

An
Bord
Pleanála

Board Direction
BD-017152-24
ABP-314942-22

The submissions on this file and the Inspector's report were considered at Board meetings held on 25/07/2024 and 01/08/2024.

The Board decided to approve the development subject to conditions, 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:

EU legislation, including of particular relevance:

- The relevant provisions of EU 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,
- 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.
- Sustainable and Smart Mobility Strategy 2020 (EU Commission 2020).

National and Regional Policy and Guidance including:

- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan.

- The Climate Action Plan 2024.
- The Design Manual for Urban Roads and Streets, 2019.
- The Greater Dublin Area Transport Strategy, 2022-2042.
- Department of Transport National Sustainable Mobility Policy, April 2022.
- The Cycle Design Manual, 2023, and
- Eastern & Midlands Regional Spatial & Economic Strategy, 2019-2031, and
- Other relevant guidance documents

Local Planning Policy including in particular:

- The Dublin City Development Plan 2022-2028
- The South Dublin County Development plan 2022-2028

Other guidance documents.

The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the pattern of development along the route and in the vicinity,
- the entirety of the documentation submitted by the National Transport Authority (applicant) in support of the Proposed Scheme, including the Environmental Impact Assessment Report and Natura Impact Statement, and the range of mitigation and monitoring measures proposed,
- 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, environmental impact assessment and proper planning and sustainable development of the area.

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 following sites are the European Sites for which there is a likelihood for significant effects on:

- North Dublin Bay SAC,
- South Dublin Bay SAC,
- Rockabill to Dalkey Island SAC,
- Lambay Island SAC,
- Howth Head Coast SPA,
- Dalkey Islands SPA,
- Rockabill SPA,
- North Bull Island SPA,
- South Dublin Bay and River Tolka Estuary SPA,
- Ireland's Eye SPA,
- Malahide Estuary SPA,
- Baldoyle Bay SPA,
- Rogerstown Estuary SPA,
- Skerries Islands SPA,
- Lambay Island SPA,
- The Murrough SPA, and
- The North-West Irish Sea SPA,

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,

- 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.

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.
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers reasonable

alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment during both the construction and operational phases.

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 EU 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 Board considered the main significant direct and indirect effects of the proposed development on the environment, 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, the facilitation of active travel infrastructure, more social interaction and positive accessibility and amenity impacts for community areas.
- Negative 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. These will be adequately mitigated through compliance with the CEMP and mitigation measures

outlined in the Land, Soils, Water, Air and Climate and Material Assets sections of the EIAR.

- Negative impacts on **population and human health** arising from land take (both permanent and temporary) required to facilitate the Proposed Scheme, from various individual properties. Where properties are directly affected the boundaries will be replaced to an appropriate standard and access will be maintained throughout the construction process.
- Negative Impacts on **Townscape and Landscape** arising from construction activities (which will be temporary in nature) as well as longer term impacts on **Landscape** from the removal of trees. While these will be replaced where possible throughout the Proposed Scheme the loss of mature trees will have a long-term negative impact.
- Positive Impacts on **Townscape and Landscape** arising from the provision of improved public realm and pedestrian facilities throughout the proposed scheme.
- Negative impacts on **Architectural Cultural Heritage** arising from the construction phase in the vicinity of Dr. Steevens' Hospital, this impact will be temporary/short term in nature with the final design of the Proposed Scheme at this location treating the streetscape along the frontage of the hospital in a sensitive manner.
- Adverse impacts on **biodiversity** from the proposed removal of habitat. Mitigation is designed into the Proposed Scheme as it includes the provision of additional trees and hedgerow, which will provide new habitats. The new planting will provide new nesting habitat for birds and the landscaping proposed will reduce the significance of habitat loss. Trees with potential roosting habitats for bats will not be removed and pre-construction surveys will ensure significant impacts on Bats do not arise. Similarly, pre-construction surveys for other fauna and invasive species within works areas will ensure that impacts will not arise as results will inform further mitigation measures. The Proposed Scheme does not include works within designated sites. Suitable mitigation is also incorporated within the CEMP in relation to invasive species. Impacts on biodiversity will therefore not be significant.

