

APPROPRIATE ASSESSMENT SCREENING

In Accordance With The Requirements Of

Article 6(3)

Of the EU Habitats Directive (92/43/EEC)

For the

Proposed Variation to the Dublin City Development Plan 2016 - 2022

**Proposed Variation (No. 29) of Dublin City Development Plan 2016-2022
Site at 5-6 Malahide Road, Dublin 17**

SECTION 1 – INTRODUCTION & TERMS OF REFERENCE

This is an Appropriate Assessment Screening of the proposed variation of the Dublin City Development Plan 2016-2022 to the land use zoning of the site at 5-6 Malahide Road, Dublin 17, from Zoning Objective Z6 (Enterprise/Employment) to Zoning Objective Z1 (Sustainable Residential Neighbourhoods), in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). The proposed variation will change the zoning

From: Zoning Objective Z6 – To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.

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 2.8km to the south 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:

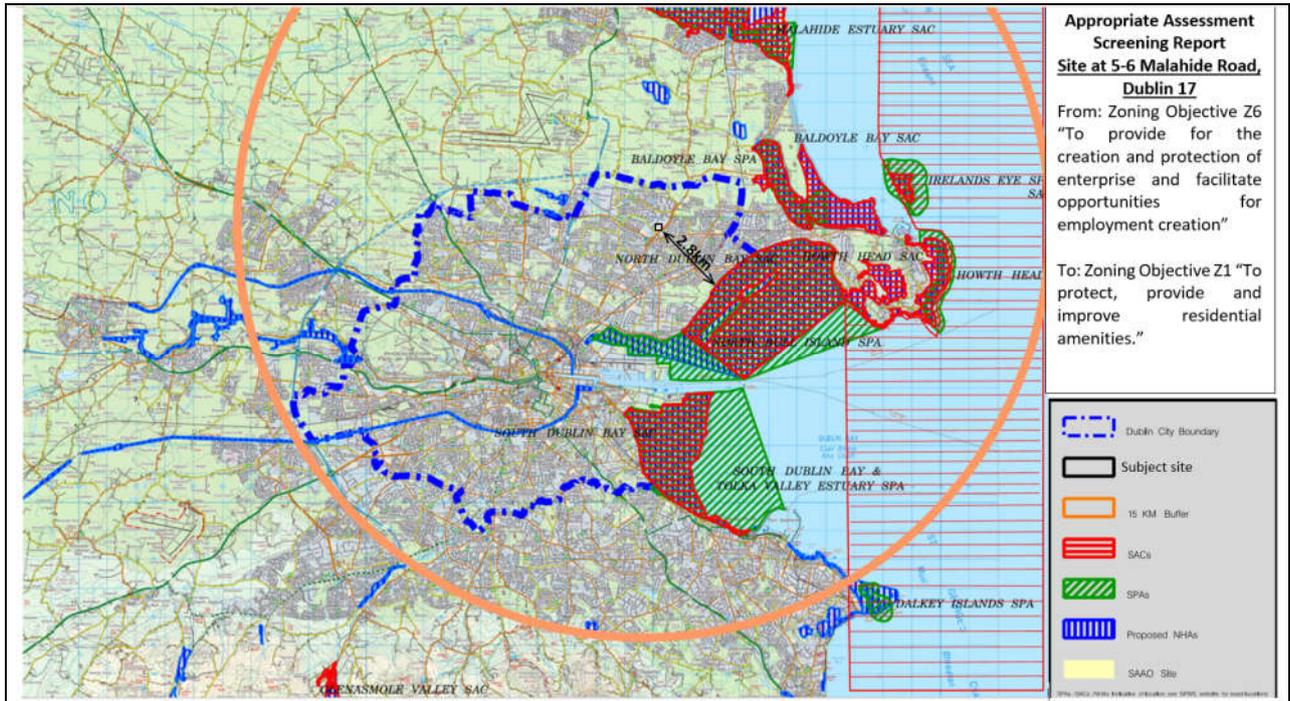
1. North Dublin Bay SAC (IE000206)
2. South Dublin Bay SAC (IE000210)
3. North Bull Island SPA (IE00406)
4. South Dublin Bay & River Tolka Estuary SPA (IE004024)
5. Baldoyle Bay SPA (IE004016)
6. Baldoyle Bay SAC (IE000199)
7. Howth Head SAC (IE000202)

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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 below illustrates all of the designated sites in the wider vicinity of the subject site at 5-6 Malahide Road, Dublin 17.



