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- (a) **Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8)**
(b) **Local Government Act 2001 (as amended)**
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In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:

Application No: 4315/18

Proposal: LAW: Planning and Development Act 2000 (as amended)

Planning and Development Regulations 2001 (as amended) - Part VIII

Applicant: Environment & Transportation Department

Location: Dodder River Wall, Opposite RDS Showgrounds, Anglesea Road, Ballsbridge, Dublin 4

Proposal: Proposal: Pursuant to the requirements of the above, notice is hereby given of the construction of a reinforced concrete flood alleviation wall directly adjacent to, and on the riverside of, the existing River Dodder embankment wall. The existing river wall will be demolished from public footpath level upwards. The public footpath will be widened 600mm to the new floodwall structure. The new floodwall will be 100mm higher than the previous structure, 185m in length and will be clad in salvaged limestone.

An Environment Impact Assessment Screening Report has been prepared and it has been determined that an Environmental Impact Assessment is not required.

Applicant:

1. Site Notice:

Site notices were in place and in order 11/12/2018.

2. Zoning:

The subject site does not have a specific zoning as it comprises the river wall of the Dodder along Anglesea Road.

Lands directly adjacent to the Dodder wall are zoned Z9, '*To preserve, provide and improve recreational amenity and open space and green networks*', with some lands to the south zoned Z1 – '*To protect provide and improve residential amenity*'.

The site is also located within a designated Conservation Area and also within a Zone of Archaeological Influence for the Recorded Monuments DU018-059, The Bridge site over the River Dodder, and also DUO18-060/022-082, settlements, which are listed on the Record of Monuments and Places, (RMP).

3. Site Description:

The site is located along the eastern bank of the River Dodder and adjacent to Anglesea Road. The section of the wall in question is approximately 200m in length and runs from the green area opposite Pembroke Library to the new house at 1A Anglesea Road and is either side of the road bridge into the Herbert Park Hotel. This section of wall directly abuts the public footpath along Anglesea Road.

4. Proposed Development:

The proposed development relates to works to the existing river wall at the Dodder at Anglesea Road and close to the junction with Merrion Road.

The works involve the following

- The construction of a reinforced concrete flood-wall inside the existing wall. This wall will be of reinforced concrete and cast in-situ,
- The demolition from the footpath up of the existing and original wall and the construction of a new wall on top of the new reinforced wall,
- The new wall would be clad in imported salvaged limestone, pointed with lime mortar to the approval of the site conservation architect,
- The final flood height would be approximately 140mm higher than the existing wall,
- As the existing wall would be removed the footpath would be made approximately 600mm wider.
- The existing trees would be retained in situ.

During construction there will be a construction easement to facilitate materials and machinery. This easement will take over the footpath adjacent to the wall and 2.5m of the inbound carriageway. The existing bus stop will remain operational but eight paid parking spaces will be suspended during the construction phase, which is estimated to be six months.

Inbound and outbound traffic on Anglesea Road will be maintained at all times, as will access to the Herbert Park Hotel, offices and apartments. Rampart Lane, which is the pedestrian walkway between Herbert Park and Herbert Park Hotel Bridge will be closed for the duration of the works and pedestrians will be diverted through the Herbert Park Hotel complex.

The existing construction haul road in the river will be widened to approximately 10m to allow for construction of the floodwall bases. The temporary river crossing currently placed upstream of the Herbert Park Hotel Bridge will be maintained. These works will be carried out under agreement with Inland Fisheries Ireland with riverbed reinstatement to 2009 levels.

Background to the works:

Flood alleviation works are currently being carried out along the Dodder catchment. The scope of the works were determined on foot of a study carried out in 2006 which was compiled by the OPW, DCC, Dun Laoghaire Rathdown and South Dublin County Council, in order to address the flooding issues in the River Dodder Catchment area. This document was called CFRAMS, (Catchment Flood Risk Assessment and Management Study). Viable options to control flood risk were identified in the Dodder Catchment Flood Risk

Management Plan. Phase 1 of these works is called the Dodder Flood Alleviation Works and commenced at Ringsend Bridge in 2007 and have progressed upstream.

