

APPROPRIATE ASSESSMENT SCREENING

In Accordance With The Requirements Of

Article 6(3) & (4)

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

For the

Proposed Variation (No. 28) to the Dublin City Development Plan 2016 - 2022

PROPOSED DRAFT VARIATION (NO. 28) OF THE DUBLIN CITY DEVELOPMENT PLAN 2016 – 2022

RE: To amend objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG) / Islandbridge to the Chapelizod Road (R109).

SECTION 1 – INTRODUCTION & TERMS OF REFERENCE

This is an Appropriate Assessment Screening of the proposed variation (No. 28) of the Dublin City Development Plan 2016-2022 to:

Amend objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWVG)/Islandbridge to the Chapelizod Road (R109).

See heading Proposal below for further detail on the subject site of this variation and reference to the proposed follow up development project arising from the variation.

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 both a Strategic Environmental Assessment Screening Report and an Strategic Flood Risk Assessment report has been prepared for proposed variation no. 28.

The proposed variation has been assessed to ascertain if it is required to be subject to an 'Appropriate Assessment' (AA) 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 principle 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 [SAC]) or classified as Special Protection Areas [SPA] under the Birds Directive (79/409/EEC).

There are no Natura 2000 sites directly linked to the proposed variation site at Islandbridge. The nearest Natura 2000 site, linked by the pathway of the River Liffey (Special Protection Area [SPA]: South Dublin Bay and River Tolka Estuary SPA, site code 004024) is 8.56 km to the east of the subject site, within Dublin Bay.

The site is adjacent to the River Liffey at Islandbridge. The intended purpose of this proposed variation is to provide the policy context to facilitate the permission for and construction of a minor piece of infrastructure – a pedestrian / cycling bridge that will traverse the River Liffey and connect two significant parcels of OPW parkland from the Irish National War Memorial Gardens on the south-side to the Phoenix Park on the north-side. The proposed bridge is designed as a clear span of the River Liffey.

The Natura 2000 sites within the wider vicinity of the variation area and within the Dublin region are listed 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)

Figure 2 below illustrates designated sites in the wider vicinity of the subject site at Islandbridge.

