

An
Bord
Pleanála

Board Direction
BD-017421-24
ABP-316828-23

The submissions on this file and the Inspector's report were considered at Board meetings held on 30/8/2024 and 06/09/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

European Union legislation including in particular:

- 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,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and,
- the Sustainable and Smart Mobility Strategy 2020 (European Union Commission 2020).

National Policy and Guidance including in particular:

- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan 2021-2030,
- the Climate Action Plan, 2023 and the Climate Action Plan 2024,

- the Design Manual for Urban Roads and Streets, 2019,
- the Cycle Design Manual, 2023
- Smarter Travel – A sustainable Transport Future: A New Transport Policy for Ireland 2009-2020, and,
- The Department of Transport National Sustainability Mobility Policy 2022.

Regional Policy including in particular:

- the Greater Dublin Area Transport Strategy 2022-2042, and,
- the Eastern and Midlands Assembly Regional Spatial and Economic Strategy, 2019-2031.

Local Planning Policy including in particular:

- the Dublin City Development Plan 2022-2028,
- the South Dublin County Development Plan 2022-2028, and,

other relevant guidance documents and the following matters:

- the nature, scale and design of the proposed road development as set out in the application for approval and the pattern of development along the route,
- the documentation and submissions of the National Transport Authority (the applicant), including the Environmental Impact Assessment Report and the Natura Impact Statement and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed therein,
- the submissions and observations made to An Bord Pleanála in connection with the 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 and environmental impact assessment.

The Board considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites and agreed with 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 effect:

- North Dublin Bay Special Area Conservation (Site Code: 000206)
- South Dublin Bay Special Area Conservation (Site Code: 000210)
- Wicklow Mountains Special Area Conservation (Site Code: 002122)
- Rockabill to Dalkey Island Special Area Conservation (Site Code: 003000)
- Lambay Island Special Area Conservation (Site Code: 000204)
- North Bull Island Special Protection Area (Site Code: 004006)
- South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024)
- Howth Head Coast Special Protection Area (Site Code: 004113)
- Dalkey Islands Special Protection Area (Site Code: 004172)
- Malahide Estuary Special Protection Area (Site Code: 004025)
- Baldoyle Bay Special Protection Area (Site Code: 004016)
- Rogerstown Estuary Special Protection Area (Site Code: 004015)
- Skerries Islands Special Protection Area (Site Code: 004122)

- Lambay Island Special Protection Area (Site Code: 004069)
- Ireland's Eye Special Protection Area (Site Code: 004117)
- Rockabill Special Protection Area (Site Code: 004014)
- The Murrough Special Protection Area (Site Code: 004186)
- 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 above referenced European Sites,

- i. Mitigation measures which are included as part of the current proposal,
- ii. Conservation objectives for these European Sites, and
- iii. Views of prescribed bodies in this regard.

In completing the appropriate assessment, 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.

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 in 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, during construction and operation, 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, more social interaction and positive accessibility and amenity impacts for community areas.

- Adverse short-term impacts on **population and human health** from the construction phase in terms of access restrictions, noise, vibration, dust, contaminated material, traffic and visual impact. This will be adequately mitigated through compliance with Construction Environmental Management Plan (CEMP) and measures outlined in the Land, Soils, Water, Air and Climate and Material Assets sections of the Environmental Impact Assessment Report.
- Adverse long-term impacts on **population and human health** from the temporary and permanent acquisition of land. This will be adequately mitigated through provision of new accesses, replacement boundaries and monetary compensation.
- Adverse impacts on **biodiversity** from unavoidable removal of habitat. Vegetation removal will be compensated by additional new planting, which will provide new nesting habitat for birds. Mitigation measures will be implemented for seven trees that contain possible roost features for bats by installing bat boxes for each potential roosting feature to be removed.
- Potential adverse impacts on **biodiversity** from the spread of invasive species during construction. This will be adequately mitigated through implementation of an Invasive Species Management Plan.
- Potential adverse impacts on **land, soils, geology and hydrogeology** from loss or damage of topsoil, excavation of potentially contaminated ground and contamination of parts of an aquifer during the construction phase. These impacts will be adequately mitigated through compliance with the CEMP.
- 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 CEMP.
- Potential for impacts to **air quality** from dust and noise emissions from construction works. These will be minimised with implementation of appropriate mitigation measures.

- Potential for positive long-term impacts on **climate** through removal of approximately 18,420 and 44,230 car trips per weekday from the road network in 2028 and 2043 respectively and associated reduction in CO2 emissions.
- Potential 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.
- Potential adverse impacts on **cultural heritage** due to construction works impacting on underlying archaeology and on Architectural Conservation Areas. Mitigation measures will be put in place to protect/record/monitor underlying archaeology and adjoining heritage features.
- Positive impacts on **landscape (townscape)** from the creation of high-quality pedestrianised areas with wider footpaths, new surfaces, planting, reduced car parking, narrower carriageways, lower vehicle speeds and an overall reduction of traffic dominance.

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 Bus Connects 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 the South Dublin County 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 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 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 and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. Prior to the commencement of the development the design and visual appearance of the pedestrian/cycle bridge at the intersection of Naas Road, New Nangor Road and Long Mile Road shall be considered further by the applicant and final design and visual appearance agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. Prior to the commencement of the development finalised cycle parking racks/stands throughout the proposed scheme shall be agreed in writing with the planning authorities.