The current phase of works is from Lansdowne Road Railway Bridge to the Lower Smurfit Weir by Beech Hill Road and is called Phases 2C, 2D and 2E. These works were granted permission under Ref. 2504/13 and included localised repairs to the wall on Anglesea Road, adjacent to the RDS, with a 100mm rise to the wall to the design flood height.

During these works it was seen that this section of wall was failing and tests were carried out to see how stable the wall was. The investigations found that the existing river wall was insufficient to take the current loading and would certainly fail under the designed flood conditions. Therefore major engineering works would have to be undertaken to ensure that the walls would withstand the design flood loadings.

Works to the extent required were not covered in the initial planning application and thus a new application is required.

5. Site Planning History:

2504/13 – Previously approved Part 8 procedure for Flood Alleviation works, Phases 2c,2d & 2e River Dodder Part 8 proposals, Lansdowne Road Railway Bridge to Smurfit Weirs, Dublin 4. The proposal is to increase the flood defence levels in the above areas to cope with the worst modelled 1 in 200 year river (fluvial) and tidal event up to the tidal weir upstream of Ballsbridge and the worst 100 year fluvial event up to the lower Smurfit weir. This will involve the construction of floodwalls and embankments to achieve this. This programme of works falls out of the Dodder Catchments Flood Risk Assessment and Management Study approved by Dublin City Council in February 2013.

The South East Area Committee were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the Planning Department at its meeting's on the 8th October 2018.

6. Observations:

Two third party observations were received within the statutory time frame. They have been noted and are summarised as follows;

Observation from the Pembroke Road Association;

- The existing river wall should be retained, as it is part of the historic fabric of the Pembroke district.
- It should be retained and modified but not replaced.
- It would be possible to consult with a conservation architect to find a way to augment the existing wall and to keep the masonry construction.

Richard Good, 5 Beaver Row;

- The design of the stone wall and cladding is inappropriate for the location and would not be in compliance with the Conservation Area,
- The proposed rounded top is inappropriate as the existing wall has a flat top and is part of the existing environment. The new wall should be designed to match.
- The nature and design of the new wall and its cladding would detract from the setting of the historical structures on Anglesea Road, such as the Pembroke Library.

7. Referrals:

Response received from the Department of Culture, Heritage and the Gaeltacht;

- The Department notes that the proposed development is located adjacent to a zone of archaeological potential established around the Bridge, Recorded Monument DU 018-059, which is subject to statutory protection in the Record of Monuments and Places. The Dublin City Development Plan also designates this area as a Zone of Archaeological Interest.
- The Department therefore recommends that an Underwater Archaeological Impact Assessment shall be undertaken to assess the impact of the development on archaeological remains in the vicinity of the monument at Ballsbridge and any potential previously unrecorded archaeology in the river.
- Details are included as to how the Impact Assessment shall be compiled and carried out.

8. Interdepartmental Reports:

- **Drainage Division** - There is no objection to the proposed development.
- **City Archaeologist's Report** – It is noted that the proposed development is partially within the border of the Zone of Archaeological Constraint for the Recorded Monuments DU018-059 (bridge site) and DU018-060/022-082 (settlement), which are listed on the Record of Monuments and Places (RMP) and are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Further, the site in question is within the Zone of Archaeological Interest in the Dublin City Development 2016-22.

It is therefore recommended that the following conditions be attached;

- a) The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary. The archaeologist shall provide an Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the Planning Authority prior to monitoring.
- b) The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
- c) The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- d) The archaeologist shall consult with and forward their Method Statement in advance of commencement to the Planning Authority.
- e) In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.
- f) Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the Planning Authority and National Monuments Service, Department Arts Heritage and Gaeltacht.

