



An
Bord
Pleanála

Board Order ABP-304888-19

Planning and Development Acts, 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and a Natura Impact Statement, lodged with An Bord Pleanála on the 11th day of July, 2019 by Dublin Port Company care of RPS Group Limited of West Pier Business Campus, Dun Laoghaire, County Dublin, as amended by the revised public notice received by An Bord Pleanála on the 11th day of October, 2019.

Proposed Development:

- A new Ro-Ro jetty (Berth 53) for ferries up to 240 metres in length on an alignment north of the port's fairway and south and parallel to the boundary of the South Dublin Bay and River Tolka Estuary Special Protection Area (site code: 004024).
- A reorientation of Berth 52 permitted under An Bord Pleanála case reference number PL29N.PA0034.
- A lengthening of an existing river berth (50A) to provide the container freight terminal with additional capacity to handle larger container ships. These works will include the infilling of the basin east of the now virtually redundant Oil Berth 4 on the Eastern Oil Jetty.
- The redevelopment and future-proofing of Oil Berth 3 as a future deep-water container berth for the Container Freight Terminal. The future-proofing will facilitate the change of use of the berth from petroleum importation to

container handling when the throughput of petroleum products through Dublin Port declines as a result of national policies to de-carbonise the economy.

- Consolidation of passenger terminal buildings, demolition of redundant structures and buildings, removal of connecting roads and re-organisation of access roads to increase the area of land for the transit storage of Ro-Ro freight units.

The proposed development will consist of the following elements:

- (a) **Berth 53:** Construction of a new open structure Ro-Ro jetty of approximately 406 metres in overall length to accommodate a new Berth 53. The development will comprise: construction of eight number reinforced concrete mooring dolphins on tubular steel piles; construction of a new linkspan structure to allow two-tier access to the Ro-Ro ferries; construction of a new ramp structure to access the upper linkspan tier; construction of a new deck structure to allow access to the lower linkspan tier and dolphins; construction of a reinforced concrete access/maintenance route to the dolphins; construction of a reinforced concrete bankseat for the linkspan; dredging of a berthing pocket to a standard depth of -10.0 metres CD; installation of scour protection mattresses to provide slope stabilisation and scour protection to the dredged berthing pocket; installation of a wash protection structure to the north line of the 406-metre jetty structure; installation of jetty furniture including visual screening barriers, fenders, mooring bollards, handrails and an automated mooring system; and installation of a power outlet for Ship to Shore Power which will be fed from the proposed substation adjacent to the proposed parking and set down area. Berth 53 will accommodate vessels up to 240 metres in length.
- (b) **Berth 52:** The development of Berth 52 was granted permission under An Bord Pleanála case reference number PL29N.PA0034. As a result of the proposed development of Berth 53 permitted Berth 52 requires re-positioning. Proposed amendments to Berth 52 comprise: rotation of Berth 52 and all associated elements, including Ro-Ro jetty (288 metres); linkspan structure to allow two-tier access to the Ro-Ro ferries; ramp structure to access the upper linkspan tier; and reinforced concrete bankseat for the linkspan by approximately nine degrees (clockwise); installation of a new power outlet for Ship to Shore Power which will be fed from the proposed substation adjacent to the proposed parking and set-down area; and construction of a new piled quay wall structure approximately 52 metres in length to accommodate the linkspan structure associated with Berth 52 and to provide additional operational quayside space at Berth 49. Berth 52 will accommodate vessels up to 240 metres in length.
- (c) **Berth 49:** The development of Berth 49 was granted permission under An Bord Pleanála case reference number PL29N.PA0034. As a result of the

proposed re-positioning of Berth 52 permitted Berth 49 requires amendments. Proposed amendments to Berth 49 comprise: encompassing the eastern dolphins associated with Berth 49 within a new piled quay wall structure approximately 40 metres in length at the eastern end of Berth 49. Berth 49 will accommodate vessels up to 240 metres in length.