Proposal:

It is proposed to vary the Dublin City Development Plan 2016-2022, by changing the land use zoning of the site at 5-6 Malahide Road, Dublin 17 from Z6 "To provide for the creation and protection of enterprise and facilitate opportunities for employment creation" to Z1 "To protect, provide and improve residential amenities."

The area of the proposed variation area is delineated on the following map.

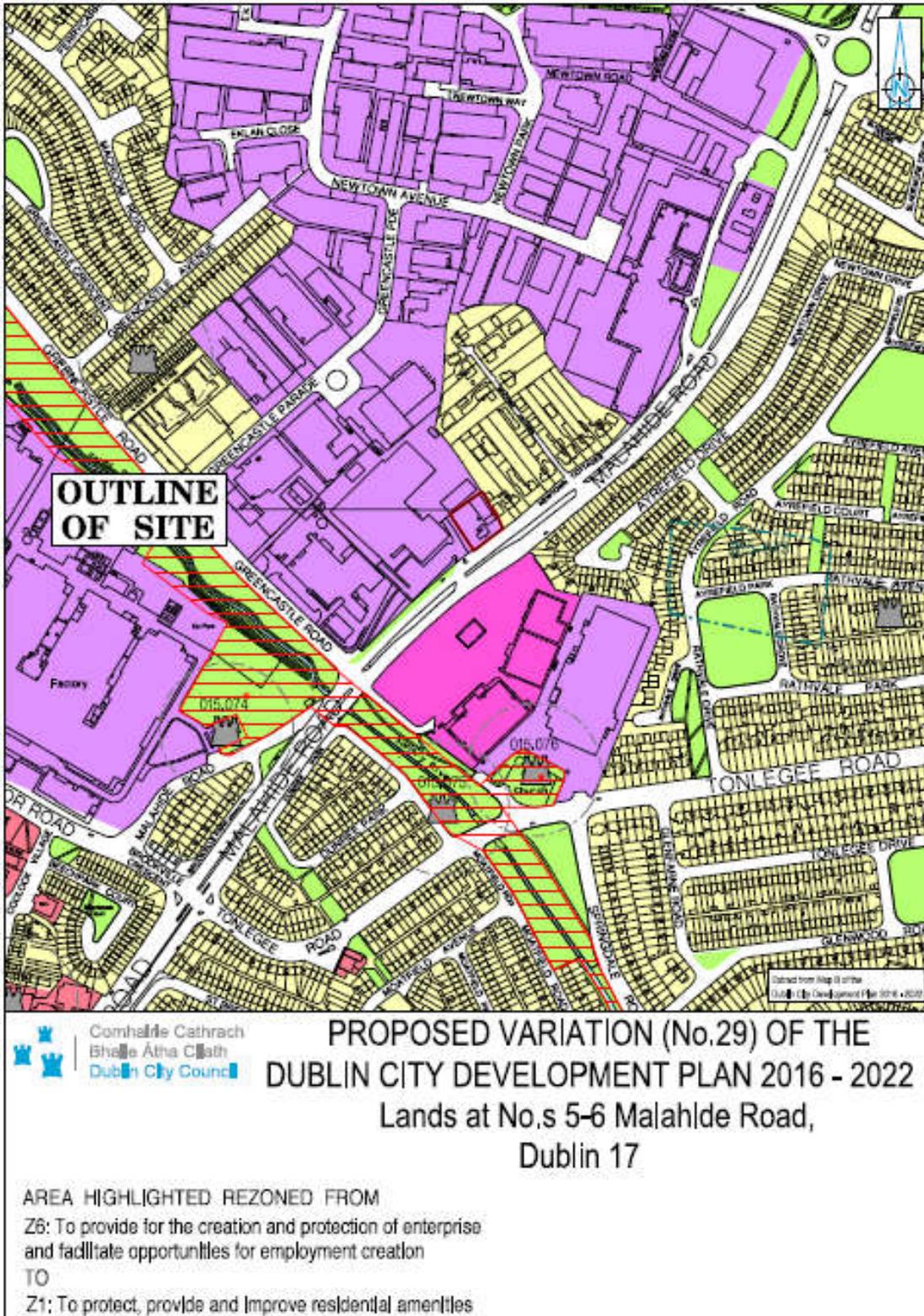


Fig. 2: Location of Proposed Variation to Dublin City Development Plan 2016-2022, site at 5-6 Malahide Road, Dublin 17.

Further Detail on the Proposal:

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z6 to Z1.

This site has an area of approximately 0.19 hectares and is located on the northern side of Malahide Road, between the Crown Paints Facility at nos. 1-3 Malahide Road and no. 1 Newtown Cottages. The site is occupied by two detached single storey dwellings and has two vehicular entrances and a pedestrian entrance onto Malahide Road.

