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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**
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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 and with the provisions of Section 138 of the Local Government Act 2001 notice is hereby given of Dublin City Council's intention to carry out the following works:

Modify the flood defence sea wall on James Larkin Road, D3 between Mount Prospect Avenue D3, and Watermill Road, D5.

1. Proposed Development

The '***Sutton to Sandycove Cycleway & Footway Interim Works: Bull Wall to Causeway Road***' scheme was approved the City Council in 2012 (Report No. 3601/12). It has now been constructed.

Following significant pressure from members of the public, a series of meetings with representatives of the community and the engagement of an independent expert it is now proposed to reduce the height of the flood defence sea wall from a height 4.25m OD* to a height ranging from 4.06m OD to 3.95m OD to give a minimum flood defence height of 3.95m OD and pedestrian parapet of a minimum of 500mm high over a distance of circa 460m from the northern end of the wall. It is also proposed to provide cladding of the roadside face of the wall with blue limestone and to provide a reconstituted stone coping and to undertake associated ancillary works.

The placement of coping and cladding will be carried out over a section of sea wall circa 625m long from the northern end of the wall, along the frontage of St Anne's Park.

Details of the proposed modifications to the height of the sea wall are given in the table on the next page, together with a location map of the area that will be subject to wall lowering.

*OD refers to over Chart Datum Malin Head

2. Background to the Proposed Development

Following unanimous approval of a motion by Dublin City Councillors at an emergency meeting of the Council on Wednesday 11 November 2015 the Environment and Transportation Department procured an external expert to independently assess the height of the partially constructed and proposed new sea wall along Clontarf Road and James Larkin Road between the Wooden Bridge and the Causeway to the Bull Island, Clontarf, Dublin 3. This followed representations from members of the public who contended that the sea wall partially obscured the view of the South Bull Lagoon for motorists travelling on the roadway at the northern end of the scheme.

The report from the external expert, Dr Jimmy Murphy of University College Cork's Centre for Marine and Renewable Energy contains the following conclusions and recommendations:

"The analysis that I have carried out shows that the current wall height (4.25m ODM) is justified based on the design criteria used even though the components that make up this height differ slightly from indicated values.

This still leaves the issue with regards to the loss of visual amenity and in this review I have suggested a number of solutions. The majority of solutions considered have significant implications in terms of costs, planning requirements and environmental effects and would be unlikely to resolve the immediate issue.

Therefore, the recommendation that I would make is that DCC review the design criteria and in particular the SLR (sea level rise) allowance included in the design. My suggestion is that a value in the range of 0.2-0.3m be used (instead of 0.4m) which would mean that by current mid range SLR scenarios the wall height should still be sufficient to provide flood protection for at least 50 years.

This proposed adjustment of the wall height should only be applied at locations where the visual amenity is most affected as agreed between DCC and local groups.

If this solution is implemented, then DCC would need to frequently review both extreme water levels and sea level rise rates and have a plan in place for increasing the wall height to ensure that there is a sufficient level of flood protection."

3. Part 8 Process

At its April 2017 meeting, the North Central Area Committee was notified of the commencement of a Part 8 process for the sea wall height reduction and cladding works.

A public notice advertising the proposed works was published in the Irish Independent on 14 June 2017, pursuant to the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). Plans and particulars of the proposed development were available for inspection at the Civic Offices. They could also be viewed at Marino Library, Raheny Library, the Red Stables and also online at www.dublincity.ie and www.cycledublin.ie for a period of six weeks from 14 June 2017 to 26 July 2017.

Notifications were also issued to the following statutory organisations: Irish Water; the Heritage Council; An Taisce, the Minister for Arts, Heritage and the Gaeltacht, Waterways Ireland; Fáilte Ireland, An Chomhairle Ealaíon and the National Transport Authority.

The closing date for submissions or observations was 10 August 2017.

4. Submissions/Observations

A full list of persons/bodies that made observations with respect to the proposed works is set out in Appendix 1.

A summary of the issues raised is given below:

Save Our Sea Front – Representative Sutton to Sandycove Interim Works, Environmental Monitoring & Liaison Committee

This group supported the proposed works and noted that ‘the works *‘will go some considerable way towards restoring the view.’*

Clontarf Residents Association (CRA)

The CRA welcomed and supported the proposed modifications to the sea wall.

Robert Dunne

Mr Dunne expressed strong opposition to the proposed works on the grounds that they would undermine the effectiveness of the sea wall as a flood defence barrier and that facing the wall in blue granite would be at odds with the existing seafront environment. He also questioned expenditure of significant monies *‘to carry out apparently frivolous works demanded by a small lobby group’*.

John Cronin

Mr Cronin welcomed the reduction of the sea wall. He also noted that to date there has been no flooding along this stretch from the sea.

Claudia Bulfin

Ms Bulfin supported the proposed works.