- (d) **Berth 50A:** Demolition of the Eastern Breakwater Pier Head (2,950 square metres) (which forms part of the Eastern Breakwater Dublin City Industrial Heritage Record 19-09-002), the southern end of the Eastern Oil Jetty (275 square metres) and Port Operations Building and ancillary structures (600 square metres); construction of a new quay wall approximately 125 metres in length extending Berth 50A westwards to provide an overall quay length of approximately 305 metres; infilling of Oil Berth 4 and construction of a new piled reinforced concrete deck (20,000 square metres) which includes works to the Eastern Breakwater (Dublin City Industrial Heritage Record 19-09-002); dredging of a berthing pocket to a standard depth of -11.0 metres CD; and; installation of quay and deck furniture, including crane rails, fenders, mooring bollards and emergency ladders. Extension to existing Berth 50A will provide a multi-purpose predominately Lo-Lo Container Vessel berth.
- (e) **Eastern Oil Jetty:** The Eastern Oil Jetty comprises Oil Berth 3 and Oil Berth 4 with access from Jetty Road. The proposed development will involve the removal of Oil Berth 4 and consolidating operations to Oil Berth 3. The berth will be designed as a multi-purpose structure, initially for oil tanker berthing, with a future potential use as a container vessel berth. The basin at Oil Berth 4 will be infilled to provide an additional container terminal storage area. Proposed works will comprise: demolition of the southern end of the Eastern Oil Jetty (275 square metres) (as per description of Berth 50A) and existing pilot boat pontoon and gangway; construction of a new quay wall providing an overall quay length of approximately 239 metres in front of Oil Berth 3; infilling of the basin at Oil Berth 4 and construction of a new reinforced concrete deck of approximately 20,000 square metres (as per description of Berth 50A); construction of a circa two-metre high wall as a separation boundary between the Container Freight Terminal and Oil Berth 3; high mast lighting (30 metres); dredging of a berthing pocket to a standard depth of -13.0 metres CD; stabilisation of the existing quay wall at Jetty Road through the construction of a new quay wall in front of existing Jetty Road quay approximately 120 metres long; re-decking of Jetty Road; and installation of quay and deck furniture to include fenders, mooring bollards and emergency ladders. Consolidation of operations at the Eastern Oil Jetty will facilitate multi-purpose berthing at Oil Berth 3.
- (f) **Channel Widening:** Dredging works to the south of the existing navigation channel east of the Poolbeg Oil Jetty to a standard depth of -10.0 metres CD to facilitate the manoeuvring of design vessels from Berths 49, 52 and 53.

- (g) **Unified Ferry Terminal:** Provision of a new Unified Ferry Terminal yard. The development will comprise: demolition of Terminal 2 building (1,058 square metres), Terminal 2 check-in (603 square metres) part of which are permitted under the Interim Unified Ferry Terminal Dublin City Council register reference number 3638/18 (these facilities will be developed as permitted and continue to be used for a temporary period until the yard is developed), Terminal 5 building (796 square metres), Terminal 5 check-in (97 square metres), Terminal 5 sheds (three number) (325 square metres, 162 square metres and 316 square metres) and ESB substations (two number) (47 square metres and 100 square metres); demolition of Terminal 1 car check-in booths (72 square metres); regrading of infill area permitted under An Bord Pleanála case reference number PL29N.PA0034 and provision of new surface to unified ferry terminal yard; construction of road access to the unified ferry terminal yard and car park/drop-off area, including amendments to the tie-in with the permitted Dublin Port Internal Road Network Dublin City Council register reference number 3084/16 (as amended by register reference number 2684/17); provision of two check-in areas with associated check-in booths at Alexandra Road and adjacent to Alexandra Road Extension; overhead gantry signage; passenger walkway plant for vessels berthed at Berths 51 and 52; ESB substation (160 square metres); three number toilet blocks (each 80 square metres); high mast lighting (30 metres); repositioning of high mast lighting (30 metres) permitted under An Bord Pleanála case reference number PL29N.PA0034; four-metre high International Ship and Port Facility Security (ISPS) fence; bus shelter and; car, bicycle and bus parking; drop-off facilities and proposed pedestrian underpass from parking area to Terminal 1 building.
- (h) **Heritage Zone:** Amendments to the eastern end of the pedestrian and cycleway element of the Dublin Port Internal Road Network as permitted under Dublin City Council register reference number 3084/16 (as amended by register reference number 2684/17) to include a gate control access at certain intervals to the end of the pedestrian and cycleway and to include a Heritage Zone which will accommodate a public art installation of 20.4 metres in height (comprising an elevated viewing platform and material from the Eastern Breakwater Pier Head) together with associated lighting and hard and soft landscaping works.
- (i) **Ancillary works:** The proposed development will also include site clearance, boundary treatments, landscaping, construction compounds, public street lighting, utilities and all ancillary site works.

