MIDDLE WAD FLOOD ALLEVIATION SCHEME - CONTRACT E: CLONTARF OUTFALLS PROJECT

PLANNING STATEMENT

March 2022
PLANNING STATEMENT

Nicholas O’Dwyer Ltd.  
Consulting Engineers  
Nutgrove Office Park  
Nutgrove Avenue  
Dublin 14

March 2022

<table>
<thead>
<tr>
<th>Revision</th>
<th>Reason for Revision</th>
<th>Prepared by</th>
<th>Reviewed by</th>
<th>Approved by</th>
<th>Issue Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>First Issue</td>
<td>LOB</td>
<td>LM</td>
<td>CAS</td>
<td>25/03/2022</td>
</tr>
<tr>
<td>A</td>
<td>Version for Internal Review</td>
<td>LOB</td>
<td>LM</td>
<td>CAS</td>
<td>26/03/2022</td>
</tr>
<tr>
<td>B</td>
<td>Version for Client Review</td>
<td>LOB</td>
<td>LM</td>
<td>CAS</td>
<td>28/03/2022</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## CONTENTS

1 INTRODUCTION

1.1 Outline Description of Proposed Development
1.2 Project Background
1.3 Need for the Proposed Development
1.4 Environmental Impact Assessment (EIA) Directive
1.5 Birds and Natural Habitats Directives
1.6 List of Documents Submitted

2 SITE LOCATION AND CONTEXT

2.1 Site Location and Description

3 PROPOSED DEVELOPMENT

3.1 Description of Proposed Works
3.2 Proposed Temporary Works
3.3 Materials and External Finishes
3.4 Construction of the Proposed Development
3.4.1 Compound and Site Perimeter
3.4.2 Sealing Manholes
3.4.3 New Culvert & Chamber Works
3.4.4 New Culvert Outfall Works
3.4.5 Temporary Flow Diversion
3.4.6 Existing Culvert Outfall Remedial Works
3.4.7 Permanent Flow Arrangements
3.5 Operation and Maintenance

4 PLANNING HISTORY

5 LEGISLATIVE AND PLANNING POLICY CONTEXT

5.1 National Planning Policy
5.1.1 National Planning Framework
5.2 Regional Planning Policy
5.2.1 Regional Spatial and Economic Strategy for the Eastern and Midland Region
5.3 Local Planning Policy
5.3.1 Dublin City Development Plan 2016-2022
5.3.2 Draft Dublin City Development Plan 2022-2028

6 PLANNING PARTICULARS

6.1 Land Use & Zoning
6.2 Landscape
6.3 Water
6.4 Flood Risk 17
6.5 Natural Heritage and Biodiversity 17
6.6 Archaeology, Architectural and Cultural Heritage 18
6.7 Traffic and Access 19
6.8 Air, Odour, Noise & Vibration 20
6.9 Outline Construction Environmental Management Plan 20
6.10 Summary 20

7 SUMMARY AND CONCLUSION 21

List of Figures

Figure 2-1: Site Location Plan (red line indicates site proposed works area) .................. 5
Figure 3-1: Proposed Overall Site Layout Plan ............................................................... 6
Figure 3-2: Site Extents for Culvert Works and Pedestrian/Cyclist Diversion Routes ....... 7
Figure 3-3: Site Extents for Temporary Welfare, Staff Parking and Compound Area ...... 8
Figure 3-4: Access Route to/from existing car park entrance on Clontarf Road .......... 8
Figure 3-5: Typical Headwall Section .......................................................................... 10
Figure 3-6: Existing Damaged Outfall Headwall ......................................................... 11
1 INTRODUCTION

This Planning Report has been prepared by Nicholas O’Dwyer Ltd. (NOD), in support of a request for approval by An Bord Pleanála for the Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project. The request for approval is made under section 177AE of the Planning & Development Act 2000 (as amended) which requires certain development carried out by a Local Planning Authority requiring Appropriate Assessment (AA) to be approved by An Bord Pleanála.

1.1 Outline Description of Proposed Development

A full development description is included in Section 4 of this Planning Report. A copy of the Newspaper Notice wording is included in Volume 1, Section 1 of the Planning Documentation. In summary, the proposed development consists of:

- Sealing of manholes in properties immediately north of Clontarf Road to prevent flooding of those properties

- Construction of a new splitter chamber and parallel culvert in the green space between Clontarf Road and the shoreline to improve conveyance

- Construction of a new outfall headwall with suitable flap valves at the foreshore. To minimise the intrusion into the mudflats/silts this headwall can be recessed into the existing rock armour

- Remedial works to the existing partly collapsed headwall which will effectively result in its replacement / modification so that it matches the configuration of the proposed new adjoining headwall

- All ancillary works including operation and maintenance.

The proposed works will be undertaken in private property, in the public road, in the public car park and amenity space along Clontarf Road, and in the foreshore of the Tolka estuary. It is the intention of Dublin City Council to undertake the works in private property by way of agreement with the affected property owners. If agreement with the affected property owners is not possible, the Council may seek to use its powers of entry onto lands under Section 4 of the Local Authorities Works Act, 1949. It is noted that the consent of landowners and the use of powers of entry onto lands required for the Project is a separate process to and therefore not required for an application for approval of the proposed development under Section 177AE of the Planning and Development Act, 2000, as amended.

1.2 Project Background

The overall Wad Drainage Catchment Study consisted of the Clanmoyle Flood Alleviation Scheme and Middle Wad Flood Alleviation Scheme (now Middle Wad Flood Alleviation Study). Consent for the overall Wad Drainage Catchment Study was granted under Part 8 of the Planning and Development Regulations 2001, as amended, on 14th January 2013 (P. A. Reg. Ref. 3161/12). Construction of the Clanmoyle Flood Alleviation Scheme was completed in 2015. The works under Contract E: Clontarf Outfalls of the Middle Wad Flood Alleviation Scheme are not yet constructed.

