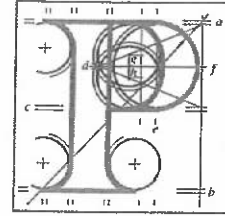


Our Case Number: ABP-314942-22



An
Bord
Pleanála

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

Date: 9th February 2023

Re: BusConnects Lucan to City Centre Core Bus Corridor Scheme
Lucan 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 relation to this matter 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,

Doina Chiforescu
Executive Officer
Direct Line: 01-8737133

HA03

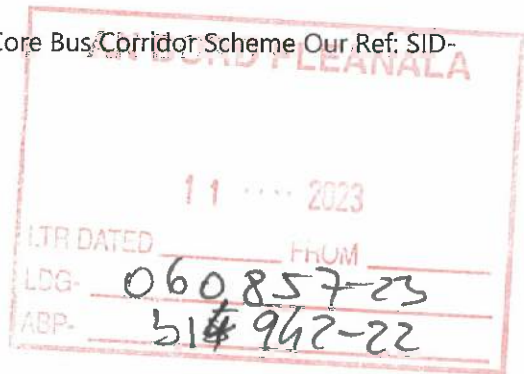
Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

Doina Chiforescu

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Wednesday 11 January 2023 14:05
To: SIDS
Subject: Your Ref: Lucan to City Centre Core Bus Corridor Scheme Our Ref: SID-SDCC-2022-017
Attachments: SID-SDCC-2022-017.pdf

Follow Up Flag: Follow up
Flag Status: Completed



A chara

Please find attached Nature Conservation and Heritage related observations/recommendations for the above mentioned SID planning application.

Kindly forward a copy of your decision to manager.dau@npws.gov.ie as soon as it issues.

In addition, please acknowledge receipt of the attached letter (as required under Article 29(2) of the Planning & Development Regulations 2001).

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

Kind regards,

3

Edel Griffin

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

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90

Newtown Road, Wexford, County Wexford, Y35 AP90



Your Ref: Lucan to City Centre Core Bus Corridor Scheme
Our Ref: SID-SDCC-2022-017
(Please quote in all related correspondence)

11 January 2023

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): proposed road development consisting of the construction of the Lucan to City Centre Core Bus Corridor Scheme together with ancillary and consequential works associated therewith for the purpose of facilitating public transport, commences at the N4 Junction 3 and is routed along the R835 Lucan Road from its junction with the R136 Ballyowen Road to the roundabout serving the Lucan Retail Park and also the N4 Lucan Road eastbound on-slip. The Core Bus Corridor is then routed via the N4 (passing the Liffey Valley Shopping Centre) as far as Junction 7 (M50) and via the R148 along Palmerstown bypass, Chapelizod bypass, Con Colbert Road, St John's Road West, ending at Frank Sherwin Bridge, where it will join the prevailing traffic management regime on the South Quays.

A chara

I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations of the Department co-ordinated by Development Applications Unit under the stated heading(s).

Nature Conservation

The Natura Impact Statement (NIS) submitted in support of the present application identifies the existence of hydrological pathways between the sections of road which are to be modified as part of the proposed road improvement scheme via the River Liffey to sixteen Natura 2000 sites downstream in Dublin Bay and in adjacent coastal areas extending from Skerries and Rockabill to the Murrough in County Wicklow. It is therefore considered that if unmitigated there is the potential for pollutants mobilised particularly from the construction phase of the proposed development, such as silts or accidentally discharged hydrocarbons, to adversely affect water quality of downriver water bodies and hence the Qualifying Interests (QIs) or Special Conservation Interests (SCIs) these European sites have been designated to protect.



Various measures are set out in the NIS which will be employed to prevent pollutants being mobilised into surface water runoff during the construction of this scheme. These measures include the provision of bunded areas for the storage of hydrocarbons and other chemicals and refueling of machinery, the installation of silt fencing and infiltration areas and the sealing of manholes on existing drainage systems in the vicinity of development works. Through the employment of these mitigation measures it is considered any negative effects on the downstream European sites resulting from the laying out of the proposed bus corridor can be avoided. The Department accepts this conclusion that the employment of such measures during construction should prevent any negative impacts on European sites originating from the proposed scheme. In any case, because of distance and dilution effects, this Department considers that, even taking the precautionary principal into account, without mitigation only a small minority of the European sites listed in the NIS would actually be vulnerable to adverse effects as a result of water borne pollution arising from the construction of the bus corridor, namely the sites within Dublin Bay, including the South Dublin Bay Special Area of Conservation (SAC), North Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) and the North Bull Island SPA.

The mitigation measures which are to be adopted in order to prevent mobilisation of pollutants from the proposed development into surface water runoff into the Liffey should also prevent any negative impacts on fish species inhabiting the latter river, including salmon, eel and lamprey species.

Surveys in December 2021 and February 2022 recorded droppings of light-bellied Brent geese from the Liffey Gaels pitches adjacent to the Chapelizod bypass, where it is intended to locate a construction compound during the development of the bus corridor. The possibility therefore arises that negative *ex-situ* effects on an SCI bird species for the South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA, namely light-bellied Brent goose, could result from the location of a construction compound on the Liffey Gaels' pitches. However, only small numbers of Brent geese appear to be using the Liffey Gaels' playing fields for foraging, and alternative feeding grounds for the geese are available. Consequently significant negative impacts on the light-bellied Brent goose as a result of the location of a construction compound on these playing fields for the duration of the bus corridor's construction phase are unlikely. Nevertheless, additional survey work of the Liffey Gaels' pitches will be necessary before the commencement of construction of the bus corridor in order to determine the number of Brent geese which may be displaced by the compound. Also it should be a condition of any permission granted for the presently proposed scheme, that on completion of its construction, the Liffey Gaels' playing fields should be reinstated so that they can be used by the Brent geese to forage on into the future.



To facilitate the construction of the bus corridor and associated cycle lanes as proposed considerable clearance of trees will be necessary along the scheme's route. Altogether approximately 3.3 ha of mixed broad leaved woodland is to be permanently lost as well as 2,183 m of hedgerows and 2,420 m of treelines. Circa 218 trees are to be felled along the southern boundary of the Hermitage Golf Club, many of them large Leyland's cypresses. Elsewhere, the areas of mixed broad leaved woodland to be removed, such as along the Chapelizod bypass, consist largely of relatively recently planted trees. The Environmental Impact Assessment Report (EIAR) supporting the present application recognises that many of the trees to be lost are likely to be used for nesting by bird species. But despite this recognition no breeding bird survey was carried out along the bus corridor route. Because of this failure to attempt to assess the nest losses likely to be caused by the removal of trees and hedgerows to allow the construction of the busway as proposed, and the large volume of trees and shrubs to be lost, this Department considers it important that the exemptions provided for in the Wildlife Acts, 1976 to 2022, which permit clearance of vegetation for development purposes even during the usually closed bird breeding season from March to August, should not apply in the case of the currently proposed project.

Bat activity surveys along the route of the bus corridor identified foraging activity by the three commonest bat species, Leisler's bat, and common and soprano pipistrelles, but no bat roosts were located. A desk survey of previous bat records also indicated that more light sensitive bat species, including long-eared bat and *Myotis* species are also present in the Liffey Valley in areas adjacent to the proposed bus corridor. Five trees displaying potential roost features (PFRs) are likely to be removed along the Hermitage Golf Course boundary. Mitigation measures in relation to the felling of these trees only under the supervision of a licensed bat handler, the provision of bat boxes and recommendations concerning the construction and operational phases lighting of the proposed scheme are set out in the EIAR. If these mitigation measures are implemented in full, the effects of the proposed development on bat species, which are afforded a system of strict protection under the Habitats Directive, should be minimised.

No badger sett was identified during the multi-disciplinary surveys carried out along the proposed bus corridor route, but a badger sett located in an old car wreck embedded into a ditch on the northern boundary of the Palmerston bypass was recorded by a member of staff of this Department about twelve years ago in the area where it is now proposed to locate construction Compound LU2 for the present project. Badgers from this sett were reported to be regularly foraging in the rear garden of a hostel on the Lower Kennelsfort Road just a short distance to the west. Though this sett was recorded some time ago, given the site faithfulness of badgers and as land usage in its immediate vicinity has not changed substantially in the intervening years, it is quite likely badgers are still resident in this sett.



This Department therefore considers survey work to establish the present status of this badger sett is required before any permission is granted for the establishment of a construction compound in the relevant area on the northern side of the Palmerston bypass. If badgers are proven to be still present at this sett the preparation of a Badger Conservation Plan to provide for either the retention of the badgers in this sett during the proposed works on the bus corridor, or their temporary exclusion for the duration of the presence of the construction compound, will be necessary.

Recommendations

In light of the above, this Department recommends that the Board should request the applicant for this proposed scheme to supply as Further Information a badger survey of the Palmerston bypass in the vicinity of the location of proposed Construction Compound LU 2, in order to establish the current status of the badger sett formerly identified in an old car wreck in this area; if badgers are found to be still using this sett the survey report should also incorporate a Badger Conservation Plan providing for either maintaining the badgers in this sett for the duration of the works on the proposed bus corridor, or alternatively temporarily excluding the badgers from the sett during these works; and in the case of whichever approach is proposed, a methodology should be set out to ensure no injury occurs to the animals present.

Reason: To allow an assessment of the current status of badgers on the Palmerston bypass in the vicinity of the location of proposed Construction Compound LU 2 and provide for the conservation of this species, whose breeding and resting places as well as the animal itself, are protected under the Wildlife Acts, 1976 to 2022.

This Department also recommends that any planning permission granted in response to the present application should be subject to the following conditions:

1. That before any works on the proposed commence a finalised Construction Environmental Management Plan (CEMP) incorporating all the measures set out in the NIS submitted in support of the present application to avoid the mobilisation of pollutants into surface water runoff during the construction phase of the proposed bus corridor shall be submitted to the planning authority for its written agreement and shall be implemented in full.

Reason: To avoid surface water pollution which might result in adverse effects to QI habitats and species and SCI bird species for downstream European sites in Dublin Bay protected under the Habitats Directive (92/43/EEC) and Birds Directive



(2009/147/EC) as well as the aquatic fauna including fish species occurring in the River Liffey.

2. That on completion of the proposed bus corridor works, the site of Construction Compound LU 3 on the grounds of Liffey Valley Gaels adjacent to the Chapelizod bypass shall be reinstated to its present condition to allow its future use for grazing by light-bellied Brent goose.

Reason: To ensure that the Liffey Gaels playing fields can continue to be used in future as an *ex-situ* foraging area by the light-bellied Brent goose, a SCI bird species for the South Dublin Bay and River Tolka Estuary SPA, the North Bull Island SPA and the Baldoyle Bay SPA.

3. That any clearance of woody vegetation to facilitate the construction of the proposed bus corridor shall only be undertaken in the period from September to February inclusive, i.e outside the main bird breeding season.

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

4. That the measures to conserve bats set out in the EIAR submitted in support of the present application, including the re-inspection of potential bat roost trees before felling, their felling only under the supervision of a licensed bat handler, and the provision of bat boxes, shall be implemented in full.

Reason: To avoid injury to and provide breeding and resting places for bat species afforded a system of strict protection under the Habitats Directive (92/43/EEC).

5. That bat friendly lighting plans for the construction and operational phases of the proposed scheme signed off by a bat specialist shall be submitted to An Bord Pleanála before the commencement of any works on the bus corridor; and that the installation of lighting in conformity with these plans is confirmed by a bat specialist to the Board before it is brought into use.

Reason: To minimise light pollution arising from the proposed scheme which might reduce the abundance and range of bat species afforded a system of strict protection under the Habitats Directive (92/43/EEC).

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 (AIA) which was carried out in relation to the proposed development by Courtney Deery Heritage Consultancy Ltd (EIAR Chapter 15; date October 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 October 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 this 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.



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

Julie Sullivan
Assistant Principal
Development Applications Unit
Administration