Joe Nolan

Mr Nolan supported the proposed works.

Eoghan Wherity

Mr Wherity opposed the proposed works and referred to the *‘absolute waste of money taking down the wall’*.

Seán A Ryan

Mr Ryan did not understand why the Council should be concerned with the view of motorists, as they should be looking at the road.

5. Departmental Reports

The Planning Department has no objection to the proposed works including the proposed cladding.

The Council had previously decided that the construction of the sea wall was consistent with the proper planning and sustainable development of the area having regard to the provisions of the Development Plan. The proposed modifications are also considered consistent with the proper planning and sustainable development of the area.

With regard to the Appropriate Assessment the Environment & Transportation Department concluded that:

On the basis of the Screening assessment and application of the precautionary principle, indicators of significance show that there is no potential for short term or long-term interference with any Natura 2000 site. It has been concluded that no potentially significant or uncertain effects on Special Conservation Interests / Qualifying Interests and their respective Conservation Objectives are likely to arise from the project. It has been concluded, in view of the best scientific knowledge and the Conservation Objectives of the Natura 2000 sites within the Likely Zone of Impact, that the works inclusive of the precautionary control measures to avoid disturbance on birds, on their own or in combination with other plans or projects, do not have the potential to give rise to likely significant effects on the Special Conservation Interests / Qualifying Interests of the sites. Significant effects are not likely to arise as a result of construction works and direct impacts can be objectively ruled out.

It is noted that in addition to the screening for Appropriate Assessment the likely impacts during construction phase on relevant environmental factors - Population/Human Beings, Biodiversity, Noise and Vibration, Air Quality & Climate Hydrology, Soils and Geology, Landscape and Visual Impact, Archaeology, Architecture and Cultural Heritage - were assessed.

6. Evaluation/Assessment

The sea wall was constructed to a minimum height of 4.25m OD to comply with the national standard for flood defence schemes. This design height was determined by coastal flooding modelling carried out as part of the Dollymount Promenade and Flood Protection Project (DPFPP).

Following construction of a section of the sea wall on James Larkin Road there was an adverse public reaction due to the partial loss of views of the South Bull lagoon for motorists on the roadway at the northern end of the scheme.

In response to the objections from members of the public regarding the diminution in the sea view, Dublin City Council commissioned an independent expert to undertake a reassessment of the height of sea wall. The independent expert vindicated the 4.25m OD wall height as being in accordance with the National standard of protection plus an allowance for expected sea level rise to the end of the century.

A further assessment of the sea wall height by Dublin City Council determined that a height of 3.95m OD, as recommended by the independent expert, would provide less adequate protection against coastal flooding but would improve the view of the South Bull Lagoon for vehicle occupants driving along part of the roadway. The reduction in height would provide protection against a 100-year tidal event rather than the National standard of a 200-year tidal event and for only half the allowance for sea level rise expected over the period to the end of the century. In the event of a tidal event greater than a 100-year tidal event, the carriageway north of the Mount Prospect junction would flood causing major disruption to traffic. However, it is estimated that in such an event the carriageway will provide storage for coastal floodwaters and a natural high point at the junction will prevent coastal floodwaters impacting upon residential and business properties to the south up to the 200-year tidal flood event.

In the interests of the safety of pedestrians adjacent to the sea wall the City Council commissioned a report on the appropriate minimum height of the wall relative to the footpath. The report recommended a minimum height of 500mm above footpath level. This requirement results in sections of the sea wall being above the 3.95m OD proposed revised height. The resulting proposed height of the sea wall ranges from 3.95m OD to 4.056m OD along the sections, which currently reduce visibility of the South Bull Lagoon, in order to ensure pedestrian safety is not compromised.

Consideration was given to providing a pedestrian guardrail on top of the sea wall along sections of the sea wall which do not provide a wall height of 500mm above footpath level, in the event that

the entire length of wall was lowered to 3.95m OD. Such a guardrail would have to be a minimum 300mm above the top of the sea wall to reduce the extent to which the view of the South Bull Lagoon is obscured. As providing handrails only along certain sections of the wall would appear visually inconsistent it would be necessary to provide a handrail for the full length. Following consultation with the S2S Environmental Monitoring and Liaison Committee (EMLC) the provision of a pedestrian handrail was deemed visually intrusive and undesirable.

The original scheme made provision for a concrete rendered finish to the roadside face of the wall. Following consultations with the EMLC it is now proposed to provide a different finish to the section of sea wall from the Mount Prospect junction north. This section is adjacent to St. Anne's Park, which has a low random rubble boundary wall on the west side of the road. It is now proposed to provide a blue limestone cladding. A sample section of this treatment has been provided on site.

