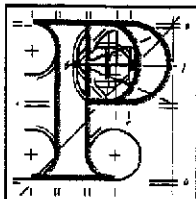


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 to 2011

Dublin City Council

APPLICATION by Dublin City Council for approval under section 226 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Statement, lodged with the Board on the 30th day of June, 2009.

PROPOSED DEVELOPMENT: Dollymount Promenade and Flood Protection Project from the Wooden Bridge to Causeway Road (total length circa 1.9 kilometres), Dublin.

DECISION

GRANT approval for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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REASONS AND CONSIDERATIONS

Having regard to:

- i. the provisions of the EU Floods Directive 2007/60/EC which aims to reduce and manage risks posed by floods to human health, the environment, infrastructure and property,
- ii. the National Development Plan 2007-2013 and, in particular, to the policy on social infrastructure set out at chapter 8 therein in relation to flood relief measures and the maintenance of existing defences,
- iii. the National Cycle Policy Framework, 2009-2010 which, inter alia, provides for the completion of the Sutton-Sandycove (S-S) cycleway/promenade (Policy No. 2.10),
- iv. the policy and provisions of the Dublin City Development Plan 2011-2017 which, inter alia, recognise the increased risk of flooding due to climate change and sea level rise, including coastal flooding, and which promote use of public open space in conjunction with flood and nature conservation strategies,
- v. the objectives contained in the Dublin City Development Plan 2011-2017 including:
 - a) Objective GC02 which promotes the development of the Sutton to Sandycove Cycle Tracks Scheme (S-S) subject to the appropriate environmental assessments, including any assessment required under 6(3) of the Habitats Directive,
 - b) GC26 namely to protect flora, fauna and habitats, which have been identified by the Habitats Directive, Birds Directive, Wildlife Act 1976 (as amended), the flora protection order (S.I. No. 84 of 1999) and the European Communities (Natural Habitats) Regulation 1997 (S.I. No. 94 of 1997),
- vi. the recorded propensity of the Clontarf Road to flooding,
- vii. the Environmental Impact Statement submitted in support of the application, including the mitigation measures set out therein,
- viii. the information contained in the "Habitats Directive Assessment Report" and the finding contained therein that the proposed project "will not have adverse effects on the integrity of the (Natura) site(s) as defined by their status and conservation objectives", and

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- ix. the submissions made in relation to the application,

it is considered that a need for the proposed coastal flood defence measures and for the proposed cycleway and promenade have been established and that, subject to compliance with the conditions set out below, the proposed development would represent an appropriate response to identified coastal flooding problems in the Clontarf area, would consolidate approved flood relief works there, would comply with the objectives of the National Cycle Policy Framework and the Dublin City Development Plan 2011-2017 in regard to cycling and recreational activities, would not significantly impact on any protected species or habitat, would not adversely affect the integrity of any European/designated Natura 2000 site and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans, drawings and documentation, including the Environmental Impact Statement and the mitigation measures set out therein, as received by An Bord Pleanála on the 30th day of June, 2009, as supplemented by the additional mitigation measures set out in the further submission received by the Board on the 14th day of June, 2010, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and orderly development and to pre-empt the occurrence of any adverse impacts on the environment.

2. Prior to commencement of any construction works on site, the applicant shall ensure that a Construction Methodology Plan and an Environmental Management Plan shall be drawn up for implementation on site. The Construction Methodology Plan shall provide, inter alia, for:
 - (a) The provision of three noise monitoring and vibration stations adjacent to the nearest noise sensitive receptors between chainages 0+000 and 1+000 and the provision of two additional noise monitoring and vibration stations between chainages 1+000 and 1+900.
 - (b) The provision of an appropriate acoustic barrier around any construction works site associated with the proposed development.

- (c) The use of best available technology (BAT) to eliminate and control tonal and impulsive noise components and to reduce the noise impact to as low as is reasonably practicable.
- (d) A limit on the duration of construction hours for noise generating works in proximity to dwellings.
- (e) A schedule of enhanced mitigation measures to be taken in the potential event of noise monitoring and vibration levels exceeding the permissible levels set out in Table 7.4.4 and 7.4.6 of the Environmental Impact Statement.

Reason: To protect residential amenities and ensure the structural integrity of buildings within the immediate vicinity of the scheme.

