



An
Bord
Pleanála

Board Order ABP-318303-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Dublin City Council

Application by Jacqui McElhinney and Francis Mackey of 3 Coke Ovens Cottages, Royal Canal Way, Dublin, requesting An Bord Pleanála to exercise its powers under article 250(3)(b) of the Planning and Development Regulations, 2001, as amended, whether Dublin City Council should be directed to prepare a Natura Impact Statement in respect of the proposed amendment of the approved Part 8 application (planning reference: 2870/15) for the Royal Canal Greenway Phase 4 between Cross Guns Bridge, Phibsborough, Dublin and Ashtown, Dublin.

Decision

DIRECT the local authority to prepare a Natura Impact Statement in respect of the proposed development, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to:

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives),
- (b) the nature and scale of the proposed development,
- (c) the location of the proposed development and the separation distances from the European Sites,
- (d) the hydrological connections between the site and the European Sites,
- (e) the uncertainty regarding contaminated sediment proposed to be removed as part of the works,
- (f) the reliance on construction measures (dams) which are considered to comprise mitigation measures,
- (g) the submission made by the local authority, including the Appropriate Assessment Screening Report prepared on behalf of the local authority,
- (h) the Dublin City Development Plan 2022-2028,
- (i) the submission made by the applicant requesting a determination, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

it is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would be likely to have a significant effect on the identified European Sites North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Bull Island Special Protection Area (Site Code: 004006), North-west Irish Sea Special Protection Area

(Site Code: 004236), in view of the conservation objectives of these Sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is required.



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

Dated this 7th day of MAY 2024