

**APPROPRIATE ASSESSMENT SCREENING**

In accordance with the requirements of

**ARTICLE 6(3)**

of the

**EU HABITATS DIRECTIVE**

for the

**PROPOSED VARIATION (NO. 30) OF THE DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022**

**RE: Proposed Variation of Dublin City Development Plan 2016-2022: Lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11**

## 1. Introduction

This is an Appropriate Assessment Screening of the proposed variation of the Dublin City Development Plan 2016-2022 by changing the land use zoning of the subject lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11:

**From: Zoning Objective Z9 – To preserve, provide and improve recreational amenity and open space and green networks.**

**To: Zoning Objective Z1 – To protect, provide and improve residential amenities.**

The proposed Variation sits within the framework of the operational City Development Plan (CDP), which sets the city wide planning policy framework for all projects and development within the city, with all planning decisions being assessed against the policies and objectives of this plan. The CDP outlines a range of policies, objectives and standards to safeguard the environment and to ensure that plans and projects facilitated by the CDP do not have the potential to result in significant or adverse effects on European Sites, either singularly or in a cumulative manner.

The proposed variation has been screened to ascertain if it is required to be subject to an 'Appropriate Assessment' under the EU Habitats Directive. Based on the 'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, a 'Screening Matrix' and a 'Finding of No Significant Effects Matrix' have been completed.

The principal trigger for undertaking an 'Appropriate Assessment' would be if the proposed variation was likely to have significant effects on a Natura 2000 site. For the purposes of Article 6 assessments, Natura 2000 sites are those identified as Sites of Community Importance under the Habitats Directive (normally called Special Areas of Conservation) or classified as Special Protection Areas under the Birds Directive (79/409/EEC).

There are no Natura 2000 sites directly linked to the proposed variation site. The nearest Natura 2000 site is 8.1km to east of the subject site, within Dublin Bay.

The Natura 2000 sites within the wider vicinity of the variation area and within the Dublin region are as follows:

1. North Dublin Bay SAC (IE000206)
2. South Dublin Bay SAC (IE000210)
3. North Bull Island SPA (IE00406)
4. South Dublin Bay & River Tolka Estuary SPA (IE004024)
5. Baldoyle Bay SPA (IE004016)
6. Baldoyle Bay SAC (IE000199)
7. Howth Head SAC (IE000202)
8. Howth Head Coast SPA (IE004113)
9. Irelands Eye SAC (IE002193)
10. Irelands Eye SPA (IE004117)
11. Malahide Estuary SAC (IE000205)
12. Malahide Estuary SPA (IE004025)
13. Rogerstown Estuary SPA (IE004015)
14. Rogerstown Estuary SAC (IE000208)
15. Rockabill to Dalkey Islands SAC (IE003000)
16. Dalkey Islands SPA (IE004172)

Circular Letter SEA 1/08 & NPWS 1/08 issued by the Department of Environment, Heritage and Local Government requires that, as a result of European Court of Justice Case 418/04 EC Commission v Ireland, any draft land use plan (or amendments or variations) proposed under the Planning & Development Act 2000 (as amended) must be screened for any potential impact on areas designated as Natura 2000 sites. The results of the screening should be recorded and made available to the public.

It should be noted that a Strategic Environmental Assessment Screening Report has been prepared for the proposed variation.

