation (Site Code: 000202),
- Howth Head Coast Special Protection Area (Site Code: 004113),
- Skerries Islands Special Protection Area (Site Code: 004122),
- Rockabill Special Protection Area (Site Code: 004014),
- Lambay Island Special Protection Area (Site Code: 004069),
- Ireland's Eye Special Protection Area (Site Code: 004117),
- North Bull Island Special Protection Area (Site Code: 004006),
- South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024),
- Malahide Estuary Special Protection Area (Site Code: 004025),

- Baldoyle Bay Special Protection Area (Site Code: 004016),
- Rogerstown Estuary Special Protection Area (Site Code: 004015),
- Dalkey Islands Special Protection Area (Site Code: 004172),
- The Murrough Special Protection Area (Site Code: 004186),
- North-west Irish Sea candidate Special Protection Area (Site Code: 004236),
- Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000),
and
- Lambay Island Special Area of Conservation (Site Code: 000204).

The Board concluded that appropriate assessment is required for these European Sites.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the applicant's response to the submissions and the further submissions received and carried out an appropriate assessment of the implications of the proposed road development for European Sites in view of the conservation objectives for the Sites. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, the mitigation measures which are included as part of the current proposal in view of the conservation objectives for the European Sites and the views of the Department of Housing, Local Government and Heritage (Nature Conservation).

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 of those Sites 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 of the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant during the course of the application, 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.

- Positive long-term impacts on **population and human health** through facilitation of improved access and provision of enabling infrastructure for development of new residential communities.
- Positive long-term impacts on **population and human health** through facilitation of improved pedestrian and cyclist safety, faster and more reliable bus services, reduced traffic congestion, improved air quality and noise reduction, improved road/street safety, improved connectivity and accessibility and amenity impacts for community areas.
- Negative short-term impacts on **population and human health** from the construction phase in terms of access restrictions, noise, vibration, dust, contaminated material, traffic and visual impact. This will be adequately mitigated through compliance with the Construction Environmental Management Plan, Construction Traffic Management Plan and measures outlined in the Land, Soils, Water, Air and Climate and Material Assets sections of the Environmental Impact Assessment Report.
- Negative long-term impacts on **population and human health** from the temporary and permanent acquisition of land. This will be adequately mitigated through provision of new accesses and provision of replacement boundaries.
- Negative impacts on **biodiversity** from unavoidable removal of habitat. Vegetation removal will be compensated by additional planting to include 354 street trees and 220 metres of hedgerow, which will provide new nesting habitat for birds. Mitigation measures will be implemented for two trees that contain possible roost features for bats and these trees will be retained.
- Potential negative impacts on **biodiversity** from the spread of invasive species during construction. This will be adequately mitigated through implementation of an Invasive Species Management Plan.

- Potential negative impacts on **land, soils, geology and hydrogeology** from loss or damage of topsoil, excavation of potentially contaminated ground and contamination of parts of an aquifer during the construction phase. These potential impacts will be adequately mitigated through compliance with the Construction Environmental Management Plan.
- Potential for negative **water** quality impacts from surface water runoff during construction containing fine sediments, accidental spillages/ leakages and disruption of local drainage networks. Adequate mitigation measures for surface water management are contained within the Construction Environmental Management Plan.
- Potential for negative impacts to **air quality** from dust and noise emissions from construction works. These will be minimised with implementation of appropriate mitigation measures including a requirement to adhere to the Construction Environmental Management Plan.
- Positive long-term impacts on **climate** through removal of approximately 15,700 and 15,100 car trips per weekday from the road network in 2028 and 2043 respectively and associated reduction in carbon emissions.
- Positive impacts on **traffic and transport** by maximising the capacity of the proposed scheme to move more people by sustainable modes, whilst also providing for necessary general traffic.
- Potential negative impacts on **cultural heritage** due to construction works impacting on underlying archaeology and on the Thomas Street Architectural Conservation Area. Mitigation measures will be put in place to protect/ record/ monitor underlying archaeology and adjoining heritage features.
- Positive impacts on **landscape (townscape)** from the creation of high-quality pedestrianised areas at Cornmarket, Ballyfermot Retail Centre, the Ballyfermot roundabout, Grattan Crescent, the James Street/ Bow Lane West junction (Obelisk Fountain), together with wider footpaths, new surfaces, planting, reduced car parking, narrower carriageways, lower vehicle speeds and an overall reduction of traffic dominance.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the environmental impact assessment report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development:

The proposed road development (Liffey Valley 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.

It is 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 South Dublin County Development Plan 2022-2028 and 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 road 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 authorities, the applicant shall agree such details in writing with the planning authorities prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.
Reason: To clarify the plans and particulars for which approval is granted.

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 the development, finalised cycle parking stands throughout the scheme shall be agreed in writing with the planning authorities.
Reason: In the interest of facilitating convenient and adequate bicycle parking.

4. Prior to the commencement of development, the developer shall agree in writing with the planning authorities 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.

5. 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.

6. Prior to commencement of development, the developer shall, following consultation, submit a loading and servicing strategy for businesses and traders located along the core bus corridor for the written agreement of the planning authorities.

Reason: In the interest of maintaining appropriate servicing of business and traders along the scheme.

7. 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, 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.

8. 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 authorities. 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.

9. Arrangements shall be put in place to ensure that access to the St. James's Hospital Energy Centre shall be available by authorised personnel on a 24-hour basis during the construction and operation phases of the proposed road development.

Reason: In the interest of providing appropriate access to the St. James's Hospital Energy Centre.

10. 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 local 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.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authorities for such works in respect of both the construction and operation phases of the proposed development.

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.

12. 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

13. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement and Environmental Impact Assessment Report. The ecologist shall be present periodically during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the planning authorities and shall be retained on the public file.

Reason: In the interest of the protection and enhancement of terrestrial and aquatic biodiversity.

14. 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 protection and enhancement of biodiversity.

15. All works at or near protected structures, and other structures of cultural, historic or architectural heritage interest as set out in the Environmental Impact Assessment Report shall be monitored and recorded by an Architectural Heritage Specialist during the course of construction works. The final design of bus stops within Architectural Conservation Areas shall be submitted to the planning authorities for written agreement.

Reason: In order to protect the architectural heritage of the corridor and immediate surroundings.

16. 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 authorities 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.

17. (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 during the bird breeding season, unless otherwise agreed with the planning authorities

Reason: In the interest of protection of local biodiversity.

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 authorities, 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.

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

19. 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 9.8 (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.


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 authorities 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.

Notes:

1. Since the lodgement of the application to An Bord Pleanála, Dublin City Development Plan 2022-2028 and South Dublin 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 plans and the proposed road development (Liffey Valley to City Centre Core Bus Corridor Scheme) continues to be strongly supported in specified policy in both adopted statutory plans. 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 plans.
2. In deciding not to attach the Inspector's recommended condition number 3 that would have required amendments and additions to the proposed road development, the Board was satisfied that the development as described by the submitted plans and particulars was, by itself and subject to the conditions attached by the Board, in accordance with the proper planning and sustainable development of the area. Accordingly, the Board concluded that the attachment of this recommended condition was not necessary. In this regard, the Board noted that the proposal brought forward for assessment has been advanced through an iterative design process and was satisfied that the design as submitted to the Board would result in a significant improvement for all road users including in particular users of public and active transport modes of travel.

Board Member


Patricia Calleary.

Date: 15/12/2023