All at Oil Berth 3 and Oil Berth 4, Eastern Oil Jetty, Dublin Port, off Jetty Road and Breakwater Road South, and at Berths 50A, 50N, 50S, 51, 51A, 49, 52, 53 and associated terminal yards, Dublin Port, off Breakwater Road South, Terminal Road South, Alexandra Road Extension, Alexandra Road, Tolka Quay Road and Promenade Road, Dublin.

Decision

Grant permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs 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:

European legislation, including, of particular relevance:

- 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 the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

- Trans-European Transport Network (TEN-T) Regulations, 2013 and 2019 which address the development of a trans-European transport network within the European Union.

National and regional planning and related policy, including:

- The National Development Plan – Ireland 2040, which identifies major national infrastructure projects including investment at Ports including Dublin Port to create high quality international connectivity.
- The National Planning Framework – Ireland 2040, which states that the role of Tier 1 ports (Dublin Port Company) will be considered in tandem with long-term infrastructural requirements as part of the Regional Spatial and Economic Strategy and Metropolitan Area Strategic Plan processes through National Policy Objective 40.
- National Port Policy, 2013 which states that the Government endorses the core principles of the Dublin Port Masterplan and the continued commercial development of Dublin Port Company is a key strategic objective of national Ports Policy.
- The Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly (RSES) 2019-2031 which supports the role of Dublin Port as a Port of National Significance (Tier 1 Port) and its continued commercial development, including limited expansion and improved road access, including the Southern Port Access Route.
- The Greater Dublin Area Transport Strategy 2016-2035 which states that the safeguarding of landside access to the national gateways at Dublin Port and Dublin Airport should be considered as a priority strategic objective for all relevant agencies.

The local planning policy including:

- The provisions of the Dublin City Development Plan 2016-2022, which supports and recognises the important national and regional role of Dublin Port in the economic life of the city and region and seeks to facilitate port activities and development, having regard to the Dublin Port Masterplan 2012-2040.

The following matters:

- (a) The evidence provided that additional and longer berths and capital dredging to facilitate same is required in Dublin Port in order to meet the projected growth within the Region, facilitate the berthing of larger ships and future proof the use of infrastructure within the Port estate.
- (b) The nature, scale and design of the proposed development including proposed Berth 53.
- (c) The range of proposed mitigation measures set out in the submitted documentation lodged, including the Environmental Impact Assessment Report, and Natura Impact Statement incorporating appropriate assessment screening.
- (d) The submissions made in relation to the application including those submitted at the Oral Hearing; and
- (e) The report and recommendation of the Inspector.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report that the only European sites in respect of which the proposed development has the potential to have a significant effect are South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000) and Lambay Island Special Area of Conservation (Site Code: 000204).

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 oral hearing submissions and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development as part of the overall proposed upgrade project 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:

- (a) the likely direct and indirect impacts arising from the development of the proposed development, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

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 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.

Environmental Impact Assessment:

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

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application.
- (c) The submissions from the planning authority, the observers and prescribed bodies in the course of the application and the submissions of the applicant and observers during the oral hearing.
- (e) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the environmental impact assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

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. 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. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the construction stage. The Draft CEMP includes all mitigation measures arising from the Environmental Impact Assessment Report and is proposed to include any conditions specified by the Foreshore or Dumping at Sea permits. In addition, this Draft Plan is accompanied by a suite of draft plans including a Construction Traffic Management Plan, Invasive Alien species Management Plan, Construction Waste Management Plan, Dust and Odour Management Plan, Noise Management Plan, Marine Mammals Management Plan, Birds and Marine Ecology Management Plan, Archaeology and Cultural Heritage Management Plan, Water Quality Management Plan, Dredging Management Plan and Pollution Incident Response Plan.

