

An
Bord
Pleanála

Board Order ABP-317660-23

Roads Acts, 1993, as amended

Planning and Development Acts, 2000 to 2022

Planning Authority: Dublin City Council

Application by the National Transport Authority for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 25th day of July 2023.

Proposed Development: A road development consisting of the construction of the Kimmage to City Centre Core Bus Corridor Scheme which has an overall length of approximately 3.7 kilometres, comprising:

- 7.4 kilometres (two-way) of bus priority infrastructure and traffic management;
- 8.0 kilometres (total both directions) of cycling infrastructure and facilities;
- Two new footbridges over the Grand Canal in Portobello;
- A new pedestrian/cyclist boardwalk structure over the River Poddle in Kimmage between Sundrive Road and Mount Argus Way;
- Provision of new/refurbished pedestrian facilities and footpaths along the scheme and associated ancillary works;
- Provision of 12 junction upgrades and associated ancillary works;
- Provision of 29 new/refurbished raised table side entry facilities;
- Reconfiguration of existing bus stops resulting in 23 number new bus stop facilities;

- Public realm works including landscaping, planting, street furniture, street lighting, retaining walls, boundary walls and sustainable urban drainage measures;
- Roads associated earthworks including excavation of unacceptable material, importation of material, temporary storage of materials;
- Provision of road pavement, signing, lining and ancillary works;
- Provision of gates, fencing and boundary treatment works;
- Provision of new and diverted drainage infrastructure;
- Diversion of utilities and services including associated ancillary works; and
- Construction of accommodation works including boundary treatment and ancillary grading and landscaping work together with all ancillary and consequential works associated therewith.

The proposed road development is routed along the R817 Kimmage Road Lower and the R137 Harold's Cross Road, Clanbrassil Street Upper and Lower and New Street South, with other elements between Sundrive Road and Mount Argus View, at the junction of Harold's Cross Road with Kenilworth Park, at the junction of Ravensdale Park and Poddle Park, and at the junction of Derravaragh Road and Corrib Road, all in the County of Dublin and within the Dublin City Council administrative area.

DECISION

APPROVE the above proposed road development 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 made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended,
- Climate Action Plan 2024 and 2025, and
- Ireland's 4th National Biodiversity Action Plan 2023–2030,

and in coming to its decision, the Board had regard to the following:

European legislation, including:

- the relevant provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment 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 the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,

National and regional planning and related policy, including:

- the obligations placed on it under the Climate and Low Carbon Development Act 2015, as amended, including to perform its functions in a manner consistent with the most recent Climate Action Plan 2024 and 2025, and Ireland's 4th National Biodiversity Action Plan 2023-2030,
- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan 2021-2030,
- Department of Transport National Sustainable Mobility Policy, 2022,
- Design Manual for Urban Roads and Streets, 2019,
- Cycle Design Manual (National Transport Authority and Department of Transport 2023), and
- other relevant guidance documents.

Regional and local level policy, including:

- (a) the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
- (b) Greater Dublin Area Transport Strategy 2022-2042,
- (c) Dublin City Development Plan 2022-2028,

And the following:

- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity,
- 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 planning 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 agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the following are the European Sites for which there is a likelihood of significant effects:

- 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),
- Howth Head Special Area of Conservation (Site Code: 000202),
- Wicklow Mountains Special Area of Conservation (Site Code: 002122),
- Knocksink Wood Special Area of Conservation (Site Code: 000725),
- Ballyman Glen Special Area of Conservation (Site Code: 000713),
- Baldoyle Bay Special Area of Conservation (Site Code: 000199),
- Glenasmole Valley Special Area of Conservation (Site Code: 001209),
- Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398),
- Ireland's Eye Special Area of Conservation (Site Code: 002193),
- Malahide Estuary Special Area of Conservation (Site Code: 000205),
- Rogerstown Estuary Special Area of Conservation (Site Code: 000208),
- Lambay Island Special Area of Conservation (Site Code: 000204),
- South Dublin Bay and Rover Tolka Estuary Special Protection Area (Site Code: 004024),
- North Bull Island Special Protection Area (Site Code: 004006),
- Dalkey Islands Special Protection Area (Site Code: 004172),
- Wicklow Mountains Special Protection Area (Site Code: 004040),
- Baldoyle Bay Special Protection Area (Site Code: 004016),
- Howth Head Coast Special Protection Area (Site Code: 004113),
- Ireland's Eye Special Protection Area (Site Code: 004117),
- Malahide Estuary Special Protection Area (Site Code: 004025),
- Rogerstown Estuary Special Protection Area (Site Code: 004015),
- Lambay Island Special Protection Area (Site Code: 004069),
- The Murrough Special Protection Area (Site Code: 004186),
- Skerries Islands Special Protection Area (Site Code: 004122),

- Rockabill Special Protection Area (Site Code: 004014), and
- North-west Irish Sea Special Protection Area (Site Code: 004236).

Appropriate Assessment Stage 2:

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 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 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 European Sites and 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 prescribed bodies in this regard.

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, and,

- the Inspector's report.

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

Reasoned Conclusion for Environmental Impact Assessment:

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 European Union 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.