Since the grant of the Part 8 planning consent for the overall Wad Drainage Catchment Study in January 2013, there was a European Court of Justice (CJEU) ruling People over
Wind and Sweetman v. Coillte Teoranta (Case C-323/17) that when carrying out a screening for Appropriate Assessment (AA), it is not appropriate to take account of measures, including best practice measures, intended to avoid or reduce the harmful effects of the plan or project on a European Site. This 2017 ruling poses a planning risk to any Part 8 planning consent yet to be implemented/constructed, where the AA Screening undertaken for the project relied on mitigation measures for likely significant effects on European sites.

Given required alterations to the consented Middle Wad Flood Alleviation Study, and the heavy reliance in the AA Screening prepared at the time of the Part 8 planning on mitigation measures at the Clontarf outfalls, it was considered, in the context of the above mentioned CJEU ruling, that the consented Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project, should be re-screened for AA in line with current guidance and case law.

Faith Wilson, Ecological Consultant BSc CEnv MCIEEM, was appointed by NOD in December 2020, on behalf of Dublin City Council, to prepare a Report for Screening for Appropriate Assessment for the Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project, on lands adjoining the Clontarf Road. This AA screening concluded, based on objective scientific information, following screening, and considering the Conservation Objectives of South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull Island SPA (Site Code: 004006) South Dublin Bay SAC (Site Code: 000210) and North Dublin Bay SAC (000206), that likely significant effects from the proposed Project at Clontarf Road cannot be ruled out. An AA and the production of a Natura Impact Statement (NIS) is therefore required.

The need for an AA and the production of a NIS triggers the requirement for a new planning consent under Section 177AE of the Planning and Development Act 2000, as amended, for the works at Clontarf Road, with an application to be made to An Bord Pleanála (ABP).

1.3 Need for the Proposed Development

The Wad River drains a catchment area of approximately 483 hectares in north County Dublin, including parts of Ballymun, Santry, Donnycarney, and Killester to the seafront at Clontarf where the proposed works are located. Several flooding events have occurred over the years because of extreme rainfall in the catchment. These events pose a significant risk to public safety and caused significant damage to property and disruption to road and rail traffic. As such, the Wad Flood Alleviation Study is required in the interest of public safety to reduce the risk of future damage and disruption from flooding within the Wad catchment.

The Wad outfall is a surface water outfall. The proposed works will not alter the operation of the current outfall. The aim of the works is to improve conveyance in the culverts to prevent upstream flooding. The provision of non-return valves on the outfalls will prevent tidal ingress back into the stormwater system during high tides. Sealing the manholes in properties north of Clontarf Road will prevent flooding of these properties.

1.4 Environmental Impact Assessment (EIA) Directive

The EIA Directive 2011/92/EU on the assessment of the effect of certain public and private projects on the environment, as amended by EIA Directive 2014/52/EU, sets out the process by which the likely significant effects of a project on the environment are assessed. The planning code to give effect to the 2014 EIA Directive, i.e., S.I. No. 296 of 2018
European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, has been made and took effect on 1st September 2018.

An Environmental Impact Assessment (EIA) screening has been carried out for the proposed development (Nicholas O’Dwyer Ltd., March 2022) and is included in this application. Refer to **Volume 1, Section 5** of the Planning Documentation.

It is therefore recommended that there is no requirement for the Competent Authority, An Bord Pleanála, to conduct an EIA in respect of this Project which comprises the subject-matter of this Planning Application, and there is no requirement on Dublin City Council to prepare and submit an EIAR in relation to the proposed development.

### 1.5 Birds and Natural Habitats Directives

The European Communities (Birds and Natural Habitats) Regulations 2011-2021 transpose the EU Birds and the Habitats Directives. The Habitats Directive contributes to ensuring biodiversity in the EU by conserving natural habitats and wild fauna and flora species. The Birds Directive seeks to conserve all wild birds in the EU by setting out rules for their protection, management, and control.

The Habitats Directive (Council Directive 92/43/EEC) requires that plans and projects must be screened for the likelihood of significant effects on European sites *i.e.*, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

Faith Wilson Ecological Consultant, on behalf of Dublin City Council, prepared an Appropriate Assessment (AA) Screening Report (November 2021) to consider the likely significant effects, if any, of the proposed development on European sites. The AA screening concluded, on the basis of objective scientific information, following screening and in light of the Conservation Objectives of South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210) and North Dublin Bay SAC (000206), that likely significant effects cannot be ruled out due to the potential for likely significant effects on all, or some, of their qualifying interests arising from the proposed Project.

Based on the above, it was concluded that an Appropriate Assessment and the production of a Natura Impact Statement (NIS) is required for the proposed Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project at Clontarf Road.

An NIS was subsequently prepared (November 2021). Section 8 of the NIS sets out a range of general mitigation measures and project specific mitigation measures aimed at protecting water quality, minimising impacts on and restoring grassland habitats, preventing contamination of groundwaters, and preventing damage to the marine communities in the mudflats of the adjoining South Dublin Bay and River Tolka Estuary SPA during construction stage of the project. No mitigation measures are required for the operational stage of the project.

Refer to **Volume 1, Section 4** of the planning application documentation for a copy of the AA Screening Report and NIS.
1.6 List of Documents Submitted

The documents submitted for the approval includes the Plans and Particulars and the NIS as contained in two volumes.

Volume 1 contents include:

Section 1. A paper copy of the newspaper notices as required by section 177AE of the Planning and Development Act 2000 (as amended), in the [insert name of local newspaper] on [insert date] and the [insert name of national newspaper] on [insert date].