The main significant effects, both positive and negative are:

- Significant positive long-term impacts on population and human health including increased employment, additional growth facilitated by greater imports and exports facilitated by the increased berth lengths for longer vessels, additional tax and increased tourism opportunities and the redevelopment of brownfield lands.
- Significant negative permanent impact on cultural heritage from the demolition of the Pier Head of the Eastern Breakwater to facilitate the construction of Berth 50A which it is anticipated will expose elements of the 19th century breakwater currently buried. While it is not proposed to mitigate the actual loss, it is proposed to develop a 3D record of the existing structure, archaeological monitoring is proposed of all ground disturbances with the proviso to resolve fully any archaeological material and it is also proposed to create a public realm visitor experience at the new eastern limit at the end of the proposed Greenway that includes the re-use of the granite blocks and related elements of the Eastern Breakwater Pier Head and the Breakwater Lighthouse and the former location of the pier head will be marked with inscribed commemorative text, to ensure that there is a permanent in situ record of its former presence.

- Direct and permanent impacts on cultural heritage from the proposed dredging of the previously un-dredged area to the south side of the channel which is considered an area of high archaeological potential and the recovery of shipping debris and/or shipwreck can be anticipated. Subject to mitigation including archaeological monitoring of all seabed disturbances, the potential to uncover and expose previously unrecorded archaeological material, and principally shipwreck, exists, and protocols are proposed to ensure that any new discoveries will be fully and properly resolved.
- Significant permanent impacts on Avian biodiversity in respect of the removal of several Black Guillemot nest sites in the quay walls and ro-ro ramps within OB3, OB4, Berths 50A and 52/53 directly affecting circa 9 birds. This impact will be mitigated by way of the timing of the removal and the provision of a number of custom-made nest boxes within adjacent areas for displaced birds with this species having readily nested in such structures to date.
- Potential significant impacts on biodiversity/coastal processes from ship movements in the area of Berth 53 and the potential for scour of the neighbouring South Dublin Bay and River Tolka Estuary Special Protection Area impacting the long-term stability of the dredged side slope at Berth 53 and potential effect on the bed levels and modifications of the position of the lowest astronomical tide across the winter foraging areas within the Tolka Estuary. With the provision of a wash protection structure to reduce scouring associated with manoeuvring vessels within the Berth 53 area, effectively reducing propeller and thruster jet velocities caused by manoeuvring ships, the predicted residual impact imperceptible.
- Significant negative temporary impacts on avian biodiversity during the construction and operations phases from disturbance to foraging on sand in shallow water to north of proposed Berth 53. Ceasing construction of this berth during low tide events during the construction stage and controlling access to this area of the greenway and heritage zone when operational during low tide to avoid

disturbance within this area by way of the provision of a controlled gate will ensure that there are no residual impacts.

- Moderate impacts on marine biodiversity arising from noise associated with piling, dredging and dumping during the construction phase with the implementation of mitigation measures and implementation of the NPWS Guidelines including the provision of a Marine Mammal Observer for works including piling, dredging and disposal, will not result in significant residual impacts.
- Permanent and slight negative effects on Benthic biodiversity/Land from the proposal to reclaim 2.18 hectares of benthic soft sediment with the infilling of Oil Berth 4 which comprises habitat common to the Port with a permanent, slight positive impact to biodiversity from the removal of the Pier Head at the Eastern Breakwater resulting in a gain of 0.28 hectares of subtidal soft benthos. A permanent, slight positive impact will arise from the proposal to place concrete mats on the sloping edges across a limited area of dredge areas to prevent slumping of sediment, which while resulting in the permanent loss of 1.9 hectares of soft sediment benthos, will introduce an equivalent area of hard-benthos associated with the placement of the concrete mattresses. Negative, temporary to short-term, slight impacts from the dredging of 10.33 hectares of soft sediment subtidal benthos with the habitat either plentiful within the area or rapidly recovering.
- Potential for short term negative impacts on water quality during the construction phase from increased suspended sediment levels due to the accidental release of sediment to the water column during demolition works, berth and associated construction works and capital dredging and sediment disposal operations. With mitigation measures to be employed during capital dredging and disposal operations including, in particular, the timing of such works the potential impact to receiving water environment will not have a significant residual impact.

