



An
Bord
Pleanála

Board Direction
BD-018430-24
ABP-316272-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/12/2024.

The Board decided to **approve** the proposed road development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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

European legislation, including of particular relevance:

- The relevant provisions of European Union Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment, and
- 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.

National and regional planning and related policy, including:

- Climate Action Plan 2024,
- National Biodiversity Action Plan 2017-2021,
- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan 2021-2030

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020,
- Department of Transport National Sustainable Mobility Policy, 2022,
- Design Manual for Urban Roads and Streets, 2019,
- Cycle Design Manual (NTA & DoT 2023), and
- Other relevant guidance documents.

Regional and local level policy, including:

- Regional Spatial Economic Strategy for the Eastern and Midlands Region 2019-2031
- Greater Dublin Area Transport Strategy 2022-2042,
- Dublin City Development Plan 2022-2028,
- Dublin City Biodiversity Action Plan 2021-2025,
- South Dublin County Council Development Plan 2022-2028,
- South Dublin County Council Biodiversity Action Plan 2020-2026,
- Other relevant policy and guidance documents,

and the following:

- the nature, scale and design of the proposed development, as set out in the planning application, and the pattern of development in the vicinity,
- the entirety of the documentation submitted by the National Transport Authority (applicant) in support of the proposed development, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement, and the range of mitigation and monitoring measures proposed,
- the submissions made to An Bord Pleanála in connection with the planning 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

- o the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment (AA) and environmental impact assessment (EIA).

It is 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 agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the North Dublin Bay SAC, South Dublin Bay SAC, Rockabill to Dalkey Island SAC, Howth Head SAC, Wicklow Mountains SAC, Knocksink Wood SAC, Ballyman Glen SAC, Baldoyle Bay SAC, Glenasmole Valley SAC, Rye Water Valley / Carton SAC, Irelands Eye SAC, Malahide Estuary SAC, Lambay Island SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Dalkey Islands SPA, Wicklow Mountains SPA, Baldoyle Bay SPA, Howth Head Coast SPA, Ireland's Eye SPA, Malahide Estuary SPA, Rogerstown Estuary SPA, Lambay Island SPA, The Murrough SPA, Skerries Islands SPA, Rockabill SPA and North West Irish Sea cSPA are the European sites for which there is a likelihood of significant effects.

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 European Sites and the mitigation measures which are included as part of the current proposal in view of the conservation objectives for the European Sites.

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 and there is no reasonable scientific doubt as to the absence of such effects.

Environment 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 during the course of the application, 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 on Significant Effects

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 EU Directive 2014/52/EU amending Directive 2011/92/EU and Section 50(2) of the Roads Act 1993, as amended. The Board considered that the main significant direct and indirect effects of the proposed development 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, improved connectivity and accessibility and amenity impacts for community areas.
- Benefits/positive impacts from the delivery of infrastructure that will enable the functioning of an efficient, low carbon and climate resilient public transport service, which supports the achievement of Ireland's emission reduction targets. In this regard, the Proposed Scheme will make a significant contribution to reduction in **carbon emissions**. During construction impacts arising from embodied carbon of construction materials will have a negative significant impact in the short term but will be necessary to deliver long term benefits in reducing emissions in the transport sector.
- 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.
- Negative impacts on **biodiversity** relate to the removal of habitat in the form of hedgerows and treelines. Such impacts are not considered significant and can adequately be mitigated for within the scheme. Vegetation will be planted in the vicinity to bolster existing treelines and hedgerow. Significant impacts

are therefore not expected in this regard. The avoidance of trees with roosting potential for bats, use of bat boxes, and the maintenance of commuting corridors, as well as preconstruction bat surveys will ensure significant impacts to bats are avoided. Pre-construction surveys will ensure that no mammals, birds or invasive species are present within the works areas. Adequate mitigation measures are proposed to ensure the protection of such mammals and birds encountered and to prevent the spread of invasive species. Significant impacts to biodiversity can therefore be ruled out.

- **Noise and Dust** impacts arise during the construction phase from construction activities. These impacts will be mitigated through adherence to best practice construction measures in relation to dust and the use of noise abatement at sensitive locations. Significant noise impacts arise in relation to construction noise during nighttime and weekend hours when thresholds are lower. Works will generally be carried out in daytime hours causing no significant effects. In the event that works are required during nighttime or weekend hours, liaison with residents in this regard and the use of noise abatement will reduce the level of impacts. Noise disturbance from the operation of the development can be ruled out, electric bus fleet and less cars will have a positive impact on operational noise. Post mitigation significant impacts arising from noise and dust disturbance during the construction, operational and decommissioning stages can therefore be ruled out.
- Negative short-term **traffic** impacts arise during the construction phase of the development, these impacts will be mitigated through the implementation of a traffic management plan and a construction management plan. Whilst some localised impacts arising from road closures may arise, significant impacts arising from traffic can be ruled out during construction stage. Significant positive impacts will arise for people movement on sustainable and active travel modes in the operational phase.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the environmental impact assessment

report and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Proper Planning and Sustainable Development

The proposed road development consisting of the Templeogue / Rathfarnham to City Centre Ore Bus Corridor Scheme 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 Council Development Plan 2022 -2028.