- 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 underlying aquifer could arise during the construction phase. These impacts will be adequately mitigated through the implementation of the various environmental measures and best practice set out in the CEMP and therefore impacts will not be significant.
- Potential negative impacts on **water** quality could arise during construction due to runoff from the works areas containing fine sediments, or accidental spillages/ leakages of contaminants and direct disruption to the local drainage networks. The application documentation (EIAR and associated CEMP) contains a comprehensive suite of mitigation measures which are adequate and will protect water quality and ensure that significant adverse impacts will not arise.
- There is potential for impacts on **air quality** to arise from dust during construction works. These will be minimised with implementation of the appropriate mitigation measures set out within the EIAR and CEMP which will minimise fugitive dust emissions arising. During the operational phase there remains the possibility of adverse impact on air quality at the Liffey pNHA, this will arise in both the do nothing and do something scenarios and this impact is not considered to be significant nor directly attributable to the proposed development.
- There is potential for **noise** disturbance to arise during the construction phase, works will generally be carried out in daytime hours causing no significant effects and mitigation measures will be applied in relation to works areas proximate to sensitive properties. Where works are required to be carried out at night-time and weekends (to avoid significant traffic impacts) liaison will be held with affected property owners and appropriate mitigation applied as practicable. Furthermore, significant noise abatement and controls are provided for within the CEMP to minimise noise arising from construction activities. During the operational phase the use of the transport corridor will remain consistent with its established use and overall impacts will be negligible, having particular regard to the changes (technological improvements) to the bus fleet and with the reduction in car numbers

facilitated by the improved sustainable transport infrastructure being provided in the Proposed Scheme. Accordingly, significant impacts from noise can be ruled out during all phases of the Proposed Scheme.

- Potential for positive long-term impacts on **climate** through removal of the equivalent of approximately 2,180 and 3,460 car trips per weekday from the road network in 2028 and 2043 respectively (these numbers increase with increased uptake in residual bus capacity) and associated reduction in CO₂ / GHG emissions.
- Benefits/positive impacts on the **Air and Climate**, the operation of the proposed development will have a significant positive effect on human health and population due to the displacement of CO₂ from the atmosphere arising from an increased use of public transport which will be electrified and the reduction of cars on the route. Negative impacts during construction relate to the embodied carbon of construction materials which will have a negative significant impact but for the short term, any increase in carbon is considered significant, however the construction phase represents a significantly small percentage of the sectoral emission ceilings outlined in Climate Action Plan.
- Positive impacts on **traffic and transport** by maximising the capacity of the Proposed Scheme to move more people by sustainable modes, whilst also providing for general traffic movements and activities.
- Short-term negative impacts on **traffic and transport** arising from the construction phase and the need to adequately divert and control traffic movements in and around works areas. Such impacts will be mitigated through the implementation of the traffic and transportation plan and CEMP.
- Potential adverse impacts on **cultural heritage** due to construction works potentially impacting on underlying archaeology and other cultural or heritage features such as monuments. Mitigation measures including archaeological monitoring and provision for protection / recording / monitoring underlying archaeology and heritage features in the vicinity of works.
- Potential adverse impacts on **Architectural Heritage** could arise from the Proposed Scheme due to the direct construction interventions on lands in the vicinity of protected structures or to protected structures themselves or where

infrastructure is proposed within the wider setting of Protected Structures. Where works are proposed to protected structures, I am satisfied that these are necessary to secure the overall wider beneficial impacts of the Proposed Scheme and that these interventions have been designed to have minimum impact. Where boundaries are to be altered/set back to facilitate the Proposed Scheme the Board is satisfied that, where practicable, existing heritage boundary materials can be removed and reused/repurposed in an appropriate manner and using sensitive methodologies. Similarly, where heritage features are to be relocated or altered, the Board is satisfied that the methodologies and supervision set out are appropriate and will ensure impacts are not significantly adverse.