Reducing the height of the sea wall would be contrary to the recommendations of Dublin Coastal Flood Protection Project and will result in the sea wall not meeting the required level of flood defence specified in the national standard for flood defence schemes. In addition, there will also be a cost for raising the wall at some future date, in line with the recommendations of the independent expert. The reduction in the height of the sea wall will however provide a marginal improvement in sea views for motorists. On the basis of increased flood risk I cannot recommend the full Scheme to Members. I do however recommend that the proposed cladding be proceeded with, as this will enhance the visual appearance of the sea wall.

In the event that Members of Dublin City Council consider that the development should proceed, either in part or in total, it should only proceed subject to the conditions proposed by relevant Council Departments.

The cost of the proposed works is estimated at €1,000 - €230,000 to reduce the height of the sea wall and €300,000 for the cladding and copping etc. (The estimated costs include vat). If approved, the funding for the works will come from Development Levies that have been ring fenced for Flood Alleviation projects by the City Council.

7. **Conclusion**

At its meeting held on **18th December, 2017**, the North Central Area Committee agreed the following:

3 Area Matters

c. *Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8) Local Government Act 2001*

Order: Councillor Horgan Jones requested that her objection be noted.

The NCAC considered Report No 355/2017 following a referral from the December 2017 City Council meeting. Refer Report No 355/2017 to January City Council 2018 Meeting. Committee endorsed the 2 resolutions.

Recommend to City Council

Resolution 1: That Dublin City Council notes Report No. 355/2017 and hereby agrees to proceed with the proposed cladding works as outlined in the Report subject to the requirements of various Dublin City Council Departments set out in the Report.

Resolution 2: That Dublin City Council notes Report No. 355/2017 and hereby agrees to proceed with the reduction in the height of the sea wall as outlined in the Report and subject to the requirement of various Dublin City Council Departments set out in the Report.

Accordingly, if the Elected Members of Dublin City Council wish the proposed works to proceed in total, they should adopt the following resolution:

'Dublin City Council hereby approves all the works set out in Report No 355/2017 and agrees that they proceed, subject to the requirements of various City Council Departments set out in the report.'

The requirements of the various City Council Departments are as follows:

Planning Department

- (i) A Construction & Demolition Waste Management Plan to be submitted to the Council's Waste Management Services for approval as part of the Environmental Management Plan.
- (ii) Monitoring of compliance with best practice and control measures detailed in the proposer's submission to be undertaken by an ecological Clerk of Works.
- (iii) Prior to commencement of any construction works on site, the contractor to ensure that a Construction Environmental Management Plan (CEMP) to be prepared and approved by the 'employer' prior to commencement of works on site.
- (iv) A Dust minimisation plan to be formulated for the construction phase of the project, to ensure that all construction activities are minimised wherever possible.
- (v) The contractor to be required to submit a C&D Waste Management Plan to Dublin City Council for approval which should address all types of material to be disposed of.
- (vi) A Traffic Management Plan to be approved by the Council's Traffic Management Division prior to commencement of any works on site.
- (vii) The proposer to liaise with the National Parks & Wildlife Service as required including agreeing the period(s) for construction activity and any required exceptions to the any agreed construction period.
- (viii) The proposer to liaise with the Council's Parks & Landscape Division as required.
- (ix) Due to the ecological sensitivities of working within and in proximity to the South Bull Lagoon, designated as a Natura 2000 Site (SAC & SPA) a number of restrictions have been placed on the periods within which works may be carried out and further control measures have been proposed to avoid and minimise impacts. The agreement of the Planning Department to be got for the proposed construction period. (If the works are approved it is expected they will be carried out over a 6 week period between 1 May 2018 and 31 August 2018.)

Environment & Transportation Department

- (i) A reconstituted stone coping and limestone cladding of roadside face of the sea wall shall be constructed along the frontage of St Anne's Park. Any deviations from this shall be agreed with the Planning Department of Dublin City Council.
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Drainage Division

- (i) The development to comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- (ii) There is an existing public sewer running through the site. A clear distance of three metres to be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading to be placed on this sewer. Any damage to it to be rectified at the developer's expense.
- (iii) Permanent discharge of groundwater to the drainage network will not be permitted.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 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.

Owen P. Keegan
Chief Executive

5 January 2018

Appendix 1 List of persons/bodies that made observations with respect to the proposed development

Submission/observations were received from the following organisations:

Clontarf Residents Association
Save Our Seafront
John Cronin
Claudia Bulfin
Eoghan Wherity
Robert Dunne
Seán A. Ryan
Joe Nolan

All other observations received on the proposed scheme were submitted by unnamed respondents.

Appendix 2

Plan Drawings

<u>LEGEND:</u>	
	COPING AND CLADDING WORKS ONLY TO BE UNDERTAKEN
	EXISTING SEA WALL TO BE LOWERED TO 3.95mOD
	EXISTING SEA WALL TO BE LOWERED TO 500mm ABOVE FOOTPATH LEVEL.



Proposed Blue Limestone Wall