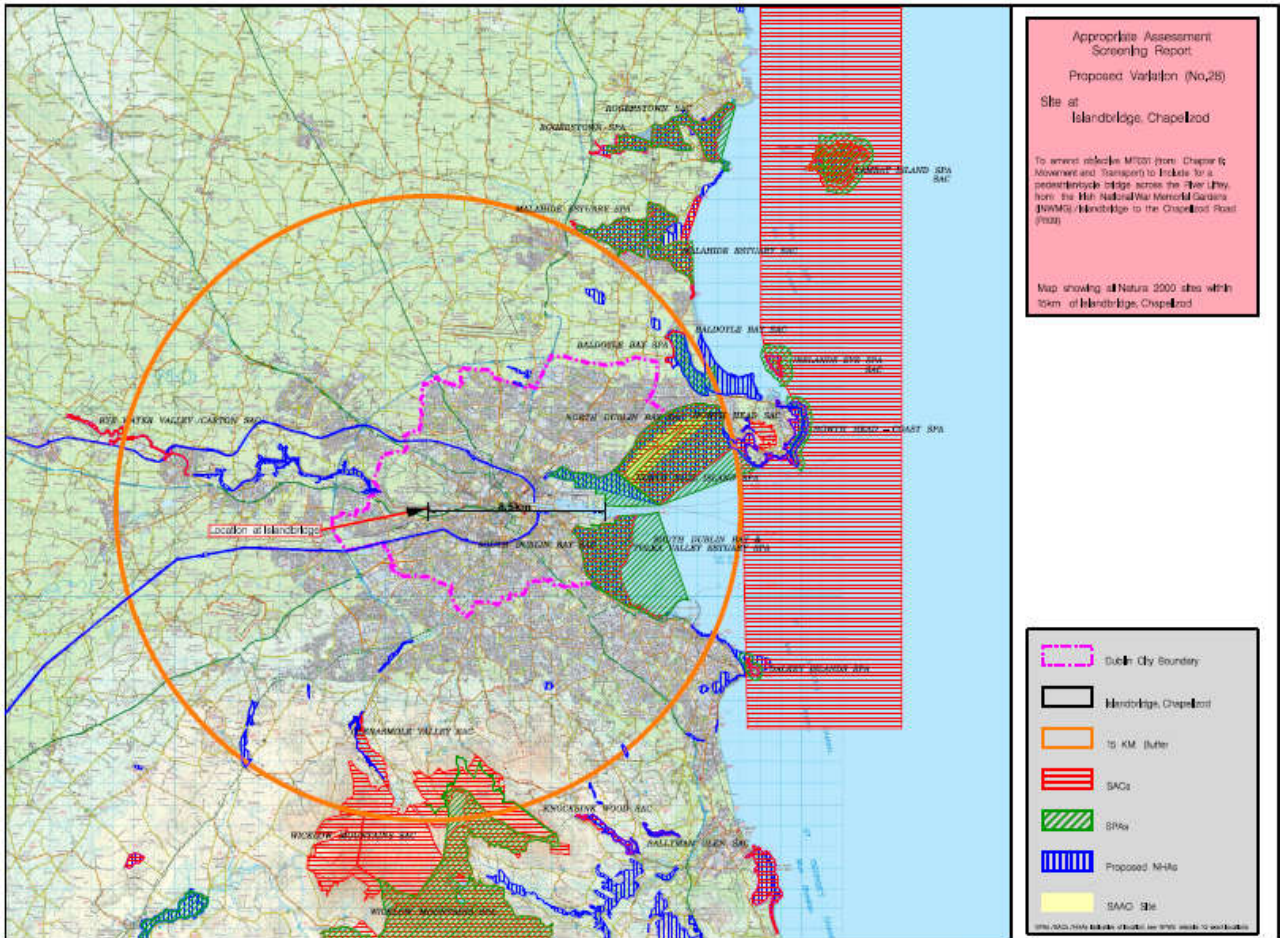


Figure 2 designated sites in the wider vicinity of the subject site at Islandbridge.

The Proposal:

It is proposed to vary the Dublin City Development Plan 2016-2022, Written Statement, Volume 1, by amending objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG) / Islandbridge to the Chapelizod Road (the R109), thereby effectively connecting two significant OPW parklands together, the INWMG on the south side to the Phoenix Park on the North side.

From:

To:

MTO31: To initiate and/or implement the following road improvement schemes and bridges within the six year period of the development plan, subject to the availability of funding and environmental requirements and compliance with the 'Principles of Road Development' set out in the NTA Transport Strategy.

Roads

- River Road
- Richmond Road
- Malahide Road/R107 (including North Fringe Improvements)
- Blackhorse Avenue (commenced)
- Clonsaugh Road Industrial Estate
- Ballymun (improved town centre linkage)
- Kilmainham/South Circular Road
- Link from Military Road to Conyngham Road
- East Wall Road/Sheriff Street to North Quays
- Cappagh Road.

Bridges

- Dodder Bridge
- Liffey Valley Park pedestrian/cycle bridge
- Cycle/pedestrian bridges that emerge as part of the evolving Strategic
- Cycle Network and Strategic Green Infrastructure Network
- Three new bridges proposed as part of the North Lotts and Grand Canal Dock SDZ.

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This proposed draft variation is depicted on the map below, an extract from Map E, Volume 3 of the Dublin City Development Plan 2016 – 2022, with three dots bridging the River Liffey from Office Public Works (OPW) lands at the Irish War Memorial Gardens (south of the River Liffey) to OPW lands located to the (north of the River Liffey) along the Chapelizod Road (the R109).