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 EU 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 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.

2. The element of proposed two-way cycle lane on the northside of the N4, and associated works including large scale netting and other elements of boundary change at the golf course shall be omitted, from the entrance gate to the Hermitage Golf Club (west), to the existing foot and cycle bridge over the N4 9 (east). Revised plans detailing the omission of these elements shall be submitted to and agreed in writing with, the Planning Authority prior to the commencement of development.

Reason: In the interest of the operation of the Hermitage Golf course lands and visual amenity.

3. (a) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.
(b) All mitigation and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by submitted to the planning authorities for written agreement.

Reason: In the interests of development control, public information, and clarity.

4. (a) 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.

(b) Pre-construction mammal surveys will include carrying out a badger survey of the Palmerstown bypass to include all open space/vegetated lands in the vicinity, and at the location, of proposed construction compound LU2. If badger activity or a badger sett is identified, a Badger Conservation Plan providing for maintaining the badgers at this location for the duration of the works/use of the construction compound or appropriate alternative management measures shall be prepared and agreed with the Planning Authority following consultation with the National Parks and Wildlife Service. The Badger survey, and any associated conservation plan will be submitted for the written agreement of the Planning Authority prior to the commencement of works and upon agreement will be implemented in full.

Reason: In the interest of environmental and wildlife protection

5. The proposed development shall be amended and provided in accordance with the details set out below.

(a) Timetable information, signage and any associated literature relating to the C-spine services availing of the Chapelizod Hill Road bus stops, shall refer to the inclines at and in the vicinity of these bus stops and shall provide information to prospective patrons of other bus services that are available to serve Chapelizod.

(b) Prior to commencement of development final detailed design drawings shall be submitted for the written agreement of the relevant Planning Authority in relation to the urban realm materials, planting and any associated street furniture and/or equipment (cabinets, RTPI signage

etc.), including bus shelters in the vicinity of Dr. Steevens' Hospital, Heuston Station, works within Palmerstown Village including within and in the vicinity of Red Cow Cottages and Wood Farm Cottages ACA, Palmerstown Village, and accessible ramp works at Chapelizod Hill Road. Bus shelters at Heuston Station, Dr. Steevens' Hospital, at the N4 alongside War Memorial Gardens and adjacent to the Red Cow cottages and Wood farm cottages ACA shall not contain advertising panels.

- (c) The full extent of the proposed temporary compounds and their access/egress provisions shall be set out on accurately scaled drawings to be submitted for the written agreement of the relevant Planning Authority prior to the commencement of development. The extent of these compounds will not exceed the boundary extents for the compounds shown in images 5.1, 5.2, 5.3 and 5.4 of the Environmental Impact Assessment Report nor require the removal of any planting/trees that have not already been indicated for removal on the Arboricultural Impact Assessment and/or General Landscape Drawings. The particulars submitted for agreement are to include details of the nature and timing of reinstatement of the temporary compounds following engagement with relevant landowners.
- (d) Design drawings showing the extent of the informal car parking being retained west of St. Philomena's church on the south side of the Old Lucan Road, are to be submitted to the Local Authority detailing the relevant road markings to be provided.
- (e) The final design details of the retaining wall and boundary features, including all walls and landscaping/planting, as relevant, proposed along the frontage of the Hermitage Clinic and Sureweld (SDCC RPS 036), shall be agreed in writing with the Planning Authority prior to commencement of development following engagement with the relevant landowners.
- (f) A detailed review by a suitably qualified acoustician of noise barriers within 50m of the start of the entrance and exit slip roads into and out

of the new bus stops on the Chapelizod bypass shall be carried out, to fully inform the redesign, replacement, and/or retention of existing noise barriers at this location in accordance with a design to be agreed with the planning authority, the primary function of which being to optimise noise abatement from the new bus stop while also maintaining the visual amenities of the area.