- g) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the *Dublin City Archaeological Archive Guidelines* (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason- **In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.**

- **Roads and Transportation Planning** - This division has no objection to the proposed development subject to the following conditions: -
 1. The applicant shall contact the Planning Enforcement Section of Dublin City Council Roads Department regarding the suspension of parking spaces along Anglesea Road and fees associated with this.
 1. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
 2. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In order to provide a satisfactory standard of development.

- **Conservation** – At the time of writing a formal Conservation report had not been received. However, comments were issued at the 'pre-formal' stage of the Part 8 process and stated that the Conservation Section was satisfied with the proposed works providing they are carried out under the guidance of a Conservation Expert and in accordance with best conservation practice, to ensure that the works are executed to minimise the impact on the historic architectural fabric in the vicinity, and that mature trees are protected and retained where indicated.

9. Policy Context:

Development Plan Policy

It is the Policy of Dublin City Council:

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). Appendix 11 sets out a schedule of works to be carried out along the Dodder, including those permitted under 2504/13.

10. Planning Assessment:

The subject Part 8 is for an amendment to a previously approved Part 8 for flood alleviation works along the River Dodder, Ref. 2504/13. These works are ongoing and are being carried out by the OPW on a phased basis. Phases 2C, from Lansdowne Railway Bridge to Ballsbridge, and 2D, From Ballsbridge to Anglesea Bridge (Donnybrook), are currently under construction. Under the previously approved Part 8 it was proposed to raise the parapet height of the existing wall. However, as the works progressed it was discovered that the structural integrity of the original river wall was weak and would not sustain such measures. As such, it is necessary to carry out works to the wall as well as providing the flood alleviation measures.

As the site of the proposed works is located within an environmentally sensitive area a number of reports outlining the impacts of the development were carried out and submitted with the consent application. These are as follows;

- Report for Screening for Environmental Impact Assessment,
- Ecological Survey Report,
- Stage 1 Screening for Appropriate Assessment.
- Architectural Heritage Assessment.

Given the nature and location of the works, it is considered that the main impacts would relate to the ecology of the Dodder and the visual impact on the receiving environment, which is a designated Conservation Area.

The Ecological Survey Report states that the area was surveyed for the presence of otters, badgers and kingfishers, which are all protected species likely to be in the area. The survey found that there were no otter holts, badger setts or kingfisher nests within the areas, which the construction work will be undertaken. It also states that *'There are therefore no direct risk to these protected species from the proposed work. There will be no loss of dwelling places or protected structures sheltering these species'*.

In order to determine whether the development would be likely to have significant effects on the environment a screening exercise was carried out to determine whether a full Environmental Impact Assessment would be required. This report assessed the possible impacts of the development on the following;

- Population & Human Health,
- Biodiversity,
- Cultural, Architectural and Archaeological Heritage,
- Landscape and Visual Environment,
- Soils & Geology,
- Water,
- Traffic & transport,
- Air Quality & Climate,
- Noise & Vibration,
- Land Use & Material Assets,
- Interactive Effects.

The screening report concluded that the proposed development is sub-threshold for a full EIA and that, *'it is considered that the proposed development is not likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, and Annex III of Directive 2014/52/EU'*. Having reviewed the information submitted and the accompanying reports, I see no reason to deviate from this conclusion.

The Stage 1 Screening Report for Appropriate Assessment also concluded that a full Appropriate Assessment was not required for the proposal.

Third party observations raised concerns regarding the visual impact of the new wall on the conservation area. The new wall would be approximately 140mm taller than the existing wall and would be wider. It would have a rounded top, rather than a flat one and would be clad in limestone. Following the works, the footpath would be wider and the existing mature trees would be retained.

The Architectural Heritage Report states that *'The conservation approach initially recommended for this length of wall was to retain the existing battered wall and carry out repair works as necessary. This approach would retain the historic integrity of the river wall and the wider area. Following detailed analysis of this option by the design team, it was found that a conserved and consolidated wall would not be capable of withstanding the anticipated water pressures'*.

