

METROLINK

INTEGRATED TRANSPORT.
INTEGRATED LIFE.



Attachment 4.1 - Compliance with Objectives of NMPF

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PUBLIC



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1 Statement of consistency with National Marine Planning Framework

Adopted on 17 June 2008, the Marine Strategy Framework Directive (MSFD) (2008/56/EC) aims to achieve Good Environment Status (GES) for all marine waters in Europe and protect the resource base for marine related economic and social activities. Under MSFD, marine waters must be assessed against an agreed set of standards across a number of important environmental areas (e.g. biodiversity, fish stocks, and contaminants). Based on the assessment, appropriate environmental targets and indicators must be set and programmes of measures put in place to reach GES.

The National Marine Planning Framework (NMPF) ¹ prepared by the Department of Housing, Local Government and Heritage in 2021 is a 'national plan for Ireland's seas, setting out, over a 20-year horizon, how we want to use, protect and enjoy our seas. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area'. The framework 'enables the Government to set a clear direction for managing our seas, to clarify objectives and priorities, and to direct decision makers, users and stakeholders towards more strategic and efficient use of marine resources. It will inform decisions about the current and future development of the marine area, aiming to integrate needs.'

The current and future development of the marine area relates to projects within the marine sector or activities which include, but are not limited to aquaculture, energy, fisheries, tourism, ports, harbours and shipping. The proposed site investigation works are not attributed to marine sector or marine activities identified in the NMPF.

Responses to specific overarching marine planning policy statements in the NMPF are provided below. The proposed site investigation works align with relevant policy.

1.1 Environmental – Ocean Health Policy 1

The policy statement states '*Compliance with NMPF policies relating to:*

- *Biodiversity*
- *Non-Indigenous Species*
- *Water Quality*
- *Sea-floor and Water Column Integrity*
- *Marine litter*
- *Underwater Noise*

¹ Available from: <https://assets.gov.ie/static/documents/national-marine-planning-framework.pdf>



should include demonstration of contribution to the relevant MSFD targets identified’.

As stated in Section 05 of the NMPF, the NMPF policies associated with Ocean Health are informed by MSFD GES descriptors and related targets. The proposed site investigation works will not undermine the eleven qualitative condition descriptors as set out in the MSFD (for detail see information provided in Attachment 4.6). Therefore, it is predicted they will not adversely impact the achievement of Good Environment Status (GES).

1.2 Biodiversity and Protected Marine Sites – Policies 1 to 4

Biodiversity Policy 1 is aligned to as the proposed site investigation, by its nature, is not a proposal for *‘incorporating features that enhance or facilitate species adaptation or migration, or natural native habitat connectivity.’* The proposed site investigation works will not have *‘significant adverse impacts on species adaptation or migration, or on natural native habitat connectivity.’* This has been addressed in detail within this application, including in Attachments 4.3, 4.4 and 4.6.

Biodiversity Policy 2 is aligned to as the proposed site investigation, by its nature, is not a proposal that seeks to *‘protect, maintain, restore and enhance the distribution and net extent of important habitats and distribution of important species.’* The proposed site investigation works will *‘avoid significant reduction in the distribution and net extent of important habitats and other habitats that important species depend on, including avoidance of activity that may result in disturbance or displacement of habitats.’* This has been addressed in detail within this application, including in Attachments 4.3, 4.4 and 4.6.

Biodiversity Policy 3 is aligned to as the proposed site investigation will not adversely impact marine or coastal natural capital assets recognised by Government.

Biodiversity Policy 4 is aligned to as the proposed site investigation includes operation controls to ensure *‘disturbance to, or displacement of, highly mobile species’* is avoided or managed to within acceptable levels of risk. This has been addressed in detail within this application, including in Attachments 4.3, 4.4 and 4.6.

1.3 Protected Marine Sites – Policies 1 to 4

The works align with the Protected Marine Sites policies. An Appropriate Assessment has been prepared for the proposed site investigation works and is provided in Attachment 4.3. This demonstrates that the proposed site investigation works will not give rise to significant effects on Natura 2000 Network sites.



