



An
Bord
Pleanála

Board Order ABP-300840-18

Planning and Development Acts, 2000 to 2017

Planning Authority: Fingal County Council

Application by Fingal County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 6th day of February, 2018.

Proposed Development:

- Construction of approximately 1.8 kilometres of pedestrian and cycle scheme adjacent to the Coast Road (R106) from Red Arches Road to just south of the Coast Road/Station Road roundabout.
- Generally consisting of a three-metre wide cycletrack and two-metre wide footpath separated by a 2.4-metre wide grass verge located in the Racecourse Park.
- Construction of a new 30-metre wide long, four-metre wide bridge over the Mayne River.
- Upgrading of the existing priority junction between the Coast Road (R106) and Moyne Road to a signal controlled junction with pedestrian facilities.
- Provision of toucan crossing facilities on Coast Road at either end of the proposed scheme.
- Provision of a controllable, intelligent public lighting system.
- Provision of landscaping, signage and other works ancillary to the construction and operation of the proposed development.

All between Baldoyle and Portmarnock, County Dublin.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive),
- (b) the policies and objectives of the Fingal County Development Plan 2017 – 2023, and the detailed policies and objectives of the Baldoyle-Stapolin Local Area Plan and the Portmarnock South Local Area Plan,
- (c) the conservation objectives, qualifying interests and special conservation interests for the Baldoyle Bay Special Area of Conservation (site code: 000199), the Baldoyle Bay Special Protection Area (site code: 004016), the Malahide Estuary Special Protection Area (site code: 004025), the Rogerstown Estuary Special Protection Area (site code: 004015), the North Bull Island Special Protection Area (site code: 004006) and the South Dublin Bay and River Tolka Special Protection Area (site code: 004024),
- (d) the nature and extent of the proposed works as set out in the application for approval,

- (e) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,
- (f) the submissions and observations received in relation to the proposed development,
- (g) the likely effects and 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
- (h) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Baldoyle Bay Special Area of Conservation (site code: 000199), the Baldoyle Bay Special Protection Area (site code: 004016), the Malahide Estuary Special Protection Area (site code: 004025), the Rogerstown Estuary Special Protection Area (site code: 004015), the North Bull Island Special Protection Area (site code: 004006) and the South Dublin Bay and River Tolka Special Protection Area (site code: 004024) are the only European Sites for which there is a likelihood of significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European Sites, 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 appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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

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 or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed 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 and other associated documentation, lodged with An Bord Pleanála on the 6th day of February, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.

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

2. Lighting of the pedestrian/cycle route shall be by bollard mounted lighting at 16-metre intervals, with light projecting towards the path and land, away from Baldoyle Bay, and subject to nighttime dimming.

Reason: In the interest of visual amenity and nature conservation.

3. The mitigation measures and associated monitoring, outlined in the plans and particulars relating to the proposed development, shall be carried out in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment and in the interest of traffic safety.

4. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare in association with the relevant statutory agencies a Construction and Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura impact statement, the Environmental Report and the application documentation. The CEMP shall include hours of working, an invasive species management plan to prevent the spread of hazardous invasive species and pathogens. The CEMP shall be placed on file prior to the commencement of development and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

5. No construction works shall take place during the winter season from November to April.

Reason: In the interest of nature conservation and to ensure the protection of the European Sites.

6. A suitably qualified ecologist shall be retained by the local authority to oversee site set-up and the construction of the proposed development and implementation of mitigation measures relating to ecology. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on file as part of the public record.

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

