

Consolidated Observations for Foreshore Consent Application by Dun Laoghaire Rathdown County Council for refurbishment works at Dun Laoghaire Baths

Ref: FS005832 Old Ref: MS51/4/549

Marine Institute

The proposed works on the foreshore includes

- Extension to the line of the existing promontory to create a new jetty to provide enhanced access to water's edge for swimming.
- Extension of an existing storm water outlet pipe by 50m, which will be buried along its route.
- Infilling of existing saltwater pools

The proposed works on the foreshore are part of a larger project at the Dun Laoghaire Baths site which will also involve:

- Retention and securing of the existing disused Baths Pavilion for use as artist workspaces, a gallery cafe and for the provision of public toilet facilities.
- Removal of dilapidated structures to the rear of the Pavilion to permit the creation of a new route and landscaping that will connect the walkway at Newtownsmith to the East Pier and People park in Dun Laoghaire

Details and location of the proposed works are shown in Drawing No. 1719/FA/100/01 dated 4/12/2012 entitled "Proposed Site Plan" submitted in support of the application.

Considering the nature, scale and location of the proposed works the Marine Institute is of the view that the proposed works are not likely to have a significant impact on the marine environment or other legitimate uses / users of the area and has no objections to a permit being issued.

It is recommend that the following Conditions should be attached to any permit that may issue

1. Method Statements for all construction operations on the foreshore shall be submitted by and agreed with the Department of the Environment, Community and Local Government prior to the commencement of any works.

2. Appropriate methods of operation shall be adopted in order to ensure that no spillages of hydrocarbons, cement, excavation run-off or other hazardous substance occur to the Foreshore during the course of the works.

Inland Fisheries Ireland

This application in respect of works at the disused Dun Laoghaire baths contains elements lying above the foreshore demarcation line as well as elements on the foreshore. The elements on the foreshore include, as per Section 2.2.1 of the Appropriate Assessment screening report of March 2012 :

- Creation of a small promenade in line with the existing structure
- Extension and burying of existing storm water outlet pipe by 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe.

Figure 2 in that report identifies the proposed actions in the works area. However, this is largely illegible in the scale provided.

IFI would like to see some specific construction details in regard to the extension of the stormwater outfall pipe and the nature of the wall and viewing area proposed to overtop the outfall pipe.

The construction mitigation measures listed in the Appropriate Assessment screening report of March 2012 include:

The following measures shall be incorporated into the design and construction methodology to ensure that the shore is protected from polluting substances (e.g. construction related sediments, fuels, concrete, etc.). All materials shall be properly stored in designated areas and away from the shore. All fuels or chemicals kept on the site shall be stored in bunded containers. All machinery shall be well maintained and refuelling carried out within bunded enclosures or away from the beach. Where machinery is working within the immediate vicinity of the beach, oil interceptors shall be installed.

Spoil and fluids need to be contained and handled according to their contaminants. All other waste material, including rubbish shall be contained in appropriate receptacles and disposed of properly.

Emergency response procedures shall be in place to deal with accidental spillages should such occur. This shall include appropriate training of the crew members and a contact list of relevant statutory organisations (to include EPA and NPWS). All accidental spillages shall be contained and cleaned up immediately. Relevant organisations (EPA and NPWS) shall be consulted regarding remediation measures and these shall be carried out without delay in the event of pollution risk to the adjacent waterbody.

In regard to the above, IFI (Blackrock office) would wish to be included in list of contact organisations.

Underwater Archaeology Unit

It is noted that the proposed development is within an area of underwater archaeological potential. The Shipwreck Inventory of Ireland lists over 16 wrecks for this area, which are subject to statutory protection under section 3 of the 1987 National Monuments (Amendment) Act. Given the location of the proposed development it is possible that underwater archaeology may be impacted by the development.

It is therefore recommended by this Department that an Underwater Archaeological Impact Assessment, as described below, shall be undertaken to assess the impact of the development on known or potential archaeology and be included as a condition in the granting of any foreshore licence.

Archaeological Impact Assessment shall be compiled as follows;

1. 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.
2. The assessment shall comprise of a detailed desktop study, with the archaeologist carrying out any relevant documentary research including consulting with the Shipwreck Inventory of Ireland, the Record of Monuments and Places and the Ports and Harbours Archive, all of which are held by the Department of Arts, 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.

3. The archaeologist should carry out a dive and metal detection survey of the proposed area to be impacted by the works including the pipeline extension, the slipway extension and promenade extension. The dive and metal detection surveys should be licensed under the National Monuments Acts 1930-2004 and carried out by an archaeologist suitably qualified in maritime archaeology.

4. Having completed the work, the archaeologist shall submit a written report to this Department.

5. Where archaeological material/features are shown to be present, preservation in situ, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required.

6. The applicant shall be prepared to be advised by the Department of Arts, Heritage & the Gaeltacht in this regard.

It also recommended that Archaeological Monitoring as described below be carried out of all proposed works to take place as part of this development. It should be borne in mind, that if significant archaeological remains are found, further archaeological mitigation may be required.

Archaeological Monitoring shall consist of the following

1. In order to ensure the preservation of potential archaeological sites, wrecks and features the applicant is required to engage the services of a suitably qualified archaeologist to monitor all disturbance works associated with the development. The archaeological monitoring shall be licensed under the National Monuments Acts 1930-2004.