Section 2. A list of the prescribed bodies to which notice was sent in accordance with section 177AE(4)(b) of the Planning and Development Act 2000 (as amended) and a copy of each notice sent.

Section 3. Dublin City Council AA Screening Determination

Section 4 Natura Impact Statement (Faith Wilson Ecological Consultant, November 2021) with appended AA Screening Report (Faith Wilson Ecological Consultant, November 2021)

Section 5. EIA Screening Report (Nicholas O’Dwyer Ltd., December 2021)

Section 6. Archaeological Screening Assessment (Irish Archaeological Consultancy, March 2022)

Section 7. Intertidal Archaeological Assessment (The Archaeological Diving Company Ltd., February 2022)

Section 8. Ecological Impacts Memorandum (Faith Wilson Ecological Consultant, March 2022)

Section 9. Outline Construction Environmental Management Plan (Nicholas O’Dwyer Ltd., March 2022)

Section 10. Planning Statement (Nicholas O’Dwyer Ltd., March 2022)

Volume 2 includes all Planning Drawings (A1 drawings) including site location plan; site layout plan; and plans, elevations, and sections.

2 SITE LOCATION AND CONTEXT

2.1 Site Location and Description

The proposed development is located within properties north of Clontarf Road (grounds of Clontarf Garda Station and within the access road to the adjacent Seapoint Building), and within in the public footpath and public amenity green space and shoreline along the promenade of Clontarf. Figure 2-1 below shows the location of the proposed works (refer to Drawing 20834-NOD-XX-XX-DR-C-08002 in Volume 2, Planning Drawings). The surrounding area comprises Dublin Bay to the south/south-east, with residential and urban
development to the north and west. A temporary works area will be established in the car park at Clontarf promenade, and to gain access to the shoreline at this location, temporary diversions will be in place for the walking/cycle path for the duration of the construction period.

3 PROPOSED DEVELOPMENT

3.1 Description of Proposed Works

The proposed Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project development consists of the following key elements:

- Sealing of manholes in properties immediately north of Clontarf Road to prevent flooding of those properties,
- Construction of a new splitter chamber and parallel culvert in the green space between Clontarf Road and the shoreline to improve conveyance,
- Construction of a new outfall headwall with suitable flap valves at the foreshore. In order to minimise the intrusion into the mudflats/silts this headwall can be recessed into the existing rock armour,
- Remedial works to the existing partly collapsed head wall which will effectively result in its replacement / modification so that it matches the configuration of the proposed new adjoining headwall,
- All ancillary works including Operation and Maintenance.

The proposed development is shown on Figure 3-1 (Refer to Drawing 20834-NOD-XX-XX-DR-C-08006 in Volume 2, Planning Drawings).
3.2 Proposed Temporary Works

Temporary works associated with the proposed development include a works compound area for the storage of plant and machinery and accommodation/welfare facilities, during the construction period. The proposed location for the temporary compound is within the existing car park on Clontarf Road (Refer to Figure 3-1 above and Drawing 20834-NOD-XX-XX-DR-C-08006 in Volume 2, Planning Drawings). The site compound will be closed off with Haras fencing or similar, and cycle and pedestrian traffic along the promenade will be re-directed via warning and safety signage. The works compound will also be used for storage of topsoil from the excavations which will be used for reinstating the works areas.

These temporary facilities are of a class of development that are exempt from the requirement to obtain planning permission per Article 6(1), under Classes 16 and 17 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended. It is confirmed that there are no restrictions on exemptions under Article 9(1) of the Planning and Development Regulations 2001, as amended applying to the proposed temporary works. Therefore, planning permission is not required. Any details regarding proposed temporary works contained in this report, or shown on planning drawings, is for information purposes only.
3.3 Materials and External Finishes

The proposed development will be constructed with materials similar in nature to the existing infrastructure, therefore blending the development within the general surroundings.

3.4 Construction of the Proposed Development

It is anticipated that all construction activities will be limited to daytime hours (for example, 7.00am to 7.00pm from Monday to Friday, and from 8.00am to 2.00pm on Saturdays, or similar). The anticipated duration of the construction is 8 weeks.

The below provides a synopsis of the works to construct the proposed development.

3.4.1 Compound and Site Perimeter

Pedestrian and traffic management measures will be implemented at the site in line with the Temporary Traffic Management Plan (TTMP) that will be prepared by the Contractor. This will include measures such as closing off the car park, cycle track and footpaths, as required, using temporary Haras Fencing, or similar, alongside warning and safety signage. The proposed pedestrian/cyclist diversion route is set out in Figure 3-2 below.

Temporary welfare and compound facilities and offices will be established on site within the existing car park (see Figure 3-3 below). In accordance with the Outline Construction Environmental Management Plan (CEMP) (Volume 1, Section 9 of the Planning Documentation) measures relating to waste management, pollution prevention, safe fuel/chemical storage, etc. will be in place. Temporary lighting and security measures will be provided on site, as required.
A designated access route for the movement of plant and equipment from the compound area to the location of the outfall works will be established within the extent of the site as shown in **Figure 3-4**.
On completion of the works, the compound area will be demobilised and all plant, lighting, temporary welfare facilities, offices, storage etc. will be removed. Any required reinstatement and removal of the pedestrian and traffic management measures will be undertaken as per the TTMP. The car park, cycle path and footpaths will be returned for use by the public.

### 3.4.2 Sealing Manholes

Pedestrian and traffic management measures will be implemented at the manhole sites in line with the TTMP that will be prepared by the Contractor. This will include closing off the works area around the manhole using temporary Haras Fencing, or similar, alongside warning and safety signage.