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 advancement of the Bus Connects programme is seen as a key action to deliver abatement in transport emissions, as outlined in Ireland's Climate Action Plan 2024. The delivery of the infrastructure will involve the reallocation of road space from vehicular use to dedicated bus lanes and pedestrian and cyclist spaces and improved public realm all of which is supported by planning policy at all levels and is identified as a key measure in Climate Action Plan 2024.

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 protection of the environment.

2. The mitigation measures and environmental commitments contained in the submitted Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: To protect the integrity of European Sites.

3. The mitigation measures and environmental commitments measures contained in the submitted Environmental Impact Assessment Report shall be implemented.

Reason: To protect the environment.

4. Prior to commencement of development, the developer, and/ or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, an updated 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 and surface water management proposals.

The construction of the development shall be constructed in accordance with the updated CEMP.

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

5. 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.

6. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority an Otter Conservation Plan to include measures to maintain the presence of otter in the vicinity of the proposed development project and particularly preserve routes for the movement of otter, in particular in the River Dodder. The plans shall also set out measures to minimise disturbance to otter breeding and resting places during the projects construction phase and include the provision of artificial otter holts to form new refuges for this species to compensate for the increased human disturbance of otter likely during the developments operational phase, and set out a program for the monitoring by otter specialists of the presence of otter in nearby sections of the River Dodder, during and after the proposed works.

Reason: In the interest of the conservation of the otter, which is subject to a system of strict protection under the Habitats Directive (92/43/EEC) and is a QI species for the Wicklow Mountains SAC.

7.

- (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) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the design and location of permanent bat boxes to be installed. These proposals shall include the installation of at least 5 such bat boxes in grounds of Rathfarnham Castle Park along the reinstated boundary wall with Grange Road.
- (c) No ground clearance shall be undertaken and no vegetation shall be cleared from the 1st day of March to 31st day of August, unless otherwise agreed with the planning authority.

Reason: In the interest of protection and enhancing local biodiversity.

8. Prior to the commencement of development, the applicant 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 interests of nature conservation and mitigating ecological damage associated with the development.

9. 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 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 interest of traffic safety and promoting sustainable travel during the construction period.

10. 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.

11. 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 Section of the relevant planning authority as soon as is practicably possible.

Reason: In the interest of environmental protection.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- a) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- b) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

All archaeological pre-construction investigations shall be carried out in accordance with the details specified within the Environmental Impact Assessment Report submitted with the application.

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.

13. Prior to commencement of development, the developer shall:

- (a) Acquire in writing Ministerial consent for all works at or in the immediate proximity to Rathfarnham Castle.
- (b) Agree in writing with the planning authority the details of the type of finishes/ materials for the proposed Rathfarnham Castle wall reinstatement.

Reason: In the interest of visual amenity.

14. 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 (L_{Aeq} , period) shall not exceed the levels set out in Table 9.7 (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 to be agreed with the planning authority 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) or any updated relevant standard.

Reason: In the interest of management of construction noise and protection of adjoining amenities.

15. 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 to advise on landscaping and tree works.

Reason: In the interests of visual and residential amenity and protection of biodiversity.

16.

(a) 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.

(b) Any new or improved surface water outfalls shall be constructed in a manner which protects riparian habitat and does not result in excessive erosion of such habitat.

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

17. 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.

18. Prior to commencement of development, the finalised location and type of cycle parking stands throughout the scheme shall be agreed in writing with the relevant planning authorities.

Reason: In the interest of facilitating convenient and adequate bicycle parking.

19. Prior to commencement of development, the developer shall agree in writing with the planning authority details of the precise design and layout of pedestrian crossing facilities over cycle tracks at island bus stops on a case-by-case basis

which shall be informed by the Cycle Design Manual (National Transport Authority, September 2023).

Reason: In the interest of pedestrian and cyclist safety.

20. Scaled elevations of proposed bus shelters to be provided throughout the route shall be submitted for the written agreement of the relevant Planning Authority. Bus shelters within South Great Georges Street Architectural Conservation Area (ACA) and Rathfarnham ACA shall not have advertisement panels included.

Reason: In the interests of proper planning and sustainable development, conservation of the visual amenities and character of the area and preservation of conservation streetscape.

Board Member


Patricia Calleary

Date: 11/12/2024