1.4 Non-indigenous Species - Non-indigenous Species Policy 1

Operational controls to manage the risk of the introduction and / or spread of non-indigenous species are provided as set out within the wider MUL application. Therefore, the proposed site investigation works align with the non-indigenous Species Policy 1.

1.5 Water Quality – Policies 1 and 2

The proposed site investigation works align with the Water Quality policies. The proposed site investigation works will not have significant adverse impacts upon water quality due to the works design and operation controls provided, as set out within the wider MUL application. Given the works comprise site investigation, it is not anticipated they will contribute to *‘delivering improvements to water quality, or enhancing habitats and species.’*

1.6 Sea-floor and Water Column Integrity – Policies 1 to 3

The proposed site investigation works align with the Sea-floor and Water Column Integrity policies. As set out within the wider MUL application, the proposed site investigation works:

- will not have *‘significant adverse impacts on marine, particularly deep sea, habitats.’*
- will not have *‘adverse impacts on important habitats and species.’*

The proposed site investigation works do not constitute *‘proposals that protect, maintain, restore and enhance coastal habitats for ecosystem functioning and provision of ecosystem services.’* This will not have adverse impacts on coastal habitat.

1.7 Marine Litter - Marine Litter Policy 1

The proposed site investigation works align with the Marine Litter policy. The site investigation works include operational controls for waste management as set out within the wider MUL application.

1.8 Underwater Noise - Underwater Noise Policy 1

The proposed site investigation works align with the Underwater Noise policy. The potential effects of underwater noise associated with the proposed site investigation works have been assessed within the wider MUL application, including Attachment 4.3 (AA Screening Report and Natura Impact Statement), Attachment 4.4 (Annex IV Species Risk Assessment) and Attachment 4.6 (Marine Strategy Framework Directive Assessment).



1.9 Air Quality - Policies 1 and 2

The proposed site investigation works align with the Air Quality policies. The works are small scale, temporary in nature, and unlikely to significantly impact air quality directly or cumulatively.

1.10 Climate Change - Policies 1 and 2

The proposed site investigation works align with the Climate Change policies. The works are small scale, temporary in nature, and will not change the physical features of the coast. Nor will the works foreseeably have *'potential significant adverse impacts upon habitats that provide a flood defence or carbon sequestration ecosystem services.'*

Note that section 4.9 of the MUL application form addresses the consistency of the proposed Maritime Usage with achieving the National Climate Objective, as defined in the Climate Action and Low Carbon Act of 2015, as amended.

1.11 Co-existence - Co-existence Policy 1

The proposed site investigation works align with the co-existence policy. The works are small scale and temporary in nature. No significant adverse impacts to other activities are anticipated. We note stakeholder engagement is ongoing with Dublin City Council to ensure water users and road users' needs have been fully considered.

1.12 Infrastructure – Infrastructure Policy 1

The proposed site investigation works align with the Infrastructure policy. The site investigation works do not constitute land-based infrastructure which *'facilitates marine activity (and vice versa).'* Nor are they a *'proposal for appropriate infrastructure that facilitates the diversification or regeneration of marine industries.'*

1.13 Access - Policies 1 and 2

The proposed site investigation works align with the Access policies. The site investigation works are not anticipated to have *'significant adverse impacts on public access.'* Any restrictions at Burgh Quay will be temporary in nature and small scale due to the nature of the site investigation works. Any road closure at Burgh Quay would be subject to a permit from Dublin City Council.



The proposed site investigation works, due their nature, do not seek to provide *‘enhanced and inclusive public access to and within the maritime area’*, nor do they *‘consider the future provision of services for tourism and recreation activities’*.

1.14 Employment Policy - Employment Policy 1

The proposed site investigation works align with the Employment policy. The proposed site investigation works, by their temporary duration, nature, and small scale, are not anticipated to contribute to *‘a net increase in marine related employment in Ireland’*.

1.15 Heritage Assets - Heritage Assets Policy 1

Section 7 of the NMPF considers maritime planning policy in relation to heritage assets. The relevant NMPF policy states:

‘Proposals that demonstrate they will contribute to enhancing the significance of heritage assets will be supported, subject to the outcome of statutory environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of this NMPF. Proposals unable to contribute to enhancing the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference:

- a) avoid,*
 - b) minimise, or*
 - c) mitigate*
- harm to the significance of heritage assets, and*
- d) if it is not possible, to mitigate harm, then the public benefits for proceeding with the proposal must outweigh the harm to the significance of the heritage assets. (see definition of ‘Public Benefits’ in the Glossary)’*

The purpose of the proposed site investigation works is to collect geotechnical data required to inform the detailed design of Dublin MetroLink and do not present an opportunity to *“contribute to enhancing the significance of heritage assets”*. In line with the NMPF policy, consideration has therefore been given to the potential for harm to the significance of heritage assets. The sections below provide supporting information on the receiving baseline and potential impacts of the works.

1.15.1 Receiving baseline environment

The receiving cultural heritage baseline for the site draws up the information provided in the MetroLink Environmental Impact Assessment Report (EIAR) Volume 3, Book 3, Chapter 25: Archaeology and Cultural Heritage and Chapter 26: Architectural Heritage, and the



results of a non-disturbance quayside, inter-tidal, and underwater archaeological assessment of the River Liffey between O'Connell Bridge and Butt Bridge carried out in 2008 (Brady 2009²).

The River Liffey divides Dublin into its north and south sides and has played an important role in the development of the city and earlier settlements and is designated a Conservation Area (EIAR, Volume 3, Book 3, Chapter 26: Architectural Heritage, Table 26.21, BH-397). Whilst Conservation Areas do not have a statutory basis for protection³ (of low evaluation level/sensitivity), they include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals.

On the Liffey, a river fording point was in use from at least the early medieval period onwards and maritime activity is recorded from the 8th century onwards (Brady 2008). Reclamation of land along the riverside occurred extensively throughout the post-medieval period right up until the 19th century. This process of reclamation significantly extended the land available for development to the north of the river. The section of river between Rosie Hackett Bridge and Butt Bridge lies within an area of river reclamation, undertaken in the late seventeenth-century.

Bounding the area on the north and south bank are several historic buildings and structures, including:

- Eden Quay, located along the north bank of the River Liffey is a quay which is retained by granite ashlar walls with saddle-back copings, granite steps and cast-iron mooring rings (EIAR BH-396; RPS 8835 DCC; NIAH 50060553).
- There are four-storeyed terraced two-bay 19th century buildings along the north bank of the River Liffey, and two buildings along the south bank. All of these buildings have been identified in the EIAR and are listed on DCC's RPS list. To the east lies Butt Bridge (EIAR BH-398) (National Inventory of Architectural Heritage (NIAH) Reg No. 50060554; DCIHR). This early twentieth-century ferro-concrete and granite bridge is a functional city landmark that contributes to the architectural and transport heritage of the city. To the south is Burgh Quay (approx. 1820), which is retained by granite ashlar walls with saddle-back copings, cast-iron ladders and

² See Volume 3, Book 3, Chapter 26 of the Metrolink Environmental Impact Assessment Report available at: <https://downloads.metrolink.ie/documentsro/Chapter%2025%20Archaeology%20and%20Cultural%20Heritage.pdf>

³ An ACA is an area defined and protected under the Planning and Development Act 2000 (as amended) and the Planning and Development Act 2024. Proposed works potentially affecting an ACA ordinarily require planning permission and are dealt with by the Local Authority through the planning system. County/City development plans may also maintain a list of non-statutory Conservation Areas that are established to protect the architectural design and overall setting of an area. *MetroLink Cultural Heritage Strategy*



remains of timber and cast-iron mooring fixtures (EIAR BH-399) (RPS 8810; NIAH Reg No. 50020256).

- To the west is Rosie Hackett Bridge, built in 2014.
- No wrecks are recorded within the area.

The 2008 archaeological assessment of the River Liffey (Brady 2009) was undertaken over an area 100 m west of O'Connell Bridge to the eastern limit of the survey at Butt Bridge. The survey encountered no structures, deposits or objects of archaeological significance; however, structural features of historic value were recorded. These included the 19th Eden Quay (with associated stones steps), Burgh Quay and a 19th century timber revetment associated with Burgh Quay. The late 18th-early 19th century date O'Connell Bridge structure was recorded, and a possible fording point was also encountered upstream of O'Connell Bridge. The riverbed downstream of O'Connell Bridge recorded dense concentrations of modern discarded material.

1.15.2 Likely impacts of proposed works

The works, as detailed in Section 3.1A of the MUL1 Application Form and Attachment 3.1, comprise three sonic boreholes within the River Liffey between Rosie Hackett Bridge and Butt Bridge. The proposed location of each borehole is shown in Attachment 3.4 and Attachment 3.5. In the event that any borehole requires relocating, this will be within the limits of the river between Rosie Hackett Bridge and Butt Bridge. Each borehole will be 200 mm in diameter and up to 30 m deep. The work will be undertaken from a floating jack-up barge, which will be supported by extendable legs, resting on the riverbed (see Attachment 3.1). The platform will be manoeuvred into the river by crane from the side of Burgh Quay, and the impact of this aspect of the proposed works would need to be considered on the Quay's heritage retaining walls, and associated features.

The proposed works will be perceptible from historic buildings and structures within the vicinity; however, any change to setting would be temporary, being limited to the duration of the works (estimated up to 21 days), and not anticipated to be sufficient to give rise to any significant effects.

The proposed location of the sonic boreholes and the positioning of the platform will avoid the historic features identified in the 2008 survey. The precise location of the boreholes will be re-evaluated on site, so that any as-yet unidentified obstacles that may be of archaeological significance can be avoided through micro-siting. The platform, whilst resting on the riverbed, may result in localised compression of the surface deposits. The boreholes will directly impact riverbed deposits within the River Liffey. However, the relative scale of the three boreholes in relation to that of the riverbed deposits will result in very localised impact that is not considered to be sufficient to result in a significant effect.



Engagement with heritage stakeholders, including the National Monuments Service, will take place sufficiently far in advance of the proposed works taking place to ensure that any comments can be addressed (see also response to section 3.7 of the MUL application form for further detail).

Overall, the proposed site investigation works are not anticipated to adversely affect the significance of known archaeological or cultural heritage assets. Consequently, the works are not anticipated to result in significant heritage effects.

1.15.3 Operational Controls

The precise location of the boreholes will be re-evaluated on site, so that any as-yet unidentified obstacles that may be of archaeological significance can be avoided through micro-siting. Given that no archaeological structures, deposits or objects of archaeological significance were identified during the 2008 archaeological assessment, significant effects are not anticipated. Nonetheless, micro-siting would allow any previously unidentified archaeological features to be avoided, if encountered.

The works will require appropriate traffic controlling measures to ensure they can be undertaken safely. Care will also need to be taken to ensure that the lowering and subsequent uplifting of the jack-up barge via crane does not damage the ashlar walls, copings, cast-iron ladders and remains of timber and cast-iron mooring fixtures associated with Burgh Quay.

1.15.4 Summary

The proposed site investigation works align with the policy.

1.16 Rural Coastal and Island Communities - Rural Coastal and Island Communities Policy 1

The proposed site investigation works align with the Rural Coastal and Island Communities policy. The proposed site investigation works, by their nature and proposed location, are not anticipated to contribute to *'access, communications, energy self-sufficiency or sustainability of rural coastal and / or island communities'*.

1.17 Seascape and Landscape - Seascape and Landscape Policy 1

The proposed site investigation works align with the Seascape and Landscape policy. The proposed site investigation works do not constitute development and by their temporary duration, nature, and small scale, are not anticipated to have a likely significant impact on the seascape or landscape.



1.18 Social Benefits – Policies 1 and 2

The proposed site investigation works align with the Social Benefits policies. The site investigation works are not, by their very nature, anticipated to *‘enhance or promote social benefits’*. Given the temporary duration, nature and small-scale of the works it is not anticipated that they would result in impacts that could result in the *‘displacement of other existing or authorised (but yet to be implemented) activities that generate social benefits’*.

The proposed site investigation works are located in transitional water and, by their nature are not anticipated to specifically contribute to the *‘understanding and enjoyment of the marine environment (including its natural, historic and social value)’* or *‘promote conservation management and increased education and skills’*.

1.19 Transboundary - Transboundary Policy 1

The proposed site investigation works align with the Transboundary policy. The proposed site investigation works are located within the River Liffey in Dublin and will not have transboundary impacts.



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