Once the site(s) have been secured, all known existing utilities at ground level will be located, identified, and marked. The existing manhole cover will be removed followed by the wet cut of the surrounding pavement and breaking out the pavement to remove the access frame. Where required, any brick/block work chimney will be removed, and an in-situ RC chimney connected to the manhole roof slab installed. A lockable pressure rated manhole cover and frame will be installed in accordance with the manufacturer’s instructions, ensuring it is casted it or bolted to the RC chimney and the joints are watertight/pressure sealed.

Following completion of the works, the pavement will be reinstated to match the existing. All plant will be demobilised and fencing and traffic management measures etc. removed.

### 3.4.3 New Culvert & Chamber Works

The works area will be secured using temporary Haras fencing, or similar, alongside the erection of warning and safety signage. Once the site has been secured, all known existing utilities at ground level will be located, identified, and marked, and the position of the existing and new culverts will be set out.

A spoil storage area will be established and pollution and surface water run-off management measures (including silt fencing, etc.) will be in place. The topsoil will be stripped and moved to the temporary compound area for storage and reuse.

Bulk excavation at the utility locations will be carefully undertaken by hand digging, and the existing River Wad culverts and section of culvert previously laid under Irish Water works will be exposed.

The new in-situ reinforced concrete chamber will be constructed to the top of wall level where the new culvert links into the existing River Wad culverts. This will be done without breaking into the existing culverts, thereby maintaining flows within the existing culverts during construction works.

The new culvert sections will be carefully installed between the new splitter chamber and the southern edge of the existing cycle track. At this point in the works, the new chamber at the Clontarf Road will be 75% completed up to the underside of the roof slab. The river flows will remain unaffected within the existing culverts during this time.

### 3.4.4 New Culvert Outfall Works

The position of the new culvert outfall will be set out on the foreshore. To facilitate the works at this location, the lower branches of the existing trees growing in the rock armour will be trimmed. If the trees prevent safe workable access to the outfall area, they will be
removed to facilitate the outfall construction. It is anticipated that two trees may need to be removed. Replacement planting of semi-mature trees will be undertaken nearby (i.e., Alfie Byrne Road or Fairview Park), with the proposed type and location to be determined by Dublin City Council.

Working from the cycle track above, during the low tides in low water levels, the existing rock armour will be temporarily removed and stored within the temporary compound area for reuse. Subject to ground conditions at formation level, additional layers of stone with geogrid reinforcement will be provided, as required, as the outfall headwall base.

The base precast concrete outfall apron slab will be installed, followed by the remaining new culvert sections out to the headwall position. The precast concrete outfall headwall and wing walls to the new culvert will be installed next, followed by the non-return valve and all required safety handrails, etc., to the headwall. The rock armour will then be reinstated, where possible, to the north, south and west of the headwall.

Figure 3-5: Typical Headwall Section
3.4.5 Temporary Flow Diversion

With the new outfall headwall completed, works will return to the new in-situ reinforced concrete chamber and breaking into the existing twin river culverts. The river flows will be diverted into the new culvert and new outfall, with the existing culverts to be temporarily plugged to facilitate works on the existing damaged River Wad Outfall.

3.4.6 Existing Culvert Outfall Remedial Works

Working from the cycle track above, during the low tides in low water levels, the existing rock armour will be temporarily removed and stored within the temporary compound area for reuse. The existing elements of the existing damaged culvert and outfall (Figure 3-6) from the foreshore back towards the cycle track will be removed until structurally sound elements are encountered.

![Existing Damaged Outfall Headwall](image)

*Figure 3-6: Existing Damaged Outfall Headwall*

The new precast culvert sections will be installed out to the headwall position, to complement the existing profile. Subject to ground conditions at formation level, additional layers of stone with geogrid reinforcement will be provided, as required, as the outfall headwall base.

The base precast concrete outfall apron slab will be installed, followed by the remaining new culvert sections out to the headwall position. The precast concrete outfall headwall and wing walls to the new culvert will be installed next, followed by the non-return valve and all required safety handrails, etc., to the headwall. The rock armour will then be reinstated, where possible, to the north, south and west of the headwall.

3.4.7 Permanent Flow Arrangements

With both the outfall headwalls completed, works will return to the new in-situ reinforced concrete chamber and the temporary plugs from the existing culverts will be removed. Any benching and internal works within the chamber will be completed and the roof slab lifted into position. Covers and frames will be installed and the area backfilled. All plant will be demobilised, fencing etc. removed and the works area reinstated.
3.5 Operation and Maintenance

The Wad outfall is a surface water outfall. The proposed works will not alter the operation of the current outfall. The aim of the works is to improve conveyance in the culverts to prevent upstream flooding. The provision of non-return valves on the outfalls will prevent tidal ingress back into the stormwater system during high tides.

The outfalls will be inspected in advance and following of any forecast adverse weather conditions to ensure the non-return valves are free from debris and positioned correctly. The structures, handrails and non-return valves will be inspected following adverse weather conditions, at least twice yearly, and any remedial works or repairs identified on inspection will be carried out.

4 PLANNING HISTORY

A review of the online planning register for Dublin City Council reveals that there are no current planning applications concerning the subject site of the proposed development and the immediate surrounding area.

There are historical planning applications in the vicinity of the site for various commercial and residential developments, and installation of an aviation fuel pipeline within the public road 150m west of the site along Alfie Byrne Road and Clontarf Road.

5 LEGISLATIVE AND PLANNING POLICY CONTEXT

5.1 National Planning Policy

5.1.1 National Planning Framework

The National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF states:

“Flooding is a cross-sectoral issue that can affect all aspects of life, and that can be influenced, positively or detrimentally, by actions in many other sectors. Of particular importance is the consideration of potential future flood risk in the area of planning and development management, and the planning and design of infrastructure.”