- (g) The methodologies for works affecting sensitive and historic fabric set out in Appendix A16.3 of the submitted EIAR shall be applied during construction activities in the vicinity of the existing statue at the junction between the west-bound off-slip to the R833 Con Colbert Road and the R148, in the vicinity of the Red Cow Cottages and Wood Farm Cottages ACA, and in relation to route widening and access ramp provision in the vicinity of the Chapelizod and Environs ACA.
- (h) The development as granted does not provide for a bus stop to the west of existing stop 2637 (outbound) along the frontage of the Revenue building (D08NF88), St. Johns Road West.

Revised drawings showing compliance with these requirements shall be submitted to the relevant planning authority for written agreement prior to the commencement of development where stated and the works carried out in accordance with the revised agreed details.

Reason: In the interests of proper planning and sustainable development, conservation of the amenities and character of the areas involved, clarity, and biodiversity.

6. 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, 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. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures,

surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

7. The construction of the development shall be managed in accordance with the updated Construction and Environmental Management Plan, which shall be agreed in writing with the relevant planning authorities. This plan shall provide details of intended construction practices for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of lighting, site security fencing and hoardings.
- (d) Details of the timing and routing of construction traffic to and from the construction site.
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (f) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained.
- (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (k) Consultation with the respective Regional Waste Management Planning Office regarding development of the final plans.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. 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 local authority for written agreement, 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.

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 relevant planning authorities. 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 Local Authority. Such monitoring information shall be provided in a report to the Local Authority on a weekly basis.

Reason: In the interest of orderly development.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant 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.

12. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in Natura Impact Statement and Environmental Impact Assessment Report. The ecologist shall be present during site construction works. Prior to commencement of works on any section of the proposed scheme, an ecological report of the proposed scheduling, monitoring and relevant mitigation of the site works shall be prepared by the appointed ecologist and agreed in writing with the relevant planning authority.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

13. Prior to the removal/replacement of trees, hedging and planting which is to be altered the NTA shall agree with the relevant landowner the species, size and location of all replacement vegetation. The NTA 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 interest of visual and residential amenity.

14. (a) Trees to be felled shall be examined prior to felling or demolition to determine the presence of bat roosts. Any clearance works shall be in accordance with the TII Guidelines for the Treatment of Bats during the construction of National Road Schemes. Only trees indicated for removal in the submitted Arboricultural Impact Assessment are to be removed subject to the provisions of conditions here attached.

(b) At the location of the temporary LU2 compound tree removal and replanting/reinstatement shall be carried out in strict accordance with the General Landscaping Scheme provided.

- (c) No ground clearance shall be undertaken, and no vegetation shall be cleared during the bird breeding season, unless otherwise agreed in writing with the relevant planning authority in advance of any such works.
- (d) Tree protection measures for all existing trees shall be put in place prior to the commencement of development or phases of development.
- (e) All details of soft landscaping as well as tree planting species and maturity shall be submitted for the agreement of the relevant Local Authority prior to the commencement of development to include post-construction monitoring, maintenance and replacement if/as necessary.

Reason: In the interest of wildlife and biodiversity protection, clarity and to ensure orderly development.

15. Details of all signage shall be submitted to and agreed in writing with the Local Authority prior to the commencement of development and shall be held on the public record.

Reason: In the interest of orderly development.

16. 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 9.8 (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 in writing 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).

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

17. In accordance with the Environmental Impact Assessment Report, all works in the vicinity of Protected Structures, and structures of cultural

heritage interest shall be monitored and recorded by an Architectural Conservation Specialist. Construction methodologies, and re-instatement method statements shall be submitted to the relevant Local Authority for written agreement prior to the commencement of works on any relevant section of the scheme. The project Architectural Conservation Specialist shall ensure adequate protection of the retained and historic fabric during the proposed works and across all preparatory and construction phases. Discovery of new architectural heritage shall be made known to the relevant Planning Authority as soon as is practicably possible.