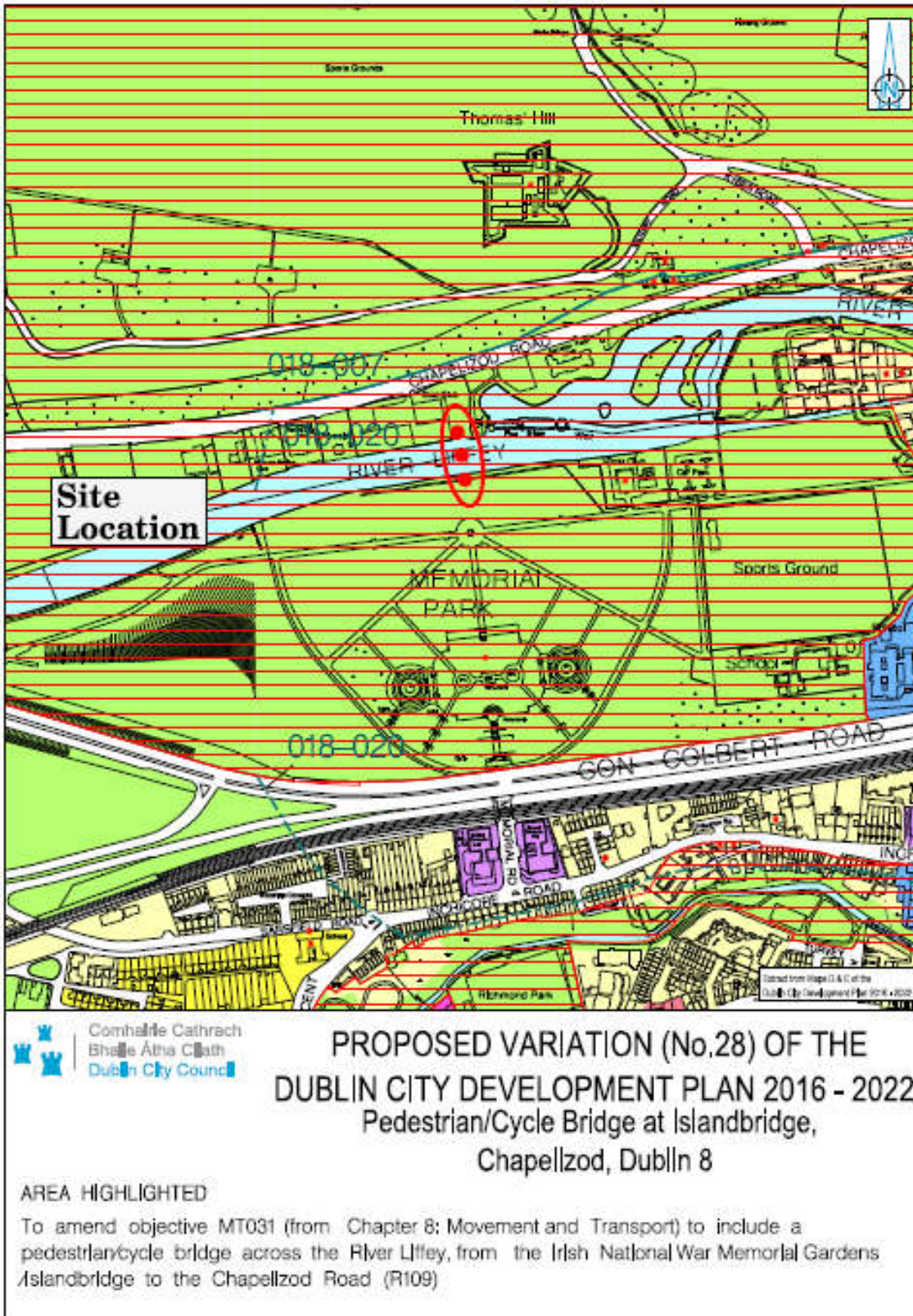


Fig. 3: Location of Proposed Variation (No. 28) to Dublin City Development Plan 2016-2022, Islandbridge, Dublin 8

Under the *Dublin City Development Plan 2016-2022*, the subject site (both north and south of the River Liffey) is zoned *Zone Z9 - Amenity/Open Space Lands/Green Network: 'To preserve, provide and improve recreational amenity and open space and green networks'*. The Phoenix Park is also zoned Z9 and is separated from the northern section of the Z9 subject site by the Chapelizod Road only. The River Liffey, across which the bridge will traverse is zoned Z11, Waterways Protection: *'To protect and improve canal, coastal and river amenities'*.