The proposed development accords with the following policies and objectives of the NPF:

"National Policy Objective 41a Ensure that Ireland’s coastal resource is managed to sustain its physical character and environmental quality”

"National Policy Objective 41b In line with the collective aims of national policy regarding climate adaptation, to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of adaptation responses in vulnerable areas”.

"National Policy Objective 57 Enhance water quality and resource management by:

- Ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.
- Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process."
• Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SuDS), non-porous surfacing and green roofs, to create safe places.

Figure 9.2 of the NPF sets out the Flood Risk Management Core Objectives, one of which comprises "Improving the understanding of flood-risk and ensure flood risk management in accordance with best practice”.

5.2 Regional Planning Policy

5.2.1 Regional Spatial and Economic Strategy for the Eastern and Midland Region

In respect of flood risk management, the Regional Spatial & Economic Strategy (RSES) for the Eastern and Midland Region recognises that floods are a regular occurrence, and the Region has experienced a number of severe flooding events in recent years, particularly on flood plains and in coastal areas, where flood risks will increase due to more frequent extreme weather events and sea level rise linked to climate change.

Regional policy objective relating to flood risk management include:

"RPO 7.12 Future statutory land use plans shall include Strategic Flood Risk Assessment (SFRA) and seek to avoid inappropriate land use zonings and development in areas at risk of flooding and to integrate sustainable water management solutions (such as SuDS, nonporous surfacing and green roofs) to create safe places in accordance with the Planning System and Flood Risk Assessment Guidelines for Local Authorities”.

"RPO 7.13 EMRA will work with local authorities, the OPW and other relevant departments and agencies to implement the recommendations of the CFRAM programme to ensure that flood risk management policies and infrastructure are progressively implemented”.

"RPO 7.14 Local authorities shall take account of and incorporate into the development of local planning policy and decision making the recommendations of the Flood Risk Management Plans (FRMPs), including planned investment measures for managing and reducing flood risk”.

"RPO 7.15 Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned”.

5.3 Local Planning Policy

5.3.1 Dublin City Development Plan 2016-2022

The current City Development Plan (CDP) for Dublin city is the CDP 2016-2022, which is under review. The CDP sets out an integrated, coherent spatial framework for the city. The planning policies and objective relevant to the proposed development at Clontarf Road are contained in Chapter 2: Core Strategy, Chapter 3: Addressing Climate Change, Chapter 9: Sustainable Environmental Infrastructure,

Chapter 2 – Core Strategy

Section 2.3.1 of the CDP recognises that it is essential to implement changes at city level to both adapt to the impacts of climate change and also to mitigate climate change in accordance with national policy. Adaptation measures are required to prevent the negative impacts arising from potential flooding and storm events. The policies and objectives of the CDP have been informed by strategic flood risk assessment in accordance with
statutory guidance, and future flood prevention adaptation works have been considered (and are set out in Appendix 11 of the CDP).

**Chapter 3 – Addressing Climate Change**

Section 3.3 of the CDP sets out that the city needs to ensure that the threat of coastal inundation, storm surge and fluvial flooding does not give rise to an unacceptable threat to the functioning of the city and the welfare of citizens. Section 3.5.3 recognises that various projects are underway to address areas of the city known to be vulnerable to coastal flooding during extreme events, and therefore requiring protective works. Clontarf promenade development and flood defence project is referenced here.

Climate change policies relevant to the works are:

"**Policy CC1** To prioritise measures to address climate change by way of both effective mitigation and adaptation responses in accordance with available guidance and best practice".

"**Policy CC5** To address flood risk at strategic level through the process of strategic flood risk assessment, and through improvements to the city’s flood defences (see appendix 11)".

**Chapter 9 – Sustainable Environmental Infrastructure**

This chapter sets out Dublin City Council’s commitment to providing and delivering infrastructural services within its statutory remit, which will enhance the quality of the city’s environment and also facilitate sustainable economic development and housing. Dublin City Council’s policies and objectives intend to provide high-quality public infrastructure which aims to minimise waste, provide flood protection, reduce flood risk in Dublin city as far as possible, mitigate where possible and adapt to the impacts of climate change, protect and improve water resources/water dependent ecosystems and to support the green infrastructure network.

Section 9.2 sets out that a number of flood protection works have been implemented and schemes have been constructed, are being constructed, or are at an advanced feasibility stage, to protect the city to a 1:100-year return period event from river flooding and 1:200-year event for coastal flooding. The Clanmoyle scheme on the Wad River is referenced here. Section 9.3 states that it is crucial to respond to the issue of climate change and the impact of increased flood risk due to extremes of weather by flood risk management. Given the onset of climate change and increased flood risk from extreme events, flood risk assessment and management into all aspects of the development plan, including the areas of urban design, flood resilient construction materials and individual developments, must be undertaken. It is recognised that one of the main challenges in flooding is to develop, and where possible, implement strategies to reduce the effects of non-tidal and non-fluvial flooding in Dublin city.

Flood management policies and objectives relevant to the works are:

"**Policy SI9** To assist the Office of Public Works in developing catchment-based Flood Risk Management Plans for rivers, coastlines and estuaries in the Dublin city area and have regard to their provisions/recommendations".

"**Policy SI11** To put in place adequate measures to protect the integrity of the existing Flood Defence Infrastructure in Dublin City Council’s ownership and identified in the Strategic Flood Risk Assessment and to ensure that the new developments do not have the effect of reducing the effectiveness or integrity of any existing or new flood defence
infrastructure and that flood defence infrastructure has regard also to nature conservation, open space and amenity issues”.