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

- 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.
- Benefits/positive impacts from the delivery of infrastructure that will enable the functioning of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction

targets. In this regard, the proposed scheme will make a significant contribution to reduction in **carbon emissions**. During construction, impacts arising from embodied carbon of construction materials will have a negative significant impact in the short term but will be necessary to deliver long term benefits in reducing emissions in the transport sector.

- Potential for **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.
- 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, use of bat boxes, and the maintenance of commuting corridors, as well as preconstruction bat surveys will ensure significant impacts to bats are avoided. Pre-construction 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. Post mitigation significant impacts arising from noise and

dust disturbance during the construction, operational and decommissioning stages can therefore be ruled out.

- 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. Negative short-term 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 during construction stage. Significant positive impacts will arise for people movement on sustainable and active travel modes in the operational phase

The Environmental Impact Assessment Report 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 Environmental Impact Assessment Report 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 Environmental Impact Assessment Report complies with the provisions of Article 3, 5 and Annex (IV) of European Union Directive 2014/52/EU.

Proper Planning and Sustainable Development:

The proposed road development would deliver a key component of the National Transport Authority's BusConnects 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 and having regard to all relevant provisions, including zoning objectives, at or adjoining the overall scheme area. 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 2024 and 2025 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 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. The mitigation measures and environmental commitments contained in the submitted Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: To protect the integrity of European Sites.

3. All mitigation measures and environmental commitments measures contained in the submitted Environmental Impact Assessment Report shall be implemented.

Reason: To protect the environment.

4. Prior to commencement of development, the finalised location and type of cycle parking stands throughout the scheme shall be agreed in writing with the planning authority.

Reason: In the interest of facilitating convenient and adequate bicycle parking.

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

Reason: In the interest of pedestrian and cyclist safety.

6. 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 interests of protecting the environment, the landscape, the integrity of European Sites and sensitive receptors and in the interest of public health.

7. In accordance with the Environmental Impact Assessment Report, a suitably experienced and qualified ecologist will be appointed by the contractor. The ecologist will advise the contractor on ecological matters during construction, communicate all matters in a timely manner to the developer (National Transport Authority) and statutory authorities as appropriate, acquire any licences/consents required to conduct the work, and supervise and direct the ecological measures associated with the permitted scheme. Where appropriate, monitoring shall be undertaken by specialists. Monitoring schedules shall be included in Site Specific Habitats Protection and Re-instatement Method Statements.

Reason: In the interest of environmental protection.

8. (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 day of March to 31st day of August, unless otherwise agreed with the planning authority.

Reason: In the interests of protection and enhancing local biodiversity.

9. Prior to commencement of development, the developer 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.

Reason: In the interests of nature conservation and mitigating ecological damage associated with the development.

10. Comprehensive details of the proposed public lighting system to serve the proposed scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interests of public safety and visual amenity

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

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

12. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a plan for an upgraded pedestrian crossing with a raised platform which would operate as a "courtesy crossing" as described in the Design Manual for Urban Roads and Streets, to be located to the south western corner of Harolds Cross Park, where the short link road joins Kimmage Road Lower, at the entrance to the Park, to be carried out during the construction phase of the development, for the written agreement of the planning authority.

Reason: In the interests of traffic safety and promoting sustainable travel.

13. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a plan for design of bollards or an alternative such as planter boxes on Derravaragh Road at (i) Corrib Road, (ii) Neagh Road and Aideen Drive and (iii) Mount Tallant Avenue, to be carried out

at the construction phase of the development, for the written agreement of the planning authority

Reason: In the interests of landscaping, visual amenity, and urban realm.

14. 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 Conservation Specialist, Reinstatement Method Statements shall be submitted to the planning authority to be held on file. The Architectural Conservation Specialist shall ensure adequate protection of the retained and historic fabric during the proposed works and across all preparatory and construction phases. Any features of new architectural heritage shall be made known to the Conservation Section of the planning authority as soon as is practicably possible.

Reason: In the interest of environmental protection.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (b) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the 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.

All archaeological pre-construction investigations shall be carried out in accordance with the details specified within the Environmental Impact Assessment Report submitted with the application.

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.

16. 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 (LAeq, 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 to be agreed with the planning authority 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 interests of management of construction noise and protection of adjoining amenities.

17. Prior to the replacement of trees, hedging, and planting which is to be removed, the National Transport Authority shall liaise with the relevant landowner with regard to the species, size and location of all replacement vegetation. Tree protection measures for all existing trees shall be put in place prior to commencement of development or phases of development and all details of soft landscaping shall be submitted to the planning authority for agreement prior to implementation. The National Transport Authority shall also employ the services of an appropriately qualified arboriculturist and Landscape Architect to advise on landscaping and tree works.

Reason: In the interests of visual and residential amenity and protection of biodiversity.

18. (a) 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.

- (b) 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.

Reason: In the interests of environmental protection and public health.

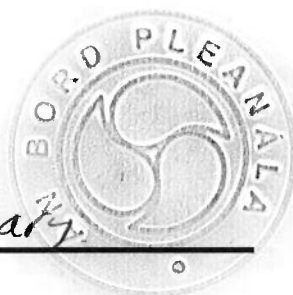
19. Prior to commencement of development, a comprehensive agreement shall be put in place and agreed in writing between the National Transport Authority and the planning authority on the procedures for the handing over and handing back of the core bus corridor and taking in charge arrangements.

Reason: In the interest of orderly development.



Patricia Calleary

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 12 day of May 2025