This section of the River Liffey, its river banks and both the Memorial Gardens and the Phoenix Park all lie within the Conservation Area (red hatch) specific objective. Policy CHC4 states:

'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.'

Two of the enhancements opportunities identified with Policy CHC4 include;

'Improvement of open spaces and the wider public realm....' and

'Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.'

This proposed variation will provide the policy context satisfy the above.

The proposed project that requires this variation, the pedestrian/cycle bridge, will be a minor piece of infrastructure joining two pieces of Z9 zoned lands together that will facilitate access from the Irish National War Memorial Gardens to the Phoenix Park, as described further below.

The Irish National War Memorial Gardens (INWMG) are located on the south bank of the River Liffey at Islandbridge, approximately 6km west of Dublin city centre. The INWMG are located in the general vicinity of where the River Liffey becomes non-tidal at Islandbridge Weir. The Phoenix Park runs along the opposing, north bank of the river. The Chapelizod Road (R109) separates the north bank of the River Liffey from the Phoenix Park.

A palisade type metal fence currently forms the boundary between the OPW site on the north side of the River Liffey and the public pavement on Chapelizod Road. It is a strip of land that has been retained by the OPW for the purposes of bridging the River Liffey to connect, as far as is practicable, two significant OPW parkland sites, namely the Phoenix Park and the Irish National War Memorial Gardens. It currently appears overgrown. Several rowing clubs including Trinity College Boat Club (on the south side) and the University College Dublin (UCD) Boat Club (on the northside) are located within the vicinity of the INWMG. Within the cityscape of Dublin, the INWMG are considered a "hidden gem". Therefore, a principal objective of the proposed bridge will be to improve awareness of the INWMG. The proposed formal entrance at the Chapelizod Road will serve to act as a distinct access and egress point to the site. The proposed pedestrian/cycle bridge is proposed to comprise:

- A new pedestrian and cycle bridge which will span the River Liffey and connect to an existing cycleway;

- A formal entrance at Chapelizod Road;
- An open plaza linking the entrance and bridge,

to be located at the INWVG and at lands to north of River Liffey, Chapelizod Road, Islandbridge, Dublin 8. In order to ensure the safe passage of pedestrians and cyclists across the Chapelizod Road to and from the proposed open plaza, a new pedestrian crossing will be required.

SECTION 2.0 - SCREENING MATRIX

Brief Description of Project or Plan

The proposed variation of the Dublin City Development Plan 2016-2022 involves an amendment to objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWVG) /Islandbridge to the Chapelizod Road (R109) for the purposes of connecting two significant parcels of OPW parkland together (the INWVG and the Phoenix Park), enhancing connectivity using a sustainable and green mode of transport. This variation will provide the policy context to facilitate a minor piece of infrastructure, a pedestrian/cycle bridge linking two substantial areas of high value open space within Dublin city.

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 site (**South Dublin Bay & River Tolka Estuary SPA (IE004024)**) is located approximately 9 km to the east and is located within Dublin Bay and is one of a number of Natura 2000 sites that include a wide variety of inter-tidal, marine and coastal zoned habitats supporting a range of species including Annex 1 bird species in the Dublin Bay area.

Assessment Criteria

There is no Natura 2000 sites 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.

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 Natura 2000 site), and a pathway between the source and the receptor (i.e. a watercourse which connects the proposed variation area to the Natura 2000 site). While a pathway exists, the River Liffey, 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.

These included bridge structures spanning the River Liffey in close proximity to the Natura 2000 Sites at the mouth of the River Liffey.

Section 10.4.1 Appropriate Assessment, of the Development Plan, states:

'The Council will ensure that all developments relating to Green Infrastructure and Open Space are subject to Article 6 EU Habitats Directive Assessment to ensure that there are no likely significant effects on the integrity of a European Sites(s). The development will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the development is deemed imperative for reasons of overriding public interest, all accordance with the provisions of the EU Habitats Directive.'