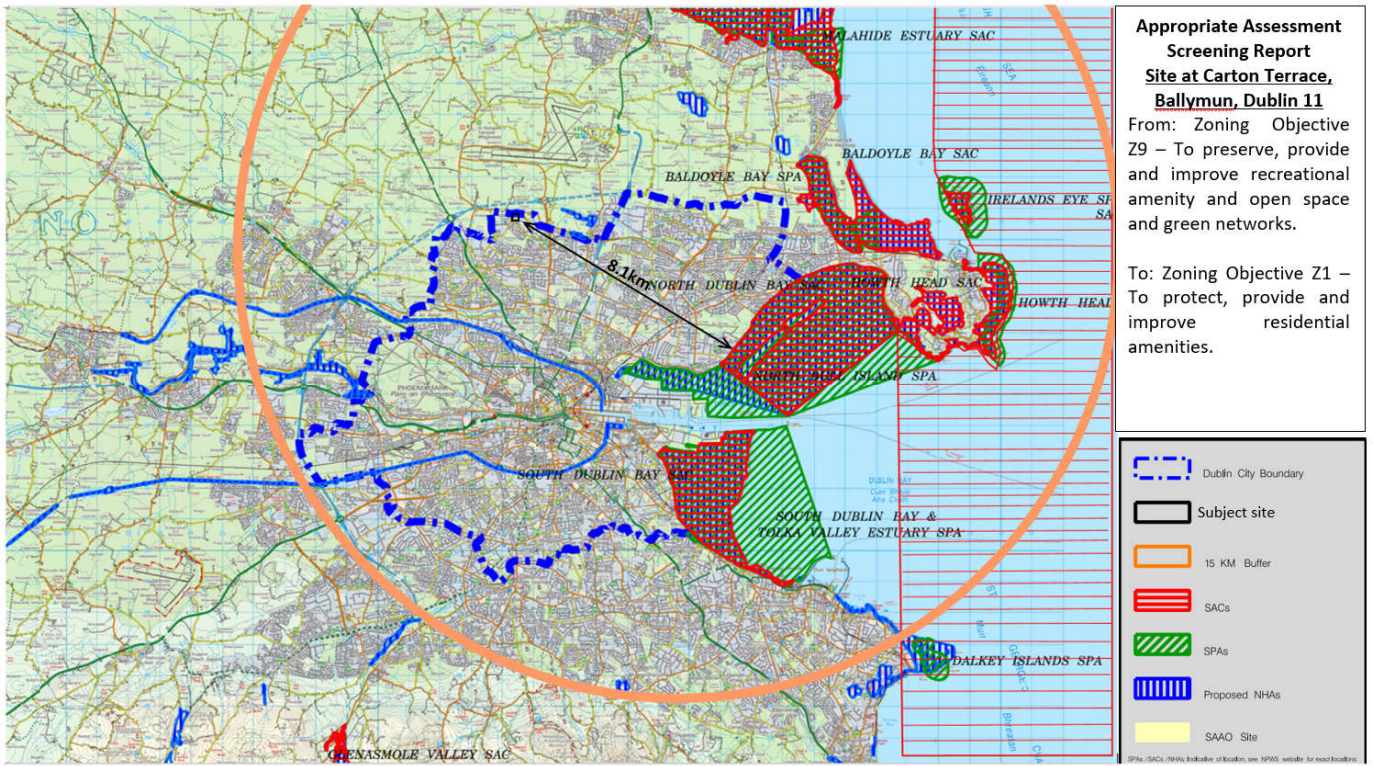


Figure 1: Map of Natura sites in proximity to the subject site

**2. Proposal:**

It is proposed to vary the Dublin City Development Plan 2016-2022 by changing the land use zoning of the subject lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11 from Z9 “To preserve, provide and improve recreational amenity and open space and green networks” to Z1: “To protect, provide and improve residential amenities”.

The area of the proposed variation area is delineated on the map below:

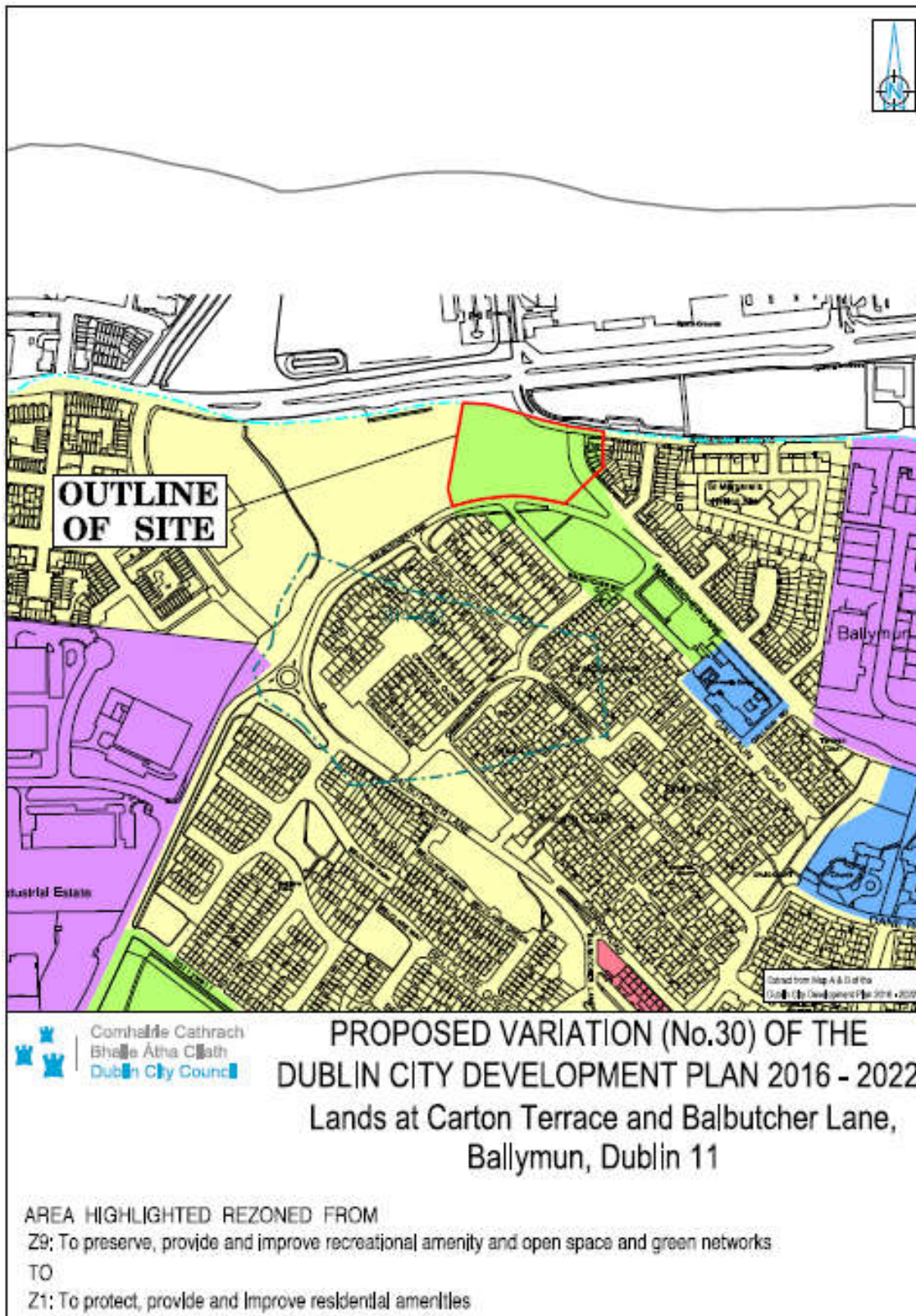


Figure. 2: Location of Proposed Variation to Dublin City Development Plan 2016-2022, site at Carton Terrace, Ballymun, Dublin 11

### **3. Further Detail on the Proposal:**

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods). The purpose and rationale of this proposed variation is set out below.

The subject site measures approximately 1.38ha and is located in the north-west of Ballymun, to the south of St. Margaret's Road, west of Carton Terrace, east of the O'Cualann co-operative housing scheme (Baile na Laochra) and the City Council's modular social housing scheme and north of Balbutcher Lane. The site is grassed and mounded up on the sides. The site is subject of anti-social behaviour with illegal dumping and joy-riding. The area to be rezoned also includes approximately six dwellings at Carton Way and Carton Terrace which are currently zoned Z9 (Amenity/Open Space Lands/Green Network) and does not reflect the residential use of these existing dwellings. It is thus proposed to regularise the zoning of these dwellings.

With the completion of the City Council's modular housing and O'Cualann's co-operative residential scheme to the west of the site, the landscape of the surrounding area has changed with the site now largely surrounded by housing. The area will be further altered with the development of the site to the north-east for the Council's new northside depot and civic amenity site (Reg. Ref. F17A/0686) reducing the number of undeveloped sites in the area and filling in the urban landscape. In addition work has commenced on site for the realignment of the Hampton Wood – Balbutcher Lane North junction which will enhance connectivity in the area whilst also reinforcing the residential environment of the north western quadrant of Ballymun.

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods). The purpose and rationale of this proposed variation is set out below.

The subject lands are within the boundary of the Ballymun Local Area Plan (LAP) 2017. As part of the preparation of the LAP, submissions were received to consider this site for a wide variety of uses including:

- Skate and bike park
- Community Farm/Allotments
- Residential development

With reference to the above, the LAP stated that “there is a need for a detailed review of these lands as part of implementing the LAP” (Section 5.8.2) and the following Sports, Recreation and Open Space objectives are included:

“SR09: Review the use of the Z9 lands to the west of Carton Terrace and south of St. Margaret's Road, to provide for residential development, which can include co-operative housing, on the western half of the site and to explore the provision of a skate and bike park, and / or allotments and a community farm. An alternative suitable location for these uses may be Site No. 14: Balbutcher Lane. (This may involve a variation to the City Development Plan).”