The Board completed an environmental impact assessment in relation to the proposed development forming part of the overall proposed project and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Overall Conclusion:

The proposed development in the operational phase will give rise to impacts which are positive. It will facilitate the completion of a single unified Ro-Ro terminal and enhanced Lo-Lo facilities facilitating the removal of capacity constraints within Dublin Port, thereby enabling projected economic growth through increased capacity and improved Port infrastructure to facilitate larger vessels. Environmental impact assessment and appropriate assessment have been considered as set out in the sections above. It can, therefore, be concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would assist in meeting the economic growth projected for Dublin Port within the Dublin Port Masterplan 2040, which is supported by National and Local planning policy, by consolidating and improving the existing Port lands facilitating the berthing of larger ships and future proofing the use of infrastructure within the Port estate enabling Dublin Port. The proposed development complies with EU Directives, national and local policy and would be acceptable in terms of biodiversity, noise, landscape, cultural heritage and traffic. 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 lodged with the application and the information contained in the Environmental Impact Assessment Report and the Natura Impact Statement and the further details submitted at the oral hearing, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the relevant planning authority, the developer shall agree such details in writing with the relevant planning authority prior to commencement of development. In default of agreement, the matter shall be referred to An Bord Pleanála for determination and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the proposed development hereby permitted may be carried out shall be fifteen years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report (Chapter 19) shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

(b) All mitigation and environmental commitments identified in the Natura Impact Statement (Section 5.7) shall be implemented in full as part of the proposed development, except as may be otherwise required to comply with the following conditions.

Reason: In the interests of development control, public information and clarity.

4. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a comprehensive document containing all mitigation and monitoring measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and other plans, and including the commitments given at the oral hearing. The document shall incorporate the monitoring and implementation proposals, as appropriate.
- (b) Prior to commencement of development, a contract specific Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authorities in respect of the proposed development. The CEMP shall detail and ensure Best Construction Practice and compliance with statutory obligations. This shall include a copy of the completed documents presented in Volume 3, Part 4 of the Environmental Impact Assessment Report as drafts (Appendix 19-1 to 19-12) and within the draft Construction Environmental Management Plan.

Reason: In the interests of development control, public information and clarity.

5. (a) All works shall be undertaken under the supervision of a suitably-qualified Ecological Clerk of Works.
- (b) Prior to commencement of development, details of the location, design and operation of the proposed bird gates on the Greenway and in the vicinity of the Heritage Zone, shall be submitted to and agreed in writing with the planning authority.
- (c) The developer shall make available a schedule of extreme low tides, timings of works in the vicinity of the proposed Unified Freight Terminal and Berths 52 and 53.

(d) Controls shall be put in place in advance of demolition of structures to prevent disturbance or injury to birds.

Reason: In the interest of the amenities of the area and the protection and restoration of biodiversity.

6. (a) Prior to commencement of development, the developer shall prepare a Construction Traffic Management Strategy for the Dublin Tunnel for the duration of the works which shall be submitted to and agreed with the planning authority in consultation with Transport Infrastructure Ireland and the operators of Dublin Tunnel.
- (b) Proposals for maintaining public roadways free from debris arising from the proposed development.
- (c) The developer shall provide details of the timing of the closures of the accesses and traffic management measures from East Wall Road to the planning authority prior to any implementation of new measures within the area.
- (d) Prior to commencement of development, all works proposed on the public road, shall be subject to written agreement and approval from the Environment and Transportation Department. Any alterations to the public roads including footpaths, public lighting and all materials shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development. Any works to the existing public road and the public realm shall be carried out at the applicant's expense at no cost to Dublin City Council and to the detailed requirements of the Environment and Transportation Department.

(e) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of traffic safety, to ensure the continued efficient operation of the port, and to protect the environment and the amenities of the area.

7. The proposed development shall be operated and managed in accordance with a comprehensive Environmental Management System (EMS), a proposal for which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. The annual audit report for the EMS shall be made publicly available in accordance with the requirements of the planning authority.

Reason: In order to safeguard local amenities and protect the environment.

8. The developer shall ensure that over-spilling at the surface of the dredger is avoided for all dredging activities within the inner Liffey channel.

Reason: To minimise the levels of suspended sediment in the River Liffey from the dredging operation.