A number of options were considered during the design process and it was determined that constructing a retaining wall inside the original wall was the best solution available. The concrete retaining wall would be clad in coursed limestone with lime mortar pointing and battered to match the line of the original wall behind. This approach allows the original wall to remain undisturbed, albeit buried, behind the new retaining wall. The new parapet wall will be wider than the original due to the stone cladding and to account for this the wall will have a rounded rubble limestone capping. This finish would be in keeping with the surrounding flood defence walls.

Although the existing wall would be different in appearance to the original wall, the works would allow for the retention of the mature trees along Anglesea Road, which add to the setting of the conservation area. The public realm would also be improved by way of a wider footpath along the river.

In conclusion, the proposed works have been designed following a comprehensive review of a number of different design options. The chosen option gives the greatest technical certainty regarding design and construction, is environmentally sound and allows for the retention of mature trees. It is also the most economic, and gives archaeological reversibility regarding the main part of the original structure.

The proposal has been assessed in terms of its environmental impact and the impact on the integrity of the conservation area and have been found to have minimal impacts. They will allow for continuation of the flood alleviation works along the Dodder, which is supported by Development Plan policy.

Appropriate Assessment:

A stage 1 screening report for Appropriate Assessment was carried out by ARUP for the proposed development. The report concluded that *'There is no potential for the proposed development to significantly impact on Natura 2000 sites. The proposed development is not directly connected with, or necessary to the conservation management of any Natura 2000 sites. The proposed development, alone or in combination with other projects, are not likely to have significant effects on Natura 2000 sites in view of their conservation objectives'*.

11. Recommendation:

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.

The following recommendations have been received from internal Departments;

Drainage Division:

The developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

Reason: In order to provide a satisfactory standard of development.

Roads and Transportation Division:

The applicant shall contact the Traffic Planning Enforcement Section of Dublin City Council regarding the suspension of parking spaces along Anglesea Road and fees associated with this.

All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In order to provide a satisfactory standard of development.

City Archaeologist:

- a. The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary. The archaeologist shall provide an Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the Planning Authority prior to monitoring.
- b. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
- c. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- d. The archaeologist shall consult with and forward their Method Statement in advance of commencement to the Planning Authority.
- e. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.
- f. Two copies of a written report and a digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the Planning Authority and National Monuments Service, Department Arts Heritage and Gaeltacht.
- g. Following submission of the final report to the Planning Authority, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the *Dublin City Archaeological Archive Guidelines* (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

Conservation:

- The proposed works shall be carried out under the guidance of a Conservation Expert and in accordance with best conservation practice, in order to ensure that the works are executed to minimise the impact on the historic architectural fabric in the vicinity, and that mature trees are protected and retained where indicated.

Reason: In order to maintain the integrity of the original structure and to maintain the character and setting of the conservation area.

Recommendations from Prescribed Bodies;**Department of Culture, Heritage and the Gaeltacht:**

- The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the potential impacts of the development/proposed works.
- The assessment shall comprise of a detailed desktop study, with the archaeologist carrying out any relevant documentary research including consulting with the Wreck

Inventory of Ireland Database, the Record of Monuments and Places and the Ports and Harbours Archive, all of which are held by the Department of Culture, Heritage and the Gaeltacht. The Topographical Files held by the National Museum of Ireland should also be consulted. The assessment should also include a detailed archaeological impact statement including a detailed description of the proposed works and the impact they will have on known and/or potential archaeology.

- The archaeologist should carry out a wade/dive and metal detection survey of the proposed area to be impacted by the proposed works. The wade/dive and metal detection surveys should be licensed under the National Monuments Acts 1930-2004 and carried out by an archaeologist suitably qualified in underwater archaeology.
- Having completed the work, the archaeologist shall submit a written report to this Department.
- Where archaeological material/features are shown to be present, preservation *in situ*, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

The project is being funded by the Office of Public Works

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 (as amended) and Section 179 of the Planning and Development Act, 2000 (as amended) subject to the provisions of Section 139 of the Local Government Act, 2001 (as amended).