“SR10: Explore the provision of a skate and bike park within Ballymun within the Z9 lands to the northwest of Poppintree Community Sports Centre or Site No. 14 (beside the Reco).”

Pursuant to Objective SR09 above, the Planning, Property and Development Department analysed the subject site as a potential location for an urban farm / community gardens / allotments. This analysis found that the site would not be suitable as it is located on the periphery of the Ballymun, does not adjoin any key existing social / recreation centres, or any significant residential or employment zones to allow synergies to develop or to attract a volume of visitors to sustain the operation and would be difficult to secure, manage and maintain.

The periphery location, issues of management, maintenance and security also applied to the considerations of a skate and bike park proposal for the subject site. It is noted that there are ongoing maintenance issues with the 5 aside sports pitch and playground to the west of Poppintree Sports & Community Centre and as such the provision of additional recreation uses, somewhat removed from the sports and community centre, would be problematic.

In light of the above and given that part of the subject lands have been vacant for a significant period of time it is considered that the site has limited future potential as a park or open space area. Furthermore given the

changing character of the surrounding area and recently completed housing schemes adjoining the site, it is considered that residential zoning of the site would be appropriate.

The area to be rezoned also includes approximately six dwellings at Carton Way and Carton Terrace which are currently zoned Z9 (Amenity/Open Space Lands/Green Network) and does not reflect the residential use of these existing dwellings. It is thus proposed to regularise the zoning of these dwellings.

#### 4. Screening Matrix

##### **BRIEF DESCRIPTION OF PROJECT OR PLAN**

The proposed variation of the Dublin City Development Plan 2016-2022 involves the proposed rezoning of the approximately 1.38ha site from Z9 to Z1. The subject site is located in the north-west of Ballymun, to the south of St. Margaret's Road, west of Carton Terrace, east of the O'Cualann co-operative housing scheme (Baile na Laochra) and the City Council's modular social housing scheme and north of Balbutcher Lane. The site is grassed and mounded up on the sides. The area to be rezoned also includes approximately six dwellings at Carton Way and Carton Terrace which are currently zoned Z9 (Amenity/Open Space Lands/Green Network) and does not reflect the residential use of these existing dwellings. It is thus proposed to regularise the zoning of these dwellings.

With the completion of the City Council's modular housing and O'Cualann's co-operative residential scheme to the west of the site, the landscape of the surrounding area has changed with the site now largely surrounded by housing. The area will be further altered with the development of the site to the north-east for the Council's new northside depot and civic amenity site (Reg. Ref. F17A/0686) reducing the number of undeveloped sites in the area and filling in the urban landscape. In addition work has commenced on site for the realignment of the Hampton Wood – Balbutcher Lane North junction which will enhance connectivity in the area whilst also reinforcing the residential environment of the north western quadrant of Ballymun. In light of the above and given that the subject lands have been vacant for a significant period of time it is considered that the site has limited future potential as a park or open space area. Furthermore given the changing character of the surrounding area and recently completed housing schemes adjoining the site, it is considered that residential zoning of the site would be appropriate.

##### **BRIEF DESCRIPTION OF THE NATURA 2000 SITES**

The site of the proposed variation does not directly affect any Natura 2000 sites. The closest Natura 2000 sites are located within Dublin Bay and include a wide variety of inter-tidal, marine and coastal zoned habitats supporting a range of species including Annex 1 bird species.

##### **ASSESSMENT CRITERIA**

There is no Natura 2000 site located in the proposed variation area. There are no likely cumulative, direct or indirect impacts on any Natura 2000 sites as a result of the proposed variation given the nature of the designation and the separation distances involved. In both ecological and environmental impact assessment, for an impact to occur there must be a risk enabled by having a 'source' (e.g. construction works at a proposed development site), a 'receptor' (e.g. a SAC or other ecologically sensitive feature), and a pathway between the source and the receptor (i.e. a watercourse which connects the proposed variation area to the SAC). The variation site is located approximately 730m south-west of the Santry River which is a potential indirect pathway to the Natura 2000 sites located within Dublin Bay, however it is considered that the magnitude of any potential significant impact on downstream Natura 2000 sites generated at the source by

this proposed variation is nil and therefore the pathway can be ruled out.

