

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)
on
FORESHORE LEASE APPLICATION FOR REFURBISHMENT WORKS AT
DUN LAOGHAIRE BATHS, CO. DUBLIN
by
DUN LAOGHAIRE RATHDOWN COUNTY COUNCIL

Dr. Terry McMahon
Chair, Marine Licence Vetting Committee
12 August 2014

Dun Laoghaire Rathdown County Council – Foreshore Lease Application for refurbishment works at the Dun Laoghaire baths (FS005832)

Background

In November 2012 Dun Laoghaire Rathdown County Council submitted an application for a Foreshore Lease to carry out refurbishment works at the Dun Laoghaire baths site in Co. Dublin.

The aim of the overall refurbishment works is to provide for continuing public use of the area.

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 the rear of the Pavilion 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. It also proposes the infilling of the existing saltwater pools and the development of 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.

It was intended to extend an existing storm water outlet pipe, constructed as part of the Glasthule Area Interim Flood Relief Scheme, by 50m out to sea and buried along its route on the foreshore. However, since 1st 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.

The proposed works on the foreshore involve:

- Extension to the line of the existing promontory to create a new jetty to provide enhanced access to water's edge for swimming.
- Infilling of existing saltwater pools

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.

Environmental Impact Assessment Regulations:

In September 2012 An Bord Pleanála decided not to direct the Dun Laoghaire Rathdown County Council to submit an Environmental Impact Statement in respect of the proposed works.

Considering the nature, scale and extent of the works on the foreshore it is considered that they are not likely to have significant impacts on the environment and that the preparation of an Environmental Impact Statement in respect of the proposed works on the foreshore is not required.

Birds and Natural Habitats Regulations:

The works will not place within a designated Natura 2000 site. The works will take place adjacent to a number of Natura 2000 sites including:

- South Dublin Bay SAC (Site Code 000210)
- South Dublin Bay and Tolka Estuary SPA (Site Code 000210)
- Dalkey Island SPA (Site Code 004172)
- Rockabill to Dalkey Island SAC (Site Code 003000)

In March 2014 An Bord Pleanála decided not to direct the Dun Laoghaire Rathdown County Council to submit a Natura Impact Statement in respect of the proposed works.

Considering the nature, scale and extent of the works on the foreshore it is considered that they are not likely to have a significant effect on any adjacent Natura 2000 site and that a full Appropriate Assessment is not required.

Public Consultation

A public notice in relation to this application was published in "The Irish Times" on 9th October 2013 and the "Dun Laoghaire Gazette" on 10th October 2013. The application documents were available for inspection in Dun Laoghaire Garda Station and on the Department's website from 9th October 2013 to 7th November 2013.

4 No submissions were received during the public consultation phase. The comments / observations made in the submissions relevant to the proposed works on the foreshore included:

- No impact on foreshore therefore any delay to this project should be avoided and foreshore consent granted as swiftly as possible.
- Full assessment of the impact on bird species listed as special conservation interests of the surrounding SPAs is required and that appropriate measures are out in place to avoid or mitigate any potential impacts on these species.

- Provision of rock armour to proposed new lowered wall to the south of the baths
- Encourage consideration of an interactive water fountain at the infill pool location.
- Concerns that there will be adequate protection on the outreach shelter walls to withstand the force of the sea in rough weather.

Prescribed Bodies Consultation

Written submissions on the proposed development were received from the Department of Environment, Community and Local Government (Engineering), Department of Agriculture, Food and the Marine, Marine Institute, Inland Fisheries Ireland, Department of Arts, Heritage and the Gaeltacht, (Nature Conservation and Underwater Archaeology)

There were no objections to the proposed activity.

MLVC Assessment

The following documents were considered and assessed

- Foreshore Licence Application and accompanying documents submitted by Dun Laoghaire Rathdown County Council in support of the application which included:
 - Proposed Interim Works at Dun Laoghaire Baths, EIA Screening Report, March 2012, , Prepared by RPS
 - Proposed Interim Works at Dun Laoghaire Baths, Environmental Impact Report, March 2012, , Prepared by RPS
 - Proposed Interim Works at Dun Laoghaire Baths, Appropriate Assessment Screening Report, March 2012, , Prepared by RPS
 - Submissions made during the Public Consultation phase and the applicants responses to these submissions. It is considered that the applicant has satisfactorily addressed the issues raised and that there are no outstanding issues of concern.

MLVC Recommendation

Considering the nature, scale and location of the proposed work it is concluded that, subject to compliance with the specific conditions set out below, the proposed works would not have a significant negative impact on the marine environment, would not adversely impact on other legitimate uses / users of the area and would not adversely impact on any Natura 2000 site. It is recommended, therefore, that a lease be issued.

Recommended Licence Conditions

1. The Lessee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Lessee shall notify the Department of the Environment, Community and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
3. Method Statements for all construction operations on the foreshore shall be submitted by the Lessee and agreed with the Department of the Environment, Community and Local Government prior to the commencement of any works.
4. The Lessee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to the foreshore occur during the works. Contractor's arrangements for the control of pollutants should be notified to the Department of the Environment, Community and Local Government for agreement prior to works on the foreshore commencing.
5. The Lessee shall ensure that emergency response procedures are in place to deal with accidental spillages of fuel, hydrocarbons, cement or other leakages to the foreshore, should such occur. This shall include a contact list of relevant statutory organisations and shall include EPA, NPWS and IFI.
6. During the course of the works the Lessee shall ensure that all necessary precautions are taken to protect the public in accordance with relevant Health and Safety legalisation
7. The Lessee shall arrange the publication of a local marine notice in a locally read newspaper. This notice shall give a general description of the works and approximate dates of commencement and completion.
8. In order for charts and nautical publications to be updated the Lessee shall inform the British Admiralty Hydrographic Office at Taunton, UK of the location and nature of works.
9. The Lessee shall 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 Shipwreck Inventory of Ireland, the Record of Monuments and Places and the Ports and Harbours Archive. The Topographical Files held by the National Museum of Ireland shall also be consulted. The assessment shall 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.
10. The Lessee shall carry out a dive and metal detection survey of the proposed area of foreshore to be impacted by the works. The dive and metal detection surveys shall be licensed under the National Monuments Acts 1930-2004 and carried out by an archaeologist suitably qualified in maritime archaeology.
 11. On completion of the desk top assessment and dive and metal detection survey the Lessee shall submit a written report to the Underwater Archaeology Unit of the Department of Arts, Heritage and the Gaeltacht
 12. The Lessee shall engage the services of a suitably qualified archaeologist to monitor all operations, associated with the development. The archaeologist shall be licenced under the National Monuments Acts, 1930 – 2004. A detailed method statement shall accompany the licence application and this shall contain a finds retrieval strategy.
 13. Should material of archaeological potential be recovered during the course of the works the Lessee shall immediately inform the Department of Arts, Heritage and the Gaeltacht. Should archaeological material be found the Department of Arts, Heritage and the Gaeltacht may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Lessee shall be prepared to be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, dive survey or excavation).
 14. A report on the monitoring shall be forwarded to the Underwater Archaeology Unit of the Department of Arts, Heritage and the Gaeltacht within 1-month of completion of the works.
 15. The Lessee shall carry out a photographic survey of all areas in the baths to provide a “record of the past”. 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.
 16. On completion of the works on the foreshore the Lessee shall ensure that all equipment and materials are removed from the foreshore
 17. Within 2 months of completion of all works on the foreshore the Lessee shall provide to the Department of Environment, Community and Local Government a

letter from a Chartered Engineer certifying that the works have been completed in accordance with the Drawings submitted.