Reason: In the interests of cyclist safety and convenience.

6. Prior to the commencement of the development, the design of the proposed scheme shall be amended to allow cycle tracks on Cork Street to continue behind on-street parking. The final design, and layout of parking bays at this location shall be agreed in writing with the planning authority.

Reason: In the interests of pedestrian and cyclist safety and convenience.

7. Prior to commencement of development, the developer shall agree in writing with the planning authorities the design and layout of pedestrian crossing facilities over cycle tracks at island bus stops on a on a case-by-case basis in accordance with the new Cycle Design Manual, 2023.

Reason: In the interests of pedestrian and cyclist safety and convenience.

8. The developer shall monitor queuing time / delays at each works location and record traffic flows on the local road network at locations to be agreed with the planning authority. Such monitoring information shall be provided in a report to the planning authority on a weekly basis.

Reason: In the interest of orderly development.

9. Prior to commencement of development, the developer shall, following consultation, submit a loading and servicing strategy for businesses and traders located along the core bus corridor for the written agreement of the planning authorities.

Reason: In the interest of maintaining appropriate servicing of business and traders along the scheme.

10. At detailed design stage, the developer shall engage with Uisce Éireann to agree adequate protection of existing significant assets and ensure appropriate access is maintained during and following construction. All works that would impact on Uisce Éireann's assets shall be carried out in compliance with Uisce Éireann's Standards and Codes of Practice. Where the developer proposes a temporary or permanent connection to a public water/wastewater network operated by Uisce Éireann, the developer shall enter into a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Reason: To ensure that Uisce Éireann's assets are protected during the construction and to adhere to appropriate standards

11. Prior to the commencement of development, the developer, and/or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a 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, surface water management proposals and interactions with Luas interfaces. The construction of the development shall be constructed in accordance with the updated CEMP.

Reason: In the interests of protecting the environment, the landscape, European Sites, and sensitive receptors and in the interest of public health.

12. 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 Construction Traffic Management Plan shall include identification of mitigation measures to protect operational Luas infrastructure. 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.

13. Prior to commencement of development, the developer shall engage with Transport Infrastructure Ireland in relation to plans and details of works, construction traffic, and management of assets thereafter, on, or in the vicinity of the national road network and associated managed areas. All detailed designs and works which interact with Transport Infrastructure Ireland assets shall be undertaken in accordance with the requirements of Transport Infrastructure Ireland publications.

Reason: In the interests of protecting the capacity, safety and efficiency of the national roads network and ensuring coordinated delivery of the proposed scheme.

14. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor,

the planning authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interests of the protecting of receiving water quality, fisheries and aquatic habitats.

15. 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 9.11 (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 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.

16. 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.

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

17. 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.

18. Prior to the commencement of development at each section of the proposed works, pre-construction surveys shall be carried out to determine the presence of protected mammal, bird or bat species.

Reason: In the interest of environmental protection

19. 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 during the bird breeding season, unless otherwise agreed with the planning authorities.
- c) A Calcicole Plant Communities Conservation Plan shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In In the interest of wildlife protection

20. 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 for the full duration of the proposed works to ensure landscaping and tree works are implemented appropriately.

Reason: In the interests of visual and residential amenity.

21. The areas of land temporarily acquired to accommodate construction compounds will be landscaped and returned to their original use once construction is complete.

Reason: In the interests of visual and residential amenity.

22. 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.

23. Prior to the commencement of development, the developer and/or any agent acting on its behalf 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 interest of nature conservation and mitigating ecological damage associated with the development.

24. 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, Re-instatement 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 Sections of the planning authorities as soon as is practicably possible.

Reason: In order to protect the architectural heritage of the corridor and immediate surroundings.

25. The developer and/or any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the planning authority to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works. Should archaeological material be found, the archaeologist may have work stopped and the developer shall carry out the necessary mitigation/ recording. The planning authority and department shall be furnished with a report describing results of monitoring

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.

26. Prior to commencement of development, a comprehensive agreement shall be put in place and agreed in writing between the developer and the local authorities on the procedures for the handing over and handing back of the core bus corridor and taking in charge arrangements.

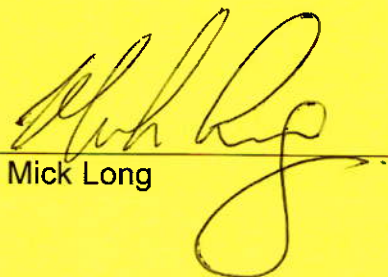
Reason: In the interest of orderly development.

Note:

The Board noted and considered recommendations 3 and 5 of the Inspector. In deciding not to attach the Inspector's recommended condition number 3 and elements of Inspector's recommended condition number 5 that would have required amendments and additions to the proposed road development, the Board was satisfied that the development as described by the submitted plans and particulars was, by itself and subject to the conditions attached by the Board, in accordance with the proper planning and sustainable development of the area. The Board concluded that the remaining conditions capture the full nature and extent of the scheme for which permission has been secured and the attachment of these particular recommended conditions was not necessary. The Board noted that the proposed development has been advanced through an iterative design process and was satisfied that the design as submitted to the

Board would result in a significant improvement for all road users including in particular users of public and active transport modes of travel.

Board Member



Mick Long

Date: 24/09/2024