"Policy SI14 To protect the Dublin City coastline from flooding as far as reasonably practicable, by implementing the recommendations of the Dublin Coastal Flood Protection Project and the Dublin Safer Project”.

"Objective SIO12 To ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the Dublin City Council climate change adaption policy and in the OPW Climate Change Sectoral Adaptation Plan Flood Risk Management applicable at the time”.

Chapter 10 – Green Infrastructure, Open Space & Recreation

Section 10.5.6 sets out that biodiversity contributes greatly to the natural heritage and quality of life of the city and contributes to the ‘green credentials’ of Dublin City as a location for business and tourism.

Biodiversity policies relevant to the works are:

"Policy GI23 To protect flora, fauna and habitats, which have been identified by Articles 10 and 12 of Habitats Directive, Birds Directive, Wildlife Acts 1976–2012, the Flora (Protection) Order 2015 S.I No. 356 of 2015, European Communities (Birds and Natural Habitats) Regulations 2011 to 2015”.

"Policy GI24 To conserve and manage all Natural Heritage Areas, Special Areas of Conservation and Special Protection Areas designated, or proposed to be designated, by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs”.

Section 10.5.7 confirms that Dublin City Council recognises the benefits of trees in humanising spaces, enhancing the environment and minimising the impacts of climate change.

Tree management policies and objectives relevant to the works are:

"Policy GI28 To support the implementation of the Dublin City Tree Strategy, which provides the vision for the long-term planting, protection and maintenance of trees, hedgerows and woodlands within Dublin City”.

"Policy GI29 To adopt a pro-active and systematic good practice approach to tree management with the aim of promoting good tree health, condition, diversity, public amenity and a balanced age-profile”.

"Objective GIO28 To identify opportunities for new tree planting to ensure continued regeneration of tree cover across the city, taking account of the context within which a tree is to be planted and planting appropriate tree species for the location”.

Chapter 11 – Built Heritage and Culture

This chapter deals with the protection of Dublin’s historic environment and seeks to implement effectively planning policy for the conservation and protection of the areas and structures of special interest in Dublin.

Key built heritage and culture policies relevant to the works are:

"Policy CHC1 To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city”.
5.3.2 Draft Dublin City Development Plan 2022-2028

As previously noted, the Dublin City Development Plan (CDP) is currently under review, with the Draft Dublin CDP (2022-2028) having been out to public consultation until 14th February 2022. 2146 submissions in total were received by the Council. The Chief Executive’s Draft Consultation Report in response to the submissions received is yet to be published. The final Dublin CDP 2022-2028 is expected to be adopted towards the end of 2022.

6 PLANNING PARTICULARS

This section of the Planning Report addresses the key environmental considerations and receptors associated with the proposed development, with reference, as relevant, to the documentation submitted in support of the application. Along with Section 5 of this Planning Report, this planning assessment demonstrates that the development is consistent with planning policy at national, regional, and local level and is in accordance with proper planning and sustainable development of the area.

6.1 Land Use & Zoning

The site subject of this planning application is in use as public car parking and public amenity open space along the promenade at Clontarf. The site is zoned Z9 Amenity/Open Space Lands/Green Network which has as its objective to preserve, provide and improve recreational amenity, open space, and ecosystem services. The works proposed are essential to provide protection from flooding and will not conflict with the zoning objectives for this site.

The site is also within the buffer zone of the UNESCO Dublin Bay biosphere and supports the conservation objectives of the core zone of the designated area. The mitigation measures set out in Section 8 of the NIS (see Volume 1, Section 4 of the Planning Documentation) to reduce, ameliorate, or avoid potential adverse effects on the protected species and habitats of the nearby European sites.

6.2 Landscape

The site is not located within areas designated in the Dublin City Development Plan 2016 – 2022 as Key Spaces and Connections or Key Views and Prospects. The site is within a designated green route which are important corridors for sustainable modes of travel and high environmental quality.

The proposed development consists of the upgrade and replacement of an existing outfall and culvert at Clontarf Road. This is in keeping with the existing use of the subject site and as such is in a location where the proposed works, in landscape terms, would be acceptable in principle. It is noted that the proposal involves development that is primarily underground. It is considered therefore that, upon completion, the proposed development will not give rise to any landscape and visual effects.

6.3 Water

The Tolka Estuary (IE_EA_090_0200) is a transitional waterbody which is assigned a ‘Moderate’ status under the Water Framework Directive (WFD). This waterbody is ‘At Risk’ of not achieving its WFD objectives due to pressure from urban wastewater treatment agglomerations.
As described previously, the aim of the proposed works in the Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project is to improve conveyance in the culverts to prevent upstream flooding. The provision of non-return valves on the outfalls will prevent tidal ingress back into the stormwater system during high tides. The NIS submitted with the planning application details a range of general mitigation measures and project specific mitigation measures aimed at protecting water quality (see Section 8 of the NIS) during construction stage of the project. These measures form an integral part of the proposals for which planning permission is sought and are contained in the outline Construction Environmental Management Plan submitted with the planning application. The Middle Wad catchment is a surface water system equipped with the usual urban drainage elements such as trapped road gullies, etc. Further upstream, the storm water attenuation ponds in Clontarf Golf Course provide some control of sedimentation from the areas upstream of the ponds. No new works are proposed as part of the Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project, which will alter the existing operational sedimentation control/management within the catchment, and therefore no operational mitigation measures are required.

In terms of compliance with the Water Framework Directive, and the relevant policies and objectives in the CDP, it is considered the proposed works, subject to the implementation of all proposed mitigation measures as detailed in the NIS, will not give rise to significant effects on the coastal water environment, and will not cause a deterioration in status of the waterbody.

6.4 Flood Risk

The proposed works are part of a flood protection scheme which aim is to improve conveyance in the culverts to prevent upstream flooding. The provision of non-return valves on the outfalls will prevent tidal ingress back into the stormwater system during high tides.

