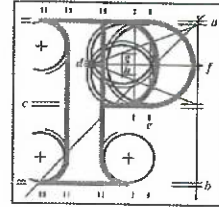


Our Case Number: ABP-314610-22



An
Bord
Pleanála

Development Applications Unit
The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road, Wexford
Co. Wexford
Y35 AP90

Date: 23 November 2022

Re: BusConnects Ballymun/Finglas to City Centre Core Bus Corridor Scheme
Ballymun/Finglas to Dublin City Centre

Dear Sir / Madam,

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

Please note that the proposed road development shall not be carried out unless the Board has approved it or approved it with modifications.

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

Yours faithfully,


Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

HA02 (Acknowledgement - No Receipt to Issue)

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
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Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902



Your Ref: ABP-314610-22
Our Ref: **SID-DF-2022-013**
(Please quote in all related correspondence)

15 November 2022

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

Via email to sids@pleanala.ie

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

Proposed Strategic Infrastructure Development (SID): Application for Ballymun/Finglas to City Centre Core Bus Corridor Scheme which consists of construction of bus and cycle infrastructure over an overall length of approx. 10.9km along the Ballymun Road, St Mobhi Road, Botanic Road, Prospect Road, Phibsborough Road, Constitution Hill and Church Street and along Finglas Road from Finglas Village to Phibsborough, 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.

Archaeology

It is noted that the Environmental Impact Assessment Report (EIAR) submitted as part of the planning application incorporates a desk-based Archaeological Impact Assessment which was carried out in relation to the proposed development by Courtney Deery Heritage Consultancy Ltd (EIAR Chapter 15; date September 2022). The Department has reviewed the EIAR and is broadly in agreement with the findings in relation to Archaeology and Cultural Heritage as set out therein.

Therefore, the Department advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.



Archaeological Requirements:

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 15 of the EIAR (Courtney Deery Heritage Consultancy Ltd; date September 2022) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 15 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
3. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
4. The Planning Authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason:

To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Nature Conservation

With regards to the possible impacts of the proposed road scheme, this Department's greatest concerns from a nature conservation perspective are the potential effects the erection of a new pedestrian and cycle bridge across the Royal Canal immediately downstream of Cross Guns Bridge (Westmoreland Bridge) in Phibsborough and other works in this area as part of the scheme may have on otter movements up and down the canal during both the scheme's construction and operational phases. The stretch of the Royal Canal upstream of Cross Guns Bridge to Broome Bridge circa 2 km to the west is believed to be the centre of otter distribution on this canal within the Dublin City Council administrative area. In November of 2021 otter spraint was noted by a member of staff of the National Parks and Wildlife Service (NPWS) of this Department at the 5th lock and 6th locks just upstream of Cross Guns Bridge, and in February of this year survey work by an otter specialist in connection with a proposal to build a cycleway as part of the Royal Canal Greenway from Cross Guns Bridge to Ashtown identified several otter holts towards the western end of the 7th level of the canal beyond the 6th Lock and on the 8th level above the 7th Lock near Broome Bridge. One of these holts is likely to have been used as a natal holt in 2021 or late 2020, as



regular sightings of two otters which were probably a bitch otter and her cub were made between Broome Bridge and Cross Guns Bridge in 2021 up to the autumn. Previous sightings of otters in this area which were probably females and cubs were also made in earlier years. The survey work carried out in February of the present year also identified otter sprainting sites on the Royal Canal downstream of Cross Guns Bridge at Croke Park and Spencer's Dock and a very active holt in the River Liffey North Quay Wall close to the outlet gate from this dock into the river. Together with occasional reported sightings of otters by members of the public between Cross Guns Bridge and the Liffey, this evidence of the presence of otters suggests that regular movements of otters occur between the Liffey and the Royal Canal above Cross Guns. These movements are undertaken even though the close proximity of the 5th Lock to Cross Guns Bridge must require all otter movements upstream at Cross Guns, and probably their downstream movements as well, to involve the otters traversing the Phibsborough Road at night. Downstream the similar configurations of the 2nd Lock in relation to Binns Bridge and the 1st Lock to Newcomen Bridge must also respectively oblige the otters to make nocturnal crossings of the Drumcondra Road and the North Strand when moving down the canal to the Liffey, and probably when moving upstream too. An otter reportedly killed on the Phibsborough Road at Cross Guns Bridge in the autumn of 2021 was presumably attempting such a road crossing.

Given the current layout of lock gates, roads, walls and steps at Cross Guns movements by otters across the Phibsborough Road there are most likely to occur at the southern end of the bridge. Movement upstream probably requires the otter ascending the canal bank onto the Royal Canal Bank road, then traversing west across the Phibsborough Road to the southern towpath of the canal and along the towpath into the waters of the 5th Lock basin above the lower gate of this lock. Movements of otters downstream may be possible by them sliding down the face of the lower 5th Lock gate, but given the extent of the vertical drop this would involve, it appears more likely that the otters follow a reverse route to that outlined above into the downstream 5th level of the canal. Otter movements may in addition occur on the north side of the Cross Guns Bridge to and from the upstream and downstream towpaths, including a section of the downstream towpath where the northern approach ramp to the new pedestrian/cycle bridge across the canal is to be built.

The intended works to be carried out as part of the proposed road scheme on or close to Cross Guns Bridge, including the laying out of bus and cycle lanes and the erection of the new foot/cycle bridge and the access ramps to it could physically impede movements by otters across the Phibsborough Road during both the construction works required and subsequently. To facilitate the erection of the pedestrian/cycle bridge it is planned to drop the water level of the canal for the 300 m between the 5th and 4th Locks to a depth of 0.5 m for two months. This lowering of the water level could also restrict otter movements along the canal, as well as impacting on fish stocks and aquatic bird species such as mute swan and moorhen which regularly nest along this stretch of the canal. Further, general disturbance resulting from works on the proposed scheme in the vicinity of Cross Guns which are planned to last approximately a year altogether could disrupt otter movements. The works on the presently proposed scheme are also likely to overlap with works on several other



infrastructural projects planned to be undertaken in the vicinity of Cross Guns in the near future which are the subject of current or forthcoming planning applications, namely the construction of a railway station adjacent to 5th and 6th Locks just upstream of the bridge as part of the DART+ West project, a station to serve Metro North to the north west of Cross Guns Bridge and sections of the Royal Canal Greenway up and downstream of the bridge. Several residential schemes in the vicinity of the canal upstream of the bridge have in addition recently received planning permission or are the subject of a planning application. It is likely that disturbance associated with the construction of several of these developments will contribute to restricting otter movement along the canal in the Cross guns area during the period when the works for the scheme which is the subject of the present application will be ongoing. Also when these various projects become operational, the increased human activity in and around the canal corridor in the Cross Guns area which will result, particularly activity after dark, and the increased artificial illumination associated with them, are liable to permanently restrict otter movements along the canal in this area to lower than current levels.

Given the above outlined pressures which will operate to limit otter movements along the Royal canal in the Cross Guns area during the construction and operational phases of the proposed development, it is therefore crucial if such movements are to continue that measures are adopted to facilitate them, and most obviously it would be desirable to provide a route for otters to move past the 5th Lock without having to traverse the Phibsborough Road. This might perhaps be achieved by installing a heavy duty plastic chute with internal corrugations an otter could find purchase on, or possibly a ladder, on the downstream face of the lower gate of the 5th Lock to allow passage of otters up and down the gate, and thereby avoid having to cross the Phibsborough Road to pass this lock. If it is not possible to install such a bypass chute or ladder on the lower 5th Lock gate, perhaps a chute or ladder could be attached to one of the canal side walls between the 5th Lock and Cross Guns Bridge itself.

In documentation supporting the present application it is set out that, of 740 trees within the boundaries of the proposed road scheme, it is intended to remove 166 trees to facilitate the proposed development and a further 27 trees for arboricultural reasons. 5 of the trees to be felled have been identified as containing features which have potential as bat roosts (PBR) and resurvey of these trees before their removal and their felling under supervision of a licensed bat worker is proposed. It is also intended that for each PBR which will be lost a bat box will be erected on a tree to be retained in the PBR's vicinity. Certain hedgerows and small areas of scrub are also to be removed to facilitate construction of the proposed scheme. Birds are likely to nest in many of the trees and other woody vegetation which is to be removed, but the planting of 515 street trees and 2,478 m of hedgerows as part of the landscaping of the proposed scheme should in the long run compensate to a considerable extent for the loss of bird nesting and foraging habitat which will result from the clearance of the original trees and other woody vegetation. However the felling of trees and removal of hedges during the bird breeding season could lead to the direct destruction of nests, eggs and nestlings, and should be avoided.



It is also noted that the Environmental Impact Assessment Report (EIAR) submitted in support of this application identifies the possibility of pollutants mobilised into surface water runoff from the proposed development during its construction phase could have adverse effects on aquatic biota occurring in nearby water bodies such as the Santry River, River Tolka the Royal Canal, a proposed Natural Heritage Area (pNHA) and the River Liffey. In addition as noted in the EIAR and in the Natura Impact Statement (NIS) supporting the present application the possibility exists that such pollutants could have adverse effects on Qualifying Interest (QI) habitats and species which Natura 2000 sites have been designated to protect in Dublin Bay downstream of these water courses. Mitigation measures are consequently set out in the Surface Water Management Plan (SWMP) incorporated in the Construction Environmental Management Plan (CEMP) supporting this application to prevent pollutants being mobilised from the development during its construction phase reaching these various water bodies and the downstream Natura sites. These measures include the employment of silt curtains, berms and infiltration trenches, the storage of hydrocarbons and other chemicals and refuelling of machinery in bunded areas and safe handling of cementitious materials, and if diligently implemented should prevent the pollution surface water bodies and adverse effects on flora and fauna including the QIs for the Natura sites.

Recommendations

In light of the above the Department recommends that any planning permission granted in response to the present application should be subject to the following conditions:

1. That a Cross Guns Otter Bypass Plan shall be submitted to the planning authority for its written agreement before the commencement of any works in connection with the proposed scheme in the vicinity of Cross Guns Bridge, Phibsborough, including the erection of a pedestrian/cycle bridge downstream of Cross Guns Bridge, or any lowering of the water level in the Royal Canal; this plan to have been previously agreed with Waterways Ireland and the Department of Housing, Local Government and Heritage, and to provide for the installation of chute or ladder at the lower gate of the 5th Lock or at the canal-side between that lock and Cross Guns Bridge to permit the movement of otters past the 5th Lock without having to traverse the Phibsborough Road, and to set out measures to ensure that passage for otters past the location of the new pedestrian/cycle bridge downstream of Cross Guns Bridge is maintained at least during most night hours for the duration of the construction period of the former bridge.

Reason:

To maintain free movement along the Royal Canal of a mammal species, namely otter, afforded a system of strict protection under the Habitats Directive (92/43/EEC), and which forms an important element of the biodiversity of the city of Dublin.

2. That no removal of trees or vegetation shall occur during the main bird breeding season from March to August inclusive.



Reason:

To avoid the destruction of bird nests, eggs and nestlings.

3. That all the mitigation measures to avoid the pollution of surface water runoff from the proposed development, including construction compounds, during the construction phase of the proposed development set out in the Surface Water Management Plan (SWMP) submitted in support of the present application shall be implemented in full.

Reason:

To avoid the pollution of surface water bodies including rivers and the Royal Canal in the vicinity of the proposed development resulting in adverse effects on aquatic flora and fauna and the Qualifying Interests (QIs) of downstream Dublin Bay European sites.

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, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Joanne Lyons
Higher Executive Officer
Development Applications Unit
Administration