Resolution:

“That Dublin City Council notes Report No 95/2019 and hereby approves the contents therein.”

Owen P. Keegan
Chief Executive

Date: 20th February 2019

Appendix 1

LIST OF THIRD PARTIES & CONSULTEES

Pembroke Road Association

Richard Good

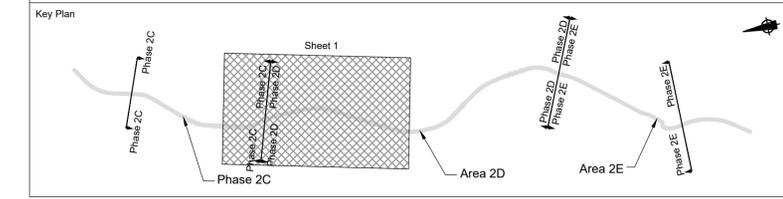
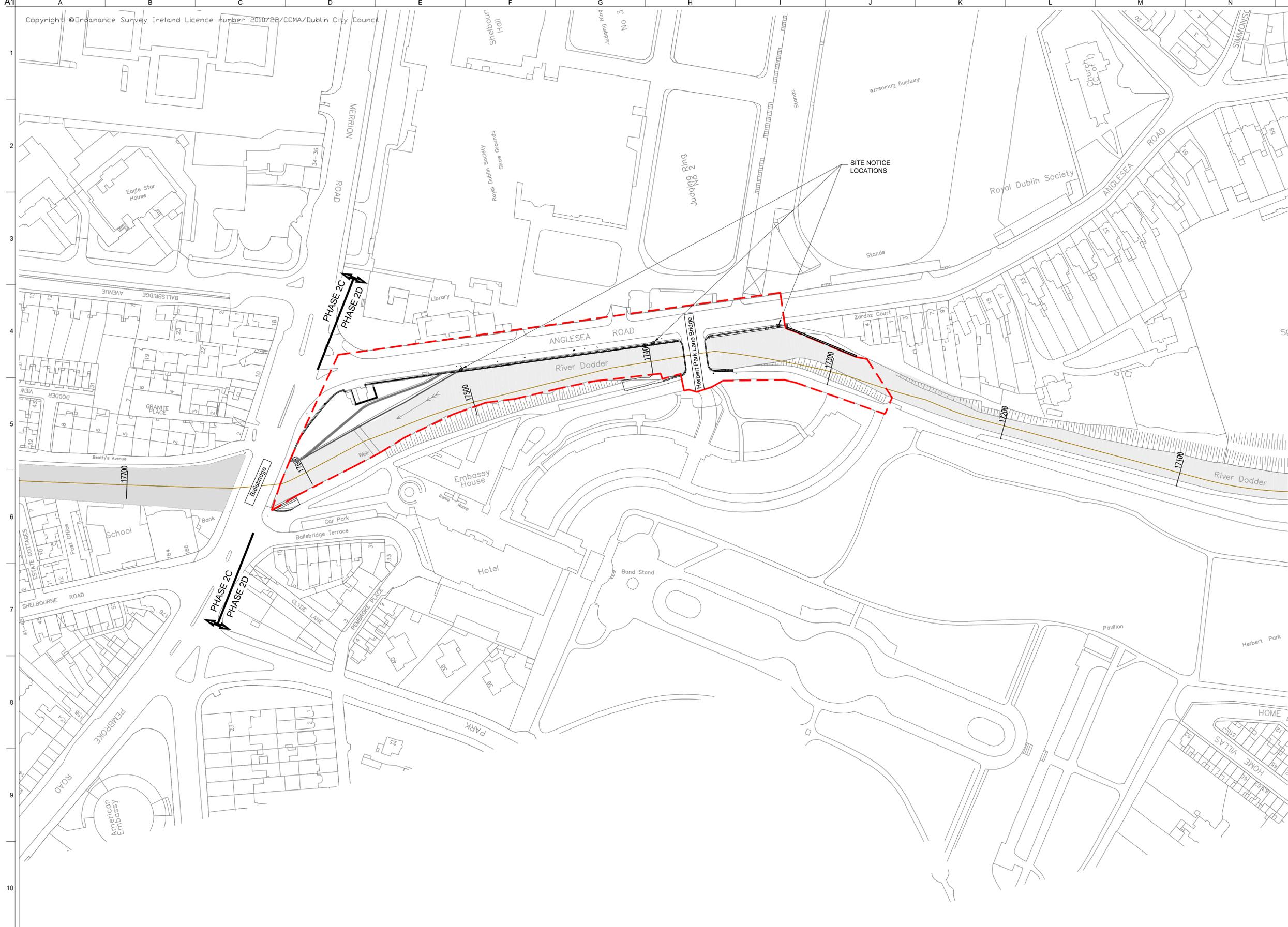
Irish Water Colvill House, 24 - 26, Talbot Street, Dublin 1