6.5 Natural Heritage and Biodiversity

A memorandum on the ecological impacts of the proposed development works was prepared by Faith Wilson Ecological Consultant in March 2022 to inform this application. This report contains terrestrial baseline ecological information to inform the planning process and is based on a desktop assessment and field surveys conducted to date for the project. European sites are not dealt with in this report.

The terrestrial habitats surrounding the proposed works at Clontarf Road are best described under the Fossitt Level 3 habitat classification as Amenity Grassland (GA2), Buildings and other artificial surfaces (BL3), while the adjoining coastal defence works correspond to the habitat Sea walls, piers and jetties (CC1). The habitats present within the area adjoining Clontarf Road (Amenity Grassland (GA2), Buildings and other artificial surfaces (BL3) and Sea walls, piers and jetties (CC1)) do not correspond to any habitats listed under Annex I of the EU Habitats Directive. No invasive species as listed under S.I. No. 477 of 2011 (The European Communities (Birds and Natural Habitats) Regulations 2011) was recorded.

Wintering birds previously recorded by NPWS conservation ranger (Niall Harmey, pers. comm) from the inter-tidal mudflats in this general area include: Black headed gull, Common gull, Lesser black backed gull, Brent geese, Black tailed godwit, Curlew,
Redshank and Kingfisher, which are all species listed under Annex I of the EU Birds Directive.

The grassland habitats adjoining Clontarf Road are also potentially utilised by wintering water birds, which form part of the qualifying interests of the adjoining Sandymount/Tolka Estuary SPA (Site Code: 004024).

The proposed works will impact on the grassland habitats and trees present within the site and on the rock armoury with potential impacts on the habitats within the adjoining designated site (this is the subject of the NIS).

Three elder trees nearest the outfalls will require trimming back and may require removal to facilitate access to the works. These are a native tree/shrub with a high biodiversity value supporting various invertebrates and the flowers provide a foraging resource for pollinators in the spring and berries for birds. If these elder trees are removed, it is proposed that replacement trees will be planted in Alfie Byrne Road or at Fairview Park in agreement with Dublin City Parks Department in accordance with the Dublin City Council Tree Strategy.

The grassland and rock armoury habitats were assessed as being of low local importance ('E' rated site) using the criteria developed by the NRA to evaluate sites for flora, fauna and fisheries, whereas the adjoining mudflats are assessed as an ‘A’ rated site.

A series of prevention and avoidance measures are detailed in the Ecological Memorandum which will be implemented during the proposed works to avoid or ameliorate potential impacts on the terrestrial habitats within the site and on the adjoining designated site. The memorandum has concluded that no significant long term ecological impacts are expected from the proposed development given the nature of the receiving environment and the strict implementation of the above-mentioned measures.

Refer to Volume 1, Section 8 of the Planning Documentation for a copy of the Ecological Impacts Memorandum.

In terms of European sites, refer to Section 1.5 of this Planning Statement and Volume 1, Section 7 of the Planning Documentation for a copy of the NIS.

Based on the above, it is considered that the proposed development will not contravene the natural heritage and biodiversity objectives in the County Development Plan and therefore will not contradict or contravene the requirements and objectives of the Birds and Natural Habitats Directives.

6.6 Archaeology, Architectural and Cultural Heritage

An Archaeological Screening Assessment was carried out by Jacqui Anderson of IAC Archaeology (IAC) in March 2022 to ascertain the potential impact of the proposed development on the archaeologica and historical resource that may exist within the area and define whether further studies are required to define potential impacts. Refer to Volume 1, Section 6 of the Planning Documentation for a copy of the Archaeological Screening Assessment.

The site is located outside the zone of archaeological potential for historic core of Dublin (DU018-020). There are no recorded monuments with a 500m radius study area. A Sites and Monuments record for a battlefield (DU019-020) is marked ca. 476m east-southeast of the proposed development area. However, this location represents an approximate area relating to the battlefield associated with the Battle of Clontarf (AD 1014). IAC concluded
it unlikely that the battle took place in the immediate vicinity of the proposed development area. Whilst there are no recorded archaeological sites in the vicinity of the proposed development area, it is possible that the Battle of Clontarf occurred within the wider landscape. Furthermore, the development area is located within a marine environment, which lends a general archaeological potential to the site. Based on the results of their assessment, IAC confirmed that no direct impacts are predicted upon the onshore/terrestrial archaeological resource because of the proposed development.

Based on the location of the site within an intertidalmarine environment and the resulting archaeological potential of the site, a separate Intertidal Archaeological Assessment was carried out by specialist archaeologists ADCO Ltd. Refer to Volume 1, Section 7 of the Planning Documentation for a copy of the Intertidal Archaeological Assessment. The intertidal survey was conducted along a 138m-long section of foreshore, extending either side (east/west) of the existing Wad River Outflow. The assessment included systematic visual inspection of the intertidal zone within the vicinity of the Wad River Outflow and the rock armour that extends between the cycleway and foreshore. This assessment was conducted at Low Water, on the 15th of January 2022 to maximise foreshore exposure. A metal-detection survey of a sample area was also completed as part of the assessment. No material, deposits, or features of archaeological or historical interest were encountered as part of the intertidal assessment and the report identifies no archaeological reason for the project not to proceed.

Whilst it was confirmed that the installation of the new outflow will not impact on any known archaeological sites, the proposed headwall and chamber of the new outflow is expected to be below the level of the rock armour and former seabed (beneath the 1930s reclamation infill material and rock armour, as detailed within the Intertidal Archaeological Assessment). ADCO consider that excavation through the former seabed so close to the historical village of Clontarf increases the potential for impact on previously unidentified archaeological remains, and as such, any excavated spoil associated with the 1930s reclamation shall be subject to archaeological inspection. Furthermore, in the event that the works trench does require excavation to a depth that extends into the former seabed (beneath the reclamation infill material and rock armour), archaeological monitoring of such work will be carried out.

