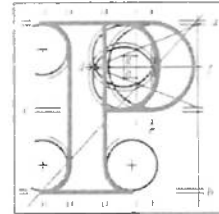


Our Case Number: ABP-312131-21



**An
Bord
Pleanála**

~Development Applications Unit
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 10 June 2024

Re: Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility
Townlands of Clonshagh, Dubber and Newtown, County Fingal and Dublin City

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Aisling Reilly
Executive Officer
Direct Line: 01-8737131

PA09

Tel	Tel	(01) 858 8100
Glao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Aisling Reilly

From: LAPS
Sent: Thursday 6 June 2024 21:41
To: Aisling Reilly
Subject: FW: ABP-312131-21 Strategic Infrastructure Development (SID) application by Irish Water for the project referred to as the Greater Dublin Drainage Project
Attachments: SID-2018-DF-06.pdf

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Thursday, June 6, 2024 11:59 AM
To: LAPS <laps@pleanala.ie>
Cc: SIDS <sids@pleanala.ie>
Subject: ABP-312131-21 Strategic Infrastructure Development (SID) application by Irish Water for the project referred to as the Greater Dublin Drainage Project

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Your Ref: ABP-312131-21

Our Ref: SID-2018-DF-06

Dear Sir/Madam,

Please find attached heritage-related observations/recommendations for the above mentioned Strategic Infrastructure Development application.

Regards,

Brian Bone
Executive Officer

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Aonad na nIarratas ar Fhorbairt
Development Applications Unit

Oifigí an Rialtais, Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90
Government Offices, Newtown Road, Wexford, Co Wexford, Y35 AP90



Your Ref: ABP-312131-21

Our Ref: SID-2018-DF-06

(Please quote in all related correspondence)

6 June 2024

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to: laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Strategic Infrastructure Development (SID): Application by Irish Water for 10 year planning permission for an integrated wastewater treatment project referred to as the Greater Dublin Drainage Project. These works seek to construct a new regional WWTP at Clonshagh, a pumping station at Abbotstown and associated pipelines from Blanchardstown to a final termination point at seabed level approx. 1km north east of Ireland's Eye in the Irish Sea in Fingal, Co Dublin

A chara,

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated headings.

Nature Conservation

Having considered the Further Information submitted in support of this application and in particular the updated and amended Planning Report, Environmental Impact Assessment Report and Natura Impact Statement, the Department wishes to state that its original observations and recommendations to the Board of concerning the proposed project of 17 August 2018 and as reiterated on 29 September 2022, in general still stand and should be given due consideration.



The Department's initial remarks in its original submission that the project will only be within one European site, the Rockabill to Dalkey Island Special Area of Conservation must now, however, be modified to reflect the designation in July 2023 of the North-west Irish Sea candidate Special Protection Area (Site Code: 004236), which includes the marine areas between the Velvet Strand, Portmarnock, and Ireland's Eye, and much of the waters surrounding the latter island. The route of the outfall pipeline from the Velvet Strand to the outfall discharge point off Ireland's Eye is, therefore, encompassed in this proposed new Natura site.

In addition, in the section of its original submission dealing with badgers the Department suggested that Bord Pleanála should note that (works having) impacts on badger setts would require a licence from the National Parks and Wildlife Service of this Department. Such advice was imparted in the context that the National Parks and Wildlife Service of this Department had been accustomed to issue licences permitting temporary or permanent closure of setts, or sometimes their destruction, to facilitate development works in certain situations and under strict conditions. But subsequent legal advice has been received by the Department that, taking account of Section 23 Sub-section 7 (iv) of the Wildlife Acts, 1976 to 2023, while deliberately damaging or destroying a badger sett, as the breeding or resting place of a protected wild animal, is normally an offence, damaging or destroying a sett in the course of carrying out a development, which has received planning permission is not unlawful. In order to avoid the injury or death of badgers in such circumstances, any interference with or the destruction of a sett must consequently be regulated by the attachment of conditions to the permission granted by the planning authority for the relevant proposed development.

It is noted that additional surveys for smooth newts were carried out in 2021 and 2023 at three sites along the route of the proposed orbital sewer, at Coldwinters, adjacent to the NCT Centre at Ballymun and at Toberbunny. A population of this protected amphibian species having been identified as present in a number of ponds at Coldwinters, measures to mitigate any adverse impacts on the smooth newt population present there, which may result from the construction of the sewer has, therefore, been proposed, including routing the sewer away from the principal newt pond, and transferring newts out of other ponds, which be directly affected by the laying of the sewer.

Though the common frog is also a protected species under the Wildlife Acts however, and spawn, tadpoles and adults of this species would be expected to occur as well in the small and/or temporary ponds present at the three sites surveyed for smooth newts, there is no mention of their presence or that they were surveyed for in any of the documentation supporting the present application. It is understood though that local observers have reported



a frog population to be present at the site adjacent to the Ballymun NCT Centre, and frogs will almost certainly be present at Coldwinters and possibly also at Toberbunny and elsewhere on the orbital sewer route.

It is also noted that the treatment of the above mentioned site adjacent to the Ballymun NCT Centre, where interconnected ponds are present amidst recolonising bare ground and wet grassland habitats developed apparently over old building foundations, was discussed during the oral hearings in relation to the current application, having been raised by the Ballymun Biodiversity Action Group. During a visit to this site in May 2022 a National Parks and Wildlife Service aquatic ecologist expert and a consultant freshwater botanist identified various plant species occurring in the ponds, which are typical of hard-water lake habitats. They considered the site to be of local biodiversity importance. The most interesting plant species found to be present was fen pondweed *Potamogeton coloratus*, its third record for County Dublin and the first in 35 years. Typically this species occurs with various species of stone-worts and four *Chara* spp. of this plant group were also found to occur in the ponds.

In the light of the above the Department of Housing, Local Government and Heritage recommends that the Board should attach the following conditions to any permission granted in response to the current application:

1. That prior to the commencement of any works on the Greater Dublin Drainage Project, the applicant shall submit to Fingal County Council for its written agreement a badger conservation plan, this plan to incorporate a methodology and timetable for the interference with and/or destruction of any badger sett that might be required in order to undertake the construction of this project, and to include all details of how it is intended to monitor the presence of badgers in the sett, safely exclude badgers from the sett whilst works are carried out in its vicinity or if necessary destroy the sett.

Reason: To avoid any injury to individuals of a species, namely badger, protected under the Wildlife Acts, 1976 to 2023, in the course of the construction of the proposed Greater Dublin Drainage Project, and ensure conservation of the locally occurring population of this species.

2. That the applicant shall also prior to the commencement of the Greater Dublin Drainage Project submit to Fingal County Council for its written agreement an amphibian conservation plan, this plan to include methodologies for the identification of amphibian species, frog and smooth newt, populations at their various developmental stages at the pond sites at Coldwinters, adjacent to the Ballymun NCT Centre and at Toberbunny on the orbital sewer route and for transferring these populations (under licence from the



National Parks and Wildlife Service of this Department) out of the ponds to be affected by the laying of the proposed sewer.

Reason: To conserve local populations of amphibian species protected under the Wildlife Acts 1976 to 2023, namely common frog and smooth newt, occurring along the route of the proposed orbital sewer.

3. That as a biodiversity enhancement measure the applicant shall be required to establish one or more new ponds adjoining to the route of the proposed orbital sewer through the 'waste ground' site to the north west of the Ballymun NCT Centre and transfer elements of the existing plant communities present in the ponds currently located on this site which are to be impacted by the construction of the sewer into the new pond(s); in particular plants of the fen pondweed should be translocated to the new ponds as well as examples of the charophyte species, which are in addition present in the existing ponds.

Reason: To conserve aquatic plant species of local biodiversity significance.

In the event that additional heritage-related observations become available before the deadline date, a further letter will issue.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at: manager.dau@npws.gov.ie

Is mise, le meas,

Julie Sullivan
Assistant Principal
Development Applications Unit
Administration