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z6 (Employment/Enterprise) to Z1 (Sustainable Residential Neighbourhoods).

This Variation is required as a correction to the Z6 (Employment/Enterprise) zoning of these two houses which appear to have been zoned Z6 in error for the last three Development Plans and would be more appropriate to be zoned Z1 (Sustainable Residential Neighbourhoods), as the adjoining houses at Newtown Cottages are zoned.

The proposed rezoning of the site from Z6 to Z1 would both be more in keeping with the Z1 zoning of the adjoining dwellings at Newtown Cottages and would also allow for housing in this established residential suburb.

SECTION 2.0 - 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 site from Z6 to Z1. This Variation is required as a correction to the Z6 (Employment/Enterprise) zoning of these two houses which appear to have been zoned Z6 in error for the last three Development Plans and would be more appropriate to be zoned Z1 (Sustainable Residential Neighbourhoods), as the adjoining houses at Newtown Cottages are zoned.
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 220m north-east 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 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 because the site of the proposed Variation comes within the City Development Plan area and there are not predicted to be additional transportation requirements arising from the implementation of the proposed Variation over and above those envisaged by the City Development Plan.

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

The site of the proposed variation is c2.8km 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). Through these and a combination of other measures, it is an objective of the River Basin Management Plan 2009-2015 (as extended until 2017) to achieve good water status in the Liffey Estuary by 2027.

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.

Disturbance;

Not applicable.

Change to key elements of the site (e.g. water quality etc);

Not applicable.

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.

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

SECTION 3.0: FINDING OF NO SIGNIFICANT EFFECTS MATRIX

Name of Project or Plan:	The proposed variation of the Dublin City Development Plan involves the proposed rezoning of 5-6 Malahide Road, Dublin 17 from Z6 to Z1.
Name and location of Natura 2000 sites:	Natura 2000 sites in the wider vicinity of the proposed variation area are provided in Section 1 above.
Description of the Project or Plan	As provided in the screening matrix above.
Is the Project or Plan directly connected with or necessary to the management of the site (provide details)?	No.
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	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.

The Assessment of Significance of Effects	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	No predicted likely impact on the conservation function of any Natura 2000 sites.
Explain why these effects are not considered significant:	The subject c. 0.19ha site at 5-6 Malahide Road, Dublin 17 is currently in residential use as two detached single storey dwellings. Taking into consideration the location of the land in an established residential area and the projected requirements for significant additional housing provision over the coming years, the proposed rezoning from Z6 to Z1 will facilitate a more appropriate use for this land. The proposed variation provides for sustainable

	<p>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>List of Agencies Consulted: Provide contact name and telephone or email address:</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@dcenr.gov.ie Email: CorporateSupport.Unit@dcenr.gov.ie</p> <p>Co-ordination Unit, Department of Communications, Climate Action and Environment. Email: corporatesupport.unit@dcaae.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 Email: planning@dlrcoco.ie planningsecretariat@dlrcoco.ie</p> <p>Forward Planning Division, South Dublin County Council Email: planning.dept@sdcc.ie planningdept@sdublincoco.ie</p> <p>Forward Planning Division, Fingal County Council Email: planning@fingalcoco.ie</p>

	Inland Fisheries Ireland info@fisheriesireland.ie
Response to Consultation	<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 24th March 2020 and 13th March 2020 respectively.</p> <p>The EPA raised the following observation:</p> <ul style="list-style-type: none"> • 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. • 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. <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"> • 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. <p>These observations were taken on board by Dublin City Council in the finalisation of this AA screening report.</p>

Data Collected to Carry out the Assessment	
Who carried out the Assessment?	Planning and Property Development Department Dublin City Council
Sources of Data	<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"> • <i>Managing Natura 2000 sites. The provisions of</i>

	<p><i>Article 6, of the 'Habitats' Directive 92/43/EEC.</i></p> <ul style="list-style-type: none"> • Circular letter SEA 1/08 and NPWS 1/08. (February 2008) Department of the Environment Heritage and Local Government (DoEHLG) • Department of the Environment Heritage and Local Government (DoEHLG) Circular letter NPWS 1/10 and PSSP 2/10 (March 2010) • <i>Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities.</i> Department of Environment, Heritage and Local Government (2010) DoEHLG. • <i>Natura Impact Report of the Dublin City Development Plan 2016-2022.</i> • Existing NPWS Data. • <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.
Level of Assessment Completed	Desktop study.
Where can the full results of the assessment be accessed and viewed	This document contains the full results of the Appropriate Assessment Screening exercise and will be placed on display with the proposed variation.
Overall Conclusion	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.