An Appropriate Assessment was carried out at all stages of the Development Plan 2016-2022 and also the Ballymun Local Area Plan 2017 in order to ensure that its policies and objectives do not result in significant adverse impacts on the integrity of any of the identified Natura 2000 sites.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:**

**Size and scale;**

Any relevant future new development will be integrated into the established urban pattern and is not predicted to have any likely impact on the conservation function of any Natura 2000 site in respect to size or scale.

**Land-take;**

Not applicable

**Distance from Natura 2000 site or key features of the site;**

The site of the proposed variation is c. 8.1km from the nearest Natura 2000 sites, the North Dublin Bay cSAC and North Bull Island SPA. The proposed variation is not predicted to have any likely impact on the key features or the conservation function of any Natura 2000 sites.

**Resource requirements (water abstraction etc);**

Resource supply, including potable water, will be provided from existing municipal infrastructure. Any potential indirect or secondary impact on the conservation function of any Natura 2000 site as a result of increased population equivalent (P.E) demand for potable water supply will be subject to a separate higher level Appropriate Assessment/Strategic Environmental Assessment (SEA) at regional level.

**Emission (disposal to land, water or air);**

No predicted likely direct impact on the conservation function of any Natura 2000 site is predicted as a result of the implementation of the proposed variation. The most likely potential indirect or secondary impact on a Natura 2000 site is by way of effluent discharge from the Ringsend waste water treatment plant which serves the entire Dublin region to Dublin Bay. Any future planning permission will be subject to conditions to ensure disposal to land, water and air has no impact on any Natura 2000 site.

In addition, there is a commitment under the Dublin City Development Plan 2016–2022 to “support and facilitate Irish Water to ensure the upgrading of wastewater infrastructure, in particular the upgrading of the Ringsend Wastewater Treatment Plant” (objective SI2).

**Excavation requirements;**

Not applicable.

**Transportation requirements;**

Not applicable.

**Duration of construction, operation, decommissioning, etc;**

Not applicable.

**Other**

None.

**Describe any likely changes to the site arising as a result of:**

**Reduction of habitat area:**

Not applicable.

**Disturbance to key species;**

Not applicable.

**Habitat or species fragmentation;**

Not applicable.

**Reduction in species density;**

Not applicable.

**Changes in key indicators of conservation value**

Not applicable.

**Climate change:**

Not applicable.

**Describe any likely impacts on the Natura 2000 site as a whole in terms of:**

**Interference with the key relationships that define the structure of the site;**

No predicted likely impact on the structure of any Natura 2000 sites.

**Interference with key relationships that define the function of the site;**

No predicted likely impact on the conservation function of any Natura 2000 sites.

**Provide indicators of significance as a result of the identification of effects set out above in terms of:**

**Loss;**

Not applicable.

**Fragmentation;**

Not applicable.

**Disruption;**

Not applicable.



<p><b>Disturbance;</b></p> <p>Not applicable.</p> <p><b>Change to key elements of the site (e.g. water quality etc);</b></p> <p>Not applicable.</p>
<p><b>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.</b></p> <p>No predicted likely impact on the conservation functions of any Natura 2000 sites.</p>

**5. Finding of No Significant Effects Matrix**

<b>Name of Project or Plan:</b>	The proposed variation of the Dublin City Development Plan involves the proposed rezoning of the of the subject lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11 from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods).
<b>Name and location of Natura 2000 sites:</b>	Natura 2000 sites in the wider vicinity of the proposed variation area are provided in Section 1 above.
<b>Description of the Project or Plan</b>	As provided in the screening matrix above.
<b>Is the Project or Plan directly connected with or necessary to the management of the site (provide details)?</b>	No.
<b>Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b>	The proposed variation provides for the sustainable development in accordance with the Dublin City Development Plan 2016-2022 and the principles of proper planning and sustainable development.  It is not predicted that the variation will have any impact on the conservation function of any Natura 2000 site.

<b>THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS</b>	
<b>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:</b>	No predicted likely impact on the conservation functions of any Natura 2000 sites.