9. (a) The construction noise levels arising from the proposed development shall not exceed the worst case predicted noise levels presented in Chapter 11 of Volume 2 (Part 2) of the Environmental Impact Assessment Report.
- (b) A program of construction noise monitoring shall form part of the Construction and Environmental Management Plan and detailed proposals in this regard shall be submitted to and agreed with the planning authority prior to commencement of development.

- (c) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, “Assessment of Noise with Respect to Community Response” as amended by ISO Recommendations R 1996/1, 2 and 3, “Description and Measurement of Environmental Noise”, as appropriate.

Reason: In the interest of residential amenity.

- 10. (a) All of the measures contained in the Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters as published by the Department of Arts, Heritage and the Gaeltacht shall be fully implemented including a 1,000 metre exclusion zone for piling and a 500 metre exclusion zone for dredging.
- (b) Monitoring shall be carried out through the construction and dredging phases and for a period of two years post completion of all works associated with the proposed development. The monitoring methodology, including proposals to maintain a public record, shall be agreed in writing with the planning authority prior to commencement of development.
- (c) The developer shall make provisions to ensure proposals for an adequate number of suitably qualified marine mammal observers for the duration of piling and dredging in order to ensure satisfactory monitoring.
- (d) The developer shall deploy a minimum of four hydrophones in Dublin Bay to assist in the detection of marine mammals within the 1,000 metre and 500 metre exclusion zones for piling and dredging, which shall be used in combination with all of the measures referred to in (a) to (c) above.
- (e) A minimum of two real time passive acoustic monitoring systems (PAMs) shall be deployed in Dublin Bay at the approaches to Dublin Port to provide information on the presence of marine mammals.

- (f) A minimum of two static acoustic monitoring systems (SAMs) shall be deployed at the dump site to the west of the Burford Bank and within Dublin Bay to provide information on the presence of marine mammals.

Reason: In the interest of wildlife protection and to broaden scientific knowledge in relation to ecology in Dublin Bay.

11. The developer shall undertake monthly monitoring of seal haul out sites at the North Bull Island and adjacent areas before, during and after construction for a minimum of two years in line with international best practice. The proposed monitoring methodology, including proposals to maintain a public record, shall be agreed in writing with the planning authority prior to commencement of development. Monitoring for harbour and grey seals shall be further extended to include a survey of Dublin Bay within the zones of influence as defined in the environmental impact assessment report.

Reason: In the interest of wildlife protection and to broaden scientific knowledge in relation to ecology in Dublin Bay.

12. The developer shall institute a programme to monitor the movement of winter wetland birds in the adjacent European Sites at the South Dublin Bay and River Tolka Estuary Special Protection Area. This monitoring programme shall continue throughout the construction phase and for a period of two years after the completion of such works, with monthly surveys from October to March. The results of this monitoring programme shall be submitted to the planning authority at 12-monthly intervals to maintain a public record.

Reason: In the interest of wildlife protection and to broaden scientific knowledge in relation to ecology.

13. The developer shall institute a programme to monitor the movement of Black Guillemots in the Liffey Channel. This monitoring programme shall continue throughout the construction phase and for a period of two years after the completion of such works. The results of this monitoring programme shall be submitted to the planning authority at 12-monthly intervals to maintain a public record.

Reason: In the interest of wildlife protection and to broaden scientific knowledge in relation to ecology.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. The areas requiring testing are outlined in the environmental impact assessment report. In this regard, the developer shall –

- (a) Undertake a dive survey in relation to geophysical anomalies documented in the Archaeo-Geophysical Report included in the Environmental Impact Assessment Report (Appendix 14). The dive survey shall be carried out by a suitably qualified archaeologist and licensed under the National Monuments Acts 1930-2004.
- (b) Notify the planning authority in writing at least four weeks prior to the commencement of any site operations, including hydrological and geotechnical investigations relating to the proposed development.
- (c) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works.
- (d) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

15. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

16. The applicant shall implement the community gain proposal set out in the Planning Report (Section 7.7 and Appendix C) prepared by RPS which was submitted with the application, including the financial commitments set out therein, which are considered a community gain in accordance with section 37 (G)(7)(d) of the Planning and Development Act 2000, as amended. In default of agreement on any of these commitments, the matter shall be referred to An Bord Pleanála for determination.

Reason: To offset the impacts on the local community in the construction phase and to maximise the long-term benefits of the proposed facilities to local residents.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement

