



Dublin City Council Appropriate Assessment Screening Determination

Date: 27th July, 2022

Applicant: Dublin City Council, Flood Defence Projects Office

Subject: Application for Approval Made Under Section 177AE(4)(A) of the Planning and Development Act 2000 (As Amended) for the Middle Wad Flood Alleviation Study - Contract E Clontarf Outfalls Project

Part 8 Planning approval for flood alleviation works in the Clanmoyle / Clontarf area was approved under planning reference. 3161/12. Some of the works have been completed but Contract E: Clontarf Outfalls of the Middle Wad Flood Alleviation Scheme is not yet constructed.

The project consists of works at Clontarf Road as summarised below.

- Sealing of manholes in properties immediately north of Clontarf Road to prevent flooding of those properties;
- Construction of a new splitter chamber and parallel culvert in the green space between Clontarf Road and the shoreline to improve conveyance,
- Construction of a new outfall head wall with suitable flap valves at the foreshore. In order to minimise the intrusion into the mudflats/silts this headwall can be recessed into the existing rock armour,
- Remedial works to the existing partly collapsed head wall which will effectively result in its replacement / modification so that it matches the configuration of the proposed new adjoining headwall,
- All ancillary works, including Operation and Maintenance

The Planning Authority has been requested to conduct a formal Appropriate Assessment Screening process for the proposed works. Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 "European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended).

An updated Appropriate Assessment Screening report was prepared by Faith Wilson (November 2021) on behalf of the DCC Flood Defense Projects Office. The report indicates that the construction of the proposed Project at Clontarf Road has the potential to impact directly on the qualifying habitats and species listed under the EU Habitats and Birds

Directives within the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) which adjoins the site. The works also have potential indirect impacts on the qualifying habitats and species listed under the EU Habitats and Birds Directives within the South Dublin Bay SAC (Site Code: 000210), North Bull Island SPA (Site Code: 004006) and North Dublin Bay SAC (000206).

The report concluded, on the basis of objective scientific information, following screening and in light of the Conservation Objectives of South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210) and North Dublin Bay SAC (000206), that likely significant effects cannot be ruled out due to the potential for likely significant effects on all, or some, of their qualifying interests arising from the proposed Project. Based on the above, the report concluded that an Appropriate Assessment and the production of a Natura Impact Statement is required for the proposed Middle Wad Flood Alleviation Scheme - Contract E: Clontarf Outfalls Project at Clontarf Road.

The Planning Department, as the competent authority, has considered the screening report and the comments of the Dublin City Council Biodiversity Officer who concurred with the conclusion of the screening report, has undertaken the Appropriate Assessment screening of the development, and has determined that it is not possible to exclude the risk that the proposed development, individually or in combination with another plan or project, will have a significant effect on a European site and that progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) is considered necessary.

As a Stage 2 Appropriate Assessment is required, then the local authority must submit an application for development approval to Bord Pleanála pursuant to the provisions of Section 177AE of the 2000 Act (as amended).

Bryan Ward

**Senior Planner
Dublin City Council**

Dated this 4th April, 2022