<p><b>Explain why these effects are not considered significant:</b></p>	<p>The proposed variation of the Dublin City Development Plan 2016-2022 involves the proposed rezoning of the c. 1.38ha lands from Z9 to Z1.</p> <p>Taking into consideration the significant period of time that the site has been vacant, the location of the site adjoining an established residential area, the projected requirements for significant additional housing provision over the coming years and the difficulty in securing, managing and maintaining open space / recreation facilities in Ballymun, it is considered more appropriate to rezone the lands from Z9 to Z1 to facilitate a more appropriate use of the land.</p> <p>The proposed variation provides for sustainable development in accordance with the Dublin City Development Plan 2016-2022 and the principles of proper planning and sustainable development.</p> <p>It is not predicted that that the variation will have any impact on the conservation function of any Natura 2000 site.</p>
<p><b>List of Agencies Consulted: Provide contact name and telephone or email address:</b></p>	<p>The Manager, Development Applications Unit, Department of Housing, Planning, Community and Local Government. Email: sea@environ.ie</p> <p>The Manager, The Department of Culture, Heritage and the Gaeltacht Manager.DAU@chg.gov.ie</p> <p>Gerry Clerkin, Dept. Communications Energy and Natural Resources Gerry.clerkin@dcecr.gov.ie Email: CorporateSupport.Unit@dcecr.gov.ie</p> <p>Co-ordination Unit, Department of Communications, Climate Action and Environment. Email: corporatesupport.unit@dcca.gov.ie</p> <p>Damian Clarke, Assistant Principal Officer, Department of Agriculture, Food and the Marine Email: damien.clarke@agriculture.gov.ie</p> <p>Tadhg O'Mahony, Environmental Protection Agency, Regional Inspectorate, Iniscarra, County Cork. Email: t.omahony@epa.ie sea@epa.ie Telephone: 021 – 486 0818</p> <p>Forward Planning Division, Dun Laoghaire Rathdown County Council</p>

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<p><b>Response to Consultation</b></p>	<p>A response to the consultation was received from the EPA and the Waste Policy and Resources Efficiency Division in the Department of Communications, Climate Action and Environment by e-mail on 23<sup>rd</sup> March 2020 and 13<sup>th</sup> March 2020 respectively.</p> <p>The EPA raised the following observation:</p> <ul style="list-style-type: none"> <li>• Ensure that the Variation complies with the requirements of the Habitats Directive where relevant. Where Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the Variation.</li> <li>• Refers to the EPA's AA GeoTool which allows users to a select a location, specify a search area and gather available information for each European Site within the area.</li> </ul> <p>The Waste Policy and Resources Efficiency Division in the Department of Communications, Climate Action and Environment Division raised the following observation:</p> <ul style="list-style-type: none"> <li>• In respect of the issue of waste in the within documentation, the Division would be obliged if the Local Authority would consult directly with their respective Regional Waste Management Planning Office regarding the development of the final plans.</li> </ul> <p>These observations were taken on board by Dublin City Council in the finalisation of this AA screening report.</p>

<p><b>DATA COLLECTED TO CARRY OUT THE ASSESSMENT</b></p>	
<p><b>Who carried out the Assessment?</b></p>	<p>Planning and Property Development Department  Dublin City Council</p>
<p><b>Sources of Data</b></p>	<p>Existing data</p>

	<p>As part of the Appropriate Assessment screening process for the proposed variation, particular reference has been made to the following documents:</p> <ul style="list-style-type: none"> <li>▪ <i>Managing Natura 2000 sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC.</i></li> <li>▪ Circular Letter SEA 1/08 and NPWS 1/08. (February 2008) Department of the Environment Heritage and Local Government (DoEHLG)</li> <li>▪ Department of the Environment Heritage and Local Government (DoEHLG) Circular letter NPWS 1/10 and PSSP 2/10 (March 2010)</li> <li>▪ <i>Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities.</i> Department of Environment, Heritage and Local Government (2010) DoEHLG.</li> <li>▪ <i>Natura Impact Report of the Dublin City Development Plan 2016-2022.</i></li> <li>▪ Existing NPWS Data.</li> <li>▪ <i>Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.</i> (2002) European Commission.</li> </ul>
<b>Level of Assessment Completed</b>	Desktop study.
<b>Where can the full results of the assessment be accessed and viewed</b>	This document contains the full results of the Appropriate Assessment Screening exercise and will be placed on display with the proposed variation.
<b>Overall Conclusion</b>	Stage 1 screening indicates that the proposed variation will not have any significant cumulative, direct or indirect impacts upon any of the Natura 2000 sites. Therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.