Department of Culture, Heritage & Gaeltacht Development Applications Unit, Newtown
Road, Wexford

FOR PLANNING

Legend:

- Proposed Site Boundary
- Site Notice Location



Issue	Date	By	Chkd	Appd
P02	20/06/2018	PW	BT	IA
P01	18/06/2018	PW	BT	IA

Clients

DUBLIN CITY COUNCIL
Comhairle Cathrach Bhaile Átha Cliath
ENVIRONMENT AND ENGINEERING DEPARTMENT
An Roinn Comhairsiúil agus Innealtóireachta

Civic Offices,
Wood Quay,
Dublin 8.

Contractor

OPW
The Office of Public Works
Oifis na n-Obairacha Poblai

Project Title
Dodder Flood Alleviation Project

Scale at A1
1:1000

Date:
June 2018

Consultant

ARUP
Arup, 50 Ringsend Road
Dublin 4
Tel +353(0)1 233 4455 Fax +353(0)1 668 3169
www.arup.ie

Drawing Title
RDS Wall Planning Location Map

Drawing Status
For Planning

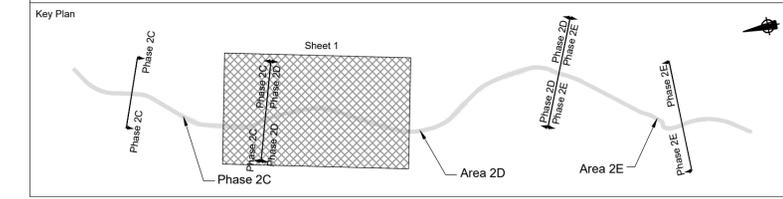
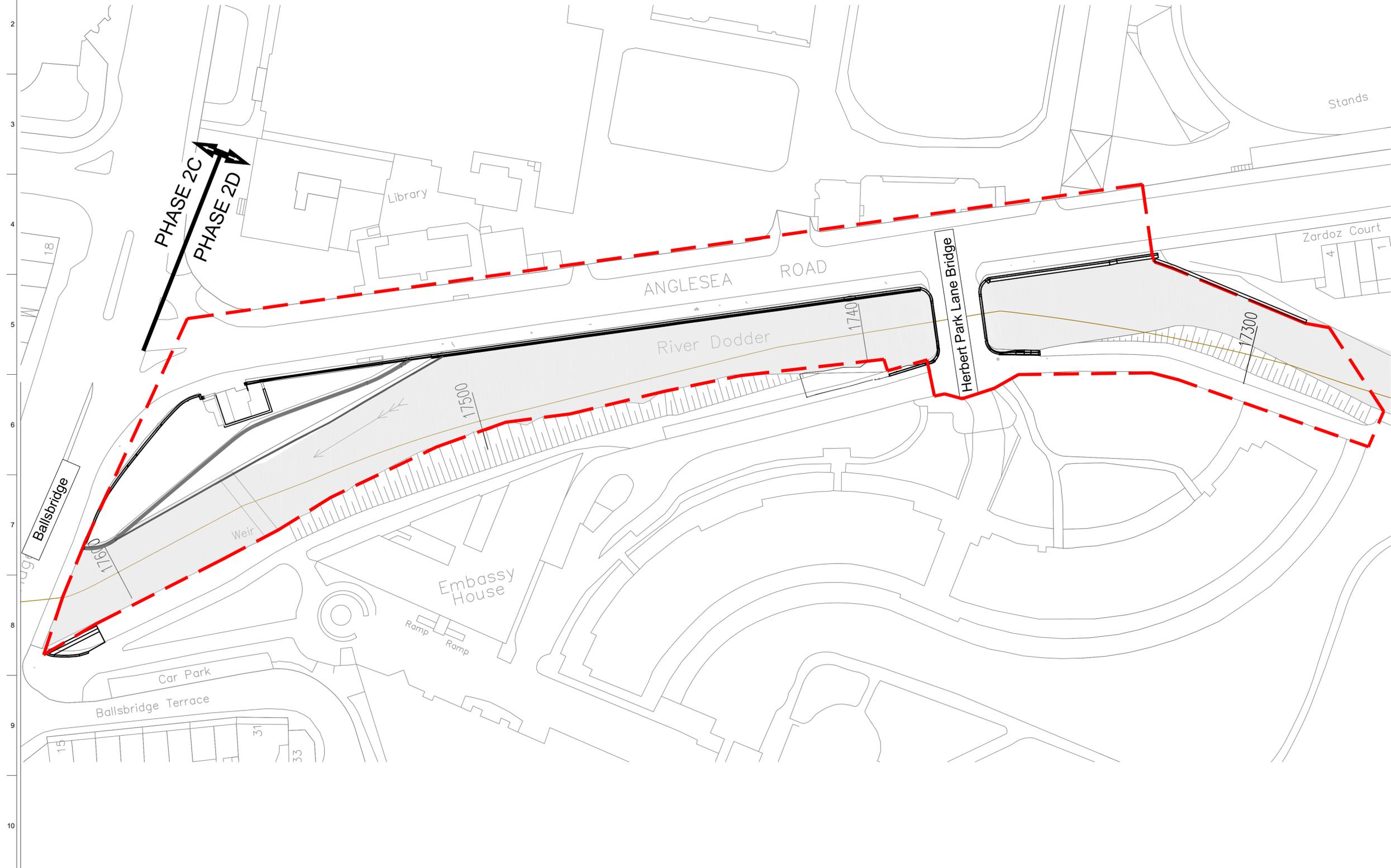
Project No
219346

Drawing No
D-DR-W-0200

Issue
P02

FOR PLANNING

Legend:
 Proposed Site Boundary



Issue	Date	By	Chkd	Appd
P01	18/06/2018	PW	BT	IA

Clients



DUBLIN CITY COUNCIL
 Comhairle Cathrach Bhaile Átha Cliath
 ENVIRONMENT AND ENGINEERING DEPARTMENT
 An Roinn Comhairsiúil agus Innealtóireachta

Civic Offices,
 Wood Quay,
 Dublin 8.