The follow up proposed planning application that will seek permission for the proposed open competition-led pedestrian/cycle bridge, which necessitates this variation to provide a policy context, will be prepared by the Office of Public works (OPW). As part of its planning documentation a Stage II Appropriate Assessment would comply with the above, given that to implement the project, a temporary phase of construction will take place before it becomes operational for its intended use. It is likely there could be impacts if not mitigated against. However, it is envisaged that such foreseen impacts, including the temporary construction phase, will be managed through best practice construction methods (that will likely form part of the mitigation measures) that will likely eliminate any potential impacts downstream and serve as water quality protection measures. While the subject site is not located within a Natura site, the local ecology in the vicinity of the subject site requires site specific investigation.

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;

The variation covers a small indicative area of land and water to facilitate a bridge with two land-side landing points. The size and scale of the future pedestrian/cyclist bridge, subject to a future planning application, the 'project', is considered a minor piece of infrastructure and is not predicted to have any likely significant impact on the conservation function of any Natura 2000 site in respect to size or scale.

Land-take;

Not applicable to the proposed variation and considered minor in nature for any future planning application.

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

The site of the proposed variation is c8.56km from the nearest Natura 2000 sites, the Special Protection Area [SPA]: South Dublin Bay and River Tolka Estuary SPA, site code 004024. The proposed variation is not predicted to have any likely significant impact on the key features or the conservation function of any Natura 2000 sites.

Resource requirements (water abstraction etc);

Not applicable.

Emission (disposal to land, water or air);

Not applicable.

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. 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.

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 significant impacts 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 (No. 28) of the Dublin City Development Plan proposes to amend objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWVG) /Islandbridge to the Chapelizod Road (R109) at Islandbridge.

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, Section 2, 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)?	<p>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.</p> <p>It is not predicted that the proposed variation will have any impact on the conservation function of any Natura 2000 site.</p>

The Assessment of Significance of Effects	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	<p>No predicted likely significant impacts on the conservation function of any Natura 2000 sites arises from the variation process (the 'Plan'). The likely follow up proposed planning application, (the 'Project') - the pedestrian/cycle bridge - that constitutes development, will be prepared by the OPW and will likely lead to a stage II Appropriate Assessment as the construction phase will be adjacent to the River Liffey, a pathway (from source to receptor) to the Natura 2000 sites downstream.</p> <p>While it is expected that best practice construction methods (to avoid spills, deposits, local disturbance etc. that may affect water quality and/or the local ecology) will be employed to reduce and or eliminate impacts these methods will likely act as mitigation measures and thus will require full Appropriate Assessment (screening plus Natura Impact statement).</p>

<p>Explain why these effects are not considered significant:</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>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. These included bridge structures spanning the River Liffey in close proximity to the mouth of the river Liffey</p> <p>The above potential temporary impacts arising from the construction phase of any future planning application linked to this variation are likely to be managed by way of mitigation measures that will also serve as water quality protection measures.</p> <p>It is not predicted 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@dcentr.gov.ie Email: CorporateSupport.Unit@dcentr.gov.ie</p> <p>Co-ordination Unit, Department of Communications, Climate Action and Environment. Email: corporatesupport.unit@dccae.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</p>

	<p>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@sdblincoco.ie</p> <p>Forward Planning Division, Fingal County Council Email: planning@fingalcoco.ie</p> <p>Inland Fisheries Ireland info@fisheriesireland.ie</p>
<p>Response to Consultation</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 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

Existing data

As part of the Appropriate Assessment screening process for the proposed variation, particular reference has been made to the following documents:

- *Managing Natura 2000 sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC.*
- 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)
- *Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities.* Department of Environment, Heritage and Local Government (2010) DoEHLG,
- *Natura Impact Report (NIR) of the Dublin City Development Plan 2016-2022.* (Volume 6) (2016) of the Dublin City Development Plan 2026 – 2022
- Dublin City Council's Biodiversity Action Plan 2015 – 2020.
- Dublin City Development Plan 2016 – 2022.
- Existing NPWS Data.
- *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.* (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 public display with the proposed variation.
Overall Conclusion	Stage 1 Appropriate Assessment 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 during this plan stage.

Vera Blake

Executive Planner