Reason: In the interest of environmental protection

18. 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 and monitoring shall be carried out in accordance with the details specified with the Environmental Impact Assessment Report submitted with the application and to include monitoring in the vicinity of recorded Monument DU018-029 (House) and at the site of Dr. Steevens' Hospital (DU18-020).

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.

- 19.
- (a) All lighting shall be cowled and operated in such a manner as to prevent light overspill to areas outside of compounds and works areas.
 - (b) Prior to the commencement of development, the applicant shall submit a detailed lighting plan to be held by the planning authority. The

plan shall include the type, duration, colour of light and direction of all external lighting to be installed within the site compounds of the development site.

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

Note 1:

The Board noted the recommendation of the inspector to alter/reduce the extent of the land identified for temporary acquisition at Hermitage Golf Course and the recommendation not to make any other modifications at this location. However, the Board was not satisfied, on foot of a full consideration of the totality of the documentation on file, that the proposed changes and interventions proposed by the applicant to insert an element of two way cycle lane on the northside of the N4 from the entrance gate of the Hermitage Golf Club (west), to the existing foot and cycle bridge over the N4 9 (east), could be justified on the basis of the evidence submitted. Specifically, the Board considered that the nature and extent of works proposed at and within the Hermitage Golf Course was not sufficiently analysed and described, such that it could be determined as reasonable that the golf course could continue in full operation during construction works, due to issues such as ground works, change to/loss of tree belt, without clarity as to the final form of tree planting in this area. In addition, the Board could not be satisfied on the basis of the information submitted with the application, that the large-scale safety netting proposed at this location was necessary, by reference to clear and indisputable evidence of such a requirement. On this point the Board considered that the proposed netting would constitute a significant visual impact at this location, and in the absence of definitive evidence confirming necessity, this visual impact would not be justified.

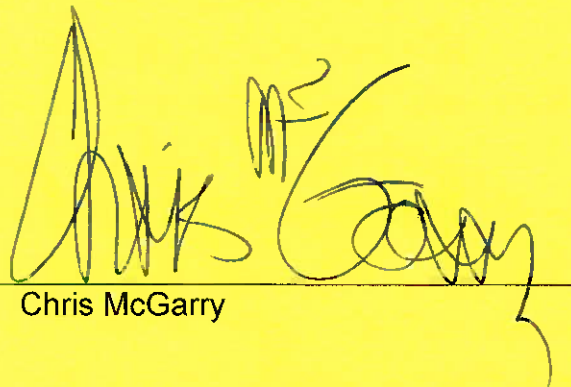
The Board did not consider that a two-way cycle lane at this location might never be appropriate at this location. Rather, it was considered that, as currently proposed in the application, the information was not sufficient to enable a fair and appropriate determination as to the consistency of this element of the proposed scheme with the protection of established uses. In addition, the visual impact of the proposed netting was considered significant. Furthermore, the Board did not consider that these

concerns could be resolved by the attachment of a condition and considered instead that any future development here should be subject to a separate consent exercise. In this regard it was determined that the element of two-way cycle lane, described at condition no. 2 above, should be omitted from the overall permitted development.

Note 2:

Since the lodgement of the application to An Bord Pleanála, the Dublin City Development Plan 2022-2028 has come into effect. In considering the application and arriving at its decision, the Board was satisfied that no material policy changes arose in the new statutory plan and the proposed road development continues to be strongly supported in specified policy in the adopted statutory plan. Accordingly, and taking into account all of the matters raised in submissions, the Board was satisfied that no further consultation was necessary as a result of the coming into effect of the new statutory plan.

Board Member



Chris McGarry

Date: 15/08/2024