Based on the above, it is considered that the proposed development will not have an adverse impact on the conservation and protection of the environment including the archaeological and cultural heritage.

### 6.7 Traffic and Access

The main construction phase impacts will be associated with temporary nuisance and disturbance caused by construction activities which will potentially include increases in noise and dust within the site area. Given the minor nature and short duration of the proposed works it is anticipated that there will be minimal disruption to traffic.

All works in the amenity area and shoreline will be undertaken from the temporary compound at the car park and across the cycle path. To gain access to the shoreline at the location of the proposed works, temporary diversions will be in place for the walking/cycle path for the duration of the construction period. Access to the public car park at the western end will be restricted, and there will be a reduction in the number of car parking spaces within the car park for the 8 weeks duration of the works.
A Temporary Traffic Management Plan (TTMP) will be prepared by the appointed Contractor and will be approved by Dublin City Council prior to any works commencing on site.

6.8 Air, Odour, Noise & Vibration

It is anticipated that all construction works will take place during daytime hours and will employ best practice mitigation measures. Therefore, the relative construction noise impact will not be significant. Once operational, given the minor nature of the proposed works, it is considered that there will be a negligible long-term noise impact arising from operation of the proposed development. It is considered that there will be no odour impacts or impact on air quality arising from the construction or operation of the proposed development.

It is considered that the development will not give rise to significant environmental effects relating to air, odour, noise and vibration, during the construction or operational phases.

6.9 Outline Construction Environmental Management Plan

The appointed Contractor will be required to prepare and agree a detailed CEMP, in line with ISO 14001 to address all construction activities to be carried out as part of this development, with Dublin City Council prior to construction works commencing on site. All site management measures have been included within the Outline CEMP which is included in Volume 1, Section 9 of the Planning Documentation. This outline CEMP will be expanded upon by the appointed Contractor and it will become the key reference document in that it converts the undertakings and mitigation measures of the NIS, and supporting environmental reports, submitted as part of the planning application and any conditions of planning set by An Bord Pleanála into a set of actions and commitments to be followed during the construction of the proposed development.

6.10 Summary

- The proposed development will not cause serious pollution (i.e., air pollution, water pollution, noise pollution or vibration or pollution connected with the disposal of waste as per Section 9 of the Fourth Schedule of the Planning Act).
- The proposed development will not be prejudicial to public health (Section 10 of the Fourth Schedule of the Planning Act).
- The proposed development is compliant with the zoning designations in the adopted and CDP.
- The proposed development will not give rise to significant landscape and visual effects.
- No significant traffic or access issues are expected to arise as a result of the proposed development. Temporary construction phase impacts will be managed via mitigation measures outlined in Volume 1, Section 9 of this planning submission.
- The development will not give rise to significant environmental effects relating to noise and vibration, or waste management, during the construction or operational phases.
As demonstrated in Sections 5 and 6 above, the proposed development is consistent with and does not materially contravene any objectives of the Dublin CDP 2016 – 2022 or the Draft Dublin CDP 2022 – 2028.

As demonstrated in Sections 1.5, 5 and 6 above, and Volume 1, Section 4 of this planning submission, the proposed development does not contravene materially a development objective indicated in the development plan for the conservation and preservation of a European site.

As demonstrated in Sections 5 and 6 above, and Volume 1, Section 8 of this planning submission, the proposed development does not contravene materially a natural heritage and biodiversity objective in the development plan for the conservation and preservation of natural heritage and biodiversity.

As demonstrated in Sections 5 and 6 above, and Volume 1, Section 6 and Section 7 of this planning submission, the proposed development does not contravene materially an Archaeology, Architectural and Cultural Heritage objective in the development plan.

Due to the minor nature and location of the proposed works, the proposed development will not have a negative impact on residential amenity.

The proposed development is acceptable and consistent with planning policy at national, regional, and local level and is compatible with the existing use of the subject site. It will have no adverse impacts on the environment or the surrounding landscape.

The proposed development has been designed to ensure that all relevant EU Directives / National Regulations will not be contravened.

7 SUMMARY AND CONCLUSION

The proposed development has been screened for EIA and AA. It has been concluded that there is no requirement for the Competent Authority, An Bord Pleanála, to conduct an EIA in respect of the proposed development which comprises the subject-matter of this Planning Application, and there is no requirement on Dublin City Council to either prepare or submit an EIAR in relation to this development. The AA screening concluded that on the basis of objective scientific information, following screening and in light of the Conservation Objectives of relevant sites, likely significant effects cannot be ruled out during construction and operational activities for the development at Clontarf Road, for a number of European sites within the Zone of Influence of the proposed development, with potential pathway effects, due to the potential for likely significant effects on all, or some, of their mobile features. Therefore, it was concluded that an Appropriate Assessment and the production of a NIS was required. The requisite NIS is submitted with the application. It is acknowledged that it is An Bord Pleanála, as the Competent Authority, who will formally carry out the EIA screening and AA processes as part of their determination of this application. The EIA and AA screening documents and NIS are provided as supporting information to the application to inform the statutory processes by the Competent Authority.
This Planning Report has demonstrated that the proposed development is acceptable and consistent with planning policy at national, regional, and local level and is compatible with the existing use of the subject site. It will have no adverse impacts on the environment or the surrounding landscape and is in line with the proper planning and sustainable development of the area and will not lead to any contravention of relevant European Directives and National Regulations.