Contractor



OPW
 The Office of Public Works
 Oifis na hOibreánaí Poblaithe

Project Title
Dodder Flood Alleviation Project

Scale at A1
 1:500

Date:
 June 2018

Consultant



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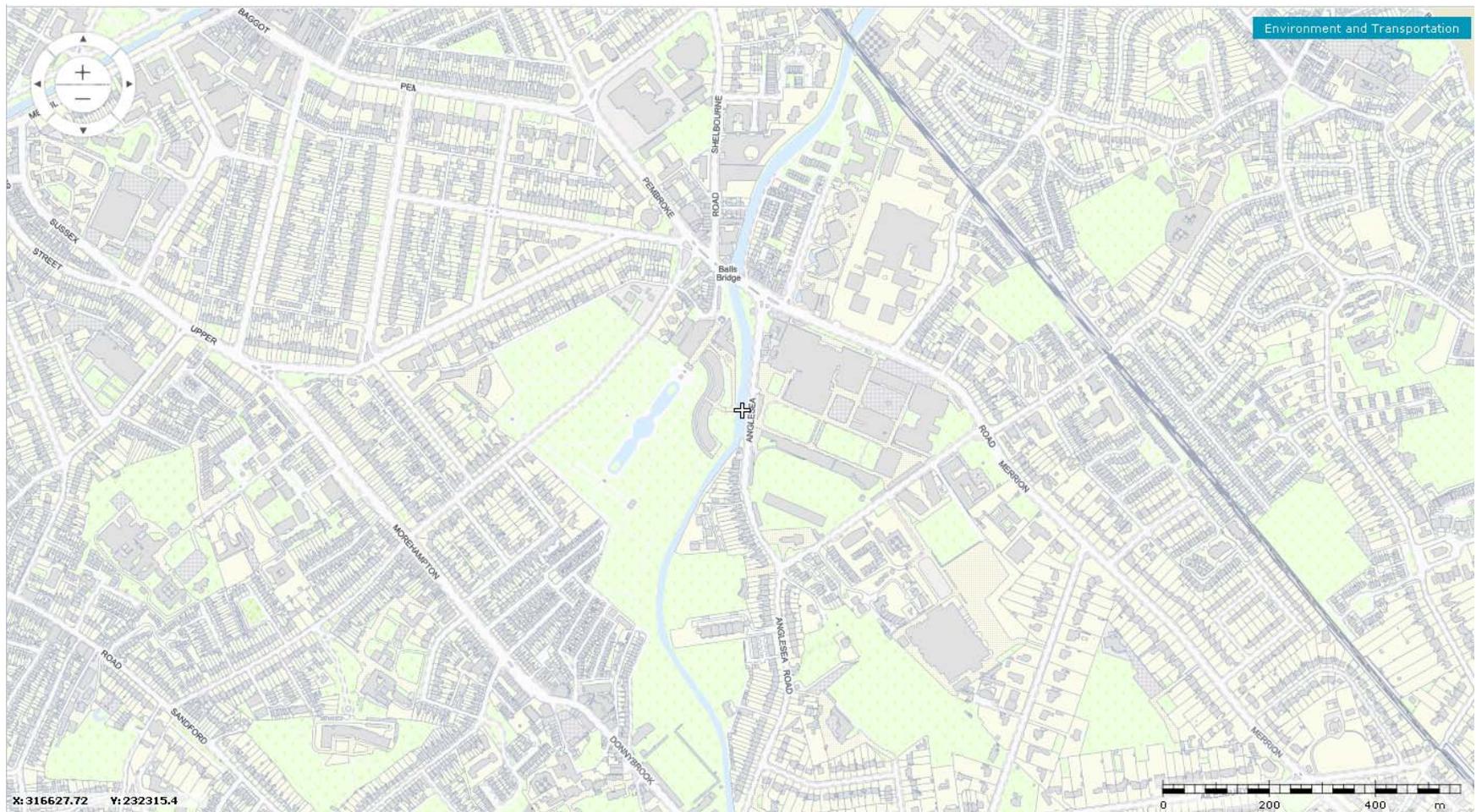
Drawing Title
RDS Wall Planning Site Layout

Drawing Status
For Planning

Project No
219346

Drawing No
D-DR-W-0201

Issue
P01



Ordnance Survey map of the area in which the development is planned