



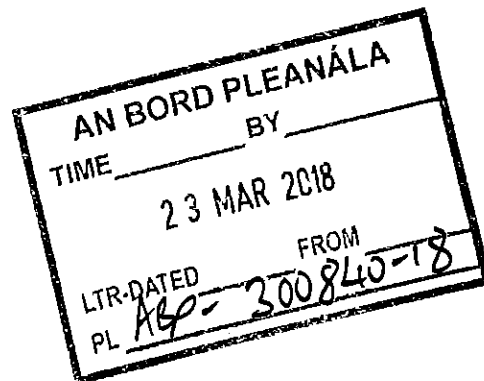
An Roinn
Cultúir, Oidhreacht agus Gaeltachta
Department of
Culture, Heritage and the Gaeltacht

Our Ref: 177AE Pedestrian & Cyclist scheme

23 March 2018

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to bord@pleanala.ie



Re: Application to An Bord Pleanála by Fingal County Council under Section 177AE (4)(b) of the Planning & Development Act 2000 (as amended) for approval of the proposed development of a new pedestrian and cyclist scheme between Baldoyle and Portmarnock, Co. Dublin

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to the notification and documentation received in relation to the above proposed works.

Outlined below are the observations/recommendations of the Department of Culture, Heritage, and the Gaeltacht under the stated headings.

Archaeology

Given the number of historic wrecks noted and recorded from the Portmarnock area, the proposed new bridge structure over the Mayne River is within an area of underwater archaeological potential.

The Department therefore recommends that an Underwater Archaeological Impact Assessment, as described below, shall be undertaken to assess the impact on known or potential archaeology.

Underwater Archaeological Impact Assessment should be compiled as follows:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an underwater archaeological assessment of the development site/proposed programme of works. All of the above surveys shall be undertaken to the specifications advised by the Department of Culture, Heritage & the Gaeltacht.
2. The archaeologist should carry out any relevant documentary research and inspect the site.
3. The archaeologist should carry out a dive survey with metal detection. The archaeologist should be licensed under the National Monuments Acts 1930-2004. Diving operations should be undertaken to the Health and Safety Authority's Rule under the Health and Safety at Work (Diving Operations) Regulations 1981 SI 422 and to include that the proper qualifications are held by the dive team and the proper commercial dive insurance is in place.
4. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Culture, Heritage & the Gaeltacht. Where archaeological material/features are shown to be present, preservation *in situ*, preservation by record

(excavation), avoidance or monitoring may be required. This Department shall advise should such matters arise.

Nature Conservation

Fingal County Council has consulted the National Parks and Wildlife Service of this Department over a number of years regarding this proposed scheme and has designed and routed the scheme to avoid significant effects on the European sites of Baldoyle Bay Special Area of Conservation (SAC) (site code 000199) designated under the EC Habitats Directive (Council Directive 92/43/EEC) and Baldoyle Bay Special Protection Area (SPA) (site code 004016) designated under the EC Birds Directive (Directive 2009/147 EC).

In any decision reached, An Bord Pleanála should ensure that those parts of the route close to the European sites are adequately screened and/or fenced to ensure no disturbance to the habitats and species which are qualifying interests of the SAC or features of interest of the SPA.

While this route stops before the roundabout at Portmarnock it seems likely that people will travel further north towards Portmarnock. Therefore there is potential for impacts on the SAC and SPA from such an activity.

This Department is aware that the route is to continue northwards as a separate, but linked, project and has been consulted about this by Fingal County Council. As part of this proposed route from Portmarnock roundabout it has been agreed that illegal dumped material that has accumulated over the years will be removed from the Portmarnock bridge area. In order to avoid any concerns about project splitting, the impact of the next part of the scheme northwards needs to be considered in any assessment made by An Bord Pleanála.

This Department notes the reference to the Natura Impact Statement (NIS) for the Broadmeadow Way (sections 6.11-6.13 of the current NIS). However the NIS for the Broadmeadow Way has not yet been referred to this Department. Given that the Broadmeadow Way will include a new route over the estuary from Malahide to Donabate, which is proposed to be on what was envisaged as a temporary access route for Iarnród Éireann, this Department notes that the Broadmeadow Way is therefore likely to result in a permanent loss of habitat in Malahide Estuary SAC (site code 000205) and Malahide Estuary SPA (site code 004025). It is also unclear how such an estuary crossing at this location for the Broadmeadow Way would impact on the future proposals for twin tracking the railway at this location. An Bord Pleanála should assess cumulative impacts with other linked greenways along the coast including the proposed Broadmeadow Way and Sutton to Malahide green route.

An Bord Pleanála should also take note of section 8.39 (page 66) of the Environmental Report regarding otters. This Department is aware of a number of otter kills along the stretch of road from Red Arches to Portmarnock roundabout. Any permission given should therefore ensure that adequate construction and design details are given to ensure there are no impediments to otter movements, particularly along the Mayne River. Otters are listed on both Annex II and IV of the Habitats Directive as well as being protected under the Wildlife Acts 1976-2012.

With regard to lighting, An Bord Pleanála should ensure that the mitigation measures outlined in the environmental report are adhered to, to ensure there are no negative impacts on birds or bats. Bat species are listed on both Annex II and IV of the Habitats Directive as well as being protected under the Wildlife Acts 1976-2012.

This Department notes from section 5.17 of the NIS (page 34) that the appointed contractor will be required to put in place a construction management plan (CMP). An Bord Pleanála should ensure they have adequate details of the proposed construction methods to allow for a complete appropriate assessment. This Department normally advises that complete project details, including outline CMPs, need to be provided in order to allow an adequate appropriate assessment to be undertaken. Applicants need to be able to demonstrate that CMPs and other

such plans are adequate and effective mitigation, supported by scientific information and analysis, and that they are feasible within the physical constraints of the site. The positions, locations and sizes of construction infrastructure and mitigation, such as settlement ponds, disposal sites and construction compounds, may significantly affect European sites, designated sites, habitats, and species in their own right and could have an effect for example on drainage, water quality, habitat loss, and disturbance. If these are undetermined at time of the assessment, all potential effects of the development on the site are not being considered. If applicants are not in a position to decide the exact location and details of these at time of application, then they need to consider the range of options that may be used in their assessment so that all issues are covered. The CMP should also include methods to ensure invasive alien species are not introduced or spread.

Kindly forward any further information received; or in the event of a decision being made a copy of same should be forwarded to the following address as soon as it issues:

The Manager,
Development Applications Unit,
Department of Culture, Heritage, and the Gaeltacht,
Newtown Road,
Wexford
Y35 AP90

Preferably, documentation associated with the above can be referred electronically to the DAU at the following address manager.dau@chg.gov.ie

In addition, please acknowledge receipt of these observations by return.

Is mise, le meas

Sinéad O'Brien

Sinéad O' Brien
Development Applications Unit