3. Prior to commencement of development, the applicant shall employ a suitably qualified project ecologist for the construction phase of the scheme. The ecologist shall have access to the Construction Methodology Plan and shall, where he/she considers it appropriate in regard to the Environmental Management Plan, have an input into that plan. The ecologist shall:
- i. monitor all construction works likely to impact on key species of birds within the lagoon,
 - ii. identify the avoidance zone for each species,
 - iii. liaise with the contractor in regard to the restrictions on works in terms of time, duration and location of such works,
 - iv. advise in regard to the implementation of associated mitigation measures,
 - v. advise on the duration, scale and extent of any vehicular movements, deemed necessary for construction purposes only, which may be permitted across the mudflats of the lagoon. Where vehicle ingress onto the mudflats is unavoidable for purposes of construction, the manner and route of such ingress shall be determined by the ecologist,
 - vi. advise the National Parks and Wildlife Service (NPWS) on an on-going basis of all monitoring and mitigation measures required to be implemented prior to, during, and post construction works,
 - vii. identify the maximum area of the Lagoon which may be affected at any given time by construction works,

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- viii. monitor any clearing and grading of construction areas to ensure that such processes are minimised and phased in a manner which limits exposure of and disturbance to sediment, and
- ix. in the event of construction works being delayed for a significant period of time a further pre-construction survey shall be carried out by the ecologist in conjunction with the National Parks and Wildlife Service (NPWS) in order to record potential changes in overall bird populations or local physical conditions.

Reason: To ensure that the conservation objectives and qualifying criteria for the Natura 2000 sites, of which the development site forms part, shall endure and not be compromised in the interest of the proper planning and sustainable ecological and environmental objectives of the area.

4. (a) A project liaison officer shall be appointed by the applicant; the officer shall have specific responsibility for keeping the public, and, in particular, adjoining residents informed in advance of those elements of the construction works which can be expected to cause significant noise impacts, with particular reference to piling operations.
- (b) Construction works shall cease during the months of October to February inclusive; minor works only shall be carried out during the shoulder months of September and March.

Reason: To mitigate the impacts of construction noise and disturbance for residents and to avoid disturbance to birds within the South Lagoon during their wintering and feeding months.

5. An environmental monitoring and liaison committee shall be established by the applicant for the construction period; membership shall be restricted to four persons plus an independent Chairperson. The committee shall comprise representation from:

- Dublin City Council
- The local community which borders the project
- Ecological groups with a specialist interest in the area
- National Parks and Wildlife Service (NPWS)
- Office of Public Works.

Reason: To provide for consultation in relation to community and environmental matters during construction.

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6. Prior to commencement of development, and following consultation with the National Parks and Wildlife Service (NPWS) and the Dublin City Council Parks Department, a Grassland Management Plan shall be implemented for the triangular-shaped grassland plot between the Causeway at the north-eastern termination point of the scheme and the James Larkin Road. The Grassland Management Plan shall provide, inter alia, for an earthen bund around the northern and western boundaries of the plot with a wooden post and rail fence surmounting the bund. Grassland management of the plot shall commence at least one full season prior to commencement of any construction works on the project.

Reason: To provide adequate feeding grounds for key species of water birds which may be displaced temporarily from their feeding grounds along the upper shore of the South Lagoon during the construction period.

7. Prior to commencement of construction works, the applicant shall employ a suitably qualified archaeologist to monitor all works, including construction and reductive ground works associated with the proposed development as well as any reinforcement works proposed to be undertaken in respect of the existing sea wall. The archaeologist shall provide an on-going monitoring report to the applicant and the Department of the Environment, Community and Local Government as well as advice on foot of consultation with that Department on any mitigation measures deemed necessary as a result of the aforementioned works. The applicant shall, in consultation with the archaeologist, provide satisfactory arrangements for the recording and removal of any archaeological material which may be excavated on site, where such is deemed necessary by the archaeologist.

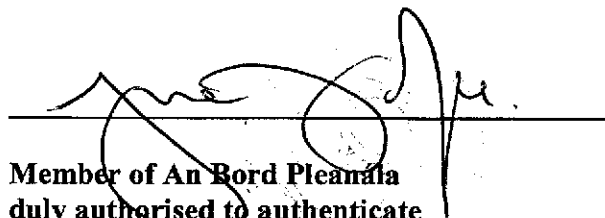
Reason: To ensure protection of the archaeological heritage of the site.

8. Prior to commencement of development, and following consultation with the Department of Arts, Heritage and The Gaeltacht, a detailed design statement shall be drawn up by the developer in respect of the protection and preservation of historical artefacts, structures and other features of historical importance along the route of the scheme likely to be affected by the scheme.

Reason: To facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

9. (a) All surface water outfalls located along the alignment of the proposed flood defence scheme, which facilitate surface water sewer discharges to the South Lagoon at points in the existing sea wall, shall be upgraded by the provision of additional overflow manholes and/or other appropriate measures.
- (b) Dutch Dams, which will provide a temporary barrier against high sea levels during storm conditions and which it is proposed to locate at access points to the promenade/cycleway, shall be mechanically/hydraulically operated.

Reason: To ensure that the flood protection measures associated with the scheme can be realised in the interest of the amenities of the area and public health and safety.



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

Dated this 22nd day of December 2011.