2. A detailed method statement shall accompany the licence application and shall include details on the proposed works, duration of works; archaeological monitoring team proposed and a find's retrieval strategy. The proposed works and works compound should avoid impacting the known monuments on the Island and an exclusion zone should be setup around the promontory fort, midden site and holy well.

3. Should archaeological material be found during the course of monitoring, the archaeologist may have work on in that area suspended, pending a decision as to how best to deal with the

archaeology. The developer shall be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ or excavation). The applicant shall facilitate the archaeologist in recording any material found.

4. The Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

It is recommended that a photographic survey is carried out of all areas in the baths to provide a 'record of the building. A copy of the survey should be deposited in the local library, the Irish Architectural Archive, the National Museum of Ireland and with the National Monuments Service.

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

National Parks and Wildlife Service

On the basis of the information supplied to this Department it is recognised that the proposed redevelopment of Royal Victoria Baths is not likely to produce a likely significant effect on marine designations in the adjacent area. This Department would consequently offer a "no comment" on the proposed development.

Department of Agriculture, Food and the Marine

The works are proposed by the local authority who have prepared an environmental screening report which does not show any significant environmental impact due to the works. The recommendations contained there and in the other accompanying reports are for DECLG to enforce.

The end of the new pier and the outfall should not be a danger to those engaged in offshore fishing if it is already marked in accordance with the Commissions of Irish Lights requirements and marked on British Admiralty Charts.

Having consulted our technical advisors the Department is satisfied that this development will not adversely affect aquaculture or sea fisheries related activities, given its location.

Water Services Adviser Report

Overview

The Baths at Dun Laoghaire site were constructed in the early 1900 by the firm of Alexander Fraser. In the 1930s the baths were extended and improved. This scheme proposes interim works at the Dun Laoghaire Baths site to provide for the retention and securing of the existing Baths Pavilion for use as artist workspaces, a gallery café and for the provision of public toilet facilities. A new jetty and an area for changing will be created to provide enhanced access to the water for swimmers. The bath site is presently in a dilapidated state and closed to public access.

Brief Description of Works

This scheme proposes interim works at the Dun Laoghaire Baths site to provide for the retention and securing of the existing Baths Pavilion for use as artist workspaces, a gallery café and for the provision of public toilet facilities. It also proposes the removal of dilapidated structures to permit the creation of a new route and landscaping that will connect the walkway at Newtownsmith to both the East Pier and the People's Park. Finally the scheme will create enhanced facilities for swimming and greater access to the water's edge by including an extension to an existing jetty and an area for changing. This extended jetty will be linked by new steps to the 'cafe terrace' at the Baths Pavilion and to the pedestrian crossing point leading to the People's Park. The jetty will also be linked to the upgraded paths which will provide access to the East Pier. The proposed extended jetty (approx. 15m) allows greater access for swimmers to deep water which is clear of rocks at all stages of the tide.

As part of their design process for the site, Dun Laoghaire Rathdown County Council commissioned Royal Haskoning to carry out an engineering assessment of the site. From this study, Royal Haskoning produced a document which sets out the design criteria and initial layout. The document sets the extended jetty deck level at 3.0m ODM with the construction to be of reinforced concrete anchored to the granite bedrock.

Existing Foreshore Consent

Dun Laoghaire Rathdown Council hold a lease in perpetuity since 1910 encompassing the existing structures which are to be maintained/upgraded, with the exception of one of the saltwater swimming pools which is held under freehold since 1909.

The new construction works included in this project features an extension to the existing jetty. Part of this extension lies outside the current 1910 lease and will require foreshore consent under Section 2. The remainder of the works to the jetty lies within the 1910 lease and will require consent under the terms of the original lease.

Lease Map

It is my understanding that discussions are presently underway between the applicant and the CSSO examining the option of including the extended jetty works (the part on state foreshore) within the 1910 lease. Therefore, no agreed map is available to attach to the final foreshore consent document at present. Once these discussions are completed I will be in a position to agree the map with the applicant and approve for attaching to the final document.

Glasthule Area Interim Flood Relief Scheme Overflow

As part of the application it was intended to extend the overflow pipe constructed as part of the Glasthule Area Interim Flood Relief Scheme by 50m out to sea on state foreshore. However, since 01 Jan 2014 all Local Authority applications relating to foul water were deemed to have been made by Irish Water. As a result, this element of the application no longer forms part of this local authority application and is not considered for the purposes of this report.

Appropriate Assessment

The Bath site does not lie directly within any Natura 2000 site and therefore no direct impacts through land take or fragmentation will occur. As part of their application, the applicant has produced an AA screening report which concludes that it is not anticipated that the proposed works will result in any impacts on the Natura sites which lie within a 15km radius.

Recommendation:

I have no objection to the proposed works subject to the following standard conditions:

- The Licensee shall notify the Department of Environment, Heritage and Local Government at least 14 days in advance of the commencing of any works on the foreshore.
- Within two months of completion of the works, the applicant shall provide a certified statement by a chartered Engineer that the works have been completed in accordance with drawings submitted.
- On completion of the works the licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its original condition, to the satisfaction of the Department of Environment, Community and Local Government.

- The site shall be secured as appropriate during the works from public access or encroachment by means of suitable barriers and signage.
- The works shall be designed and completed in accordance with the criteria set out in the 'Royal Haskoning 2008 Study - A Base for Technical Data' dated 27 November 2012 and submitted in support of this application.