

APPROPRIATE ASSESSMENT SCREENING REPORT

TO ACCOMPANY

CHIEF EXECUTIVE'S REPORT

ON SUBMISSIONS RECEIVED DURING THE SECOND STATUTORY PUBLIC CONSULTATION PERIOD FOR PROPOSED MODIFICATIONS/MATERIAL ALTERATIONS TO PROPOSED AMENDMENT NO. 8 (BUILDING HEIGHTS AND DENSITY REVIEW AMENDMENT) OF THE CHERRYWOOD STRATEGIC DEVELOPMENT ZONE (SDZ) PLANNING SCHEME, 2014, AS AMENDED, AND RESPONSES TO ISSUES RAISED

AND TO INFORM THE

FINAL AA SCREENING DETERMINATION

for: Dún Laoghaire-Rathdown County Council

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Marine Road
Dún Laoghaire



by: CAAS Ltd.

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Dublin 7



MARCH 2023

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1. Introduction

This report is to:

- Accompany the "Chief Executive's Report on Submissions received during the Second Statutory Public Consultation period for proposed Modifications/Material Alterations to Proposed Amendment No. 8 (Building Heights and Density Review Amendment) of the Cherrywood Strategic Development Zone (SDZ) Planning Scheme, 2014, as amended, and Responses to Issues raised"; and
- Inform the Final AA Screening Determination as to whether the Proposed Amendment No. 8 to be made¹, including any modifications/material alterations, comprising a building height and density review, of the adopted Planning Scheme, as amended, would potentially affect the ecological integrity of any European site, which is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects, etc and would thus warrant Stage 2 AA.

3. AA Screening Commentary on Chief Executive's Recommendations

The "Chief Executive's Report on Submissions received during the Second Statutory Public Consultation period for proposed Modifications/Material Alterations to Proposed Amendment No. 8 (Building Heights and Density Review Amendment) of the Cherrywood Strategic Development Zone (SDZ) Planning Scheme, 2014, as amended, and Responses to Issues raised" makes a number of recommendations to the issues raised taking into account the proper planning and sustainable development of the area, the statutory obligations of any local authority and any relevant policies or objectives of any Minister of the Government.

No further changes are recommended by the Chief Executive therefore there is no need for new AA Screening considerations.

¹ Encompassing the original Proposed Amendment that was placed on public display in July 2022 and any or all Proposed Modifications/Proposed Material Alterations that were placed on public display in January 2023.

4. Informing the Final AA Screening Determination

A final AA Screening determination as to whether the Proposed Amendment No. 8 to be made², including any modifications/material alterations, comprising a building height and density review, of the adopted Planning Scheme, as amended, would potentially affect the ecological integrity of any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

This determination should be informed by the detailed AA screening process (including associated documentation) that is being undertaken alongside the preparation of and consultation on the Proposed Amendment and is summarised as follows:

- The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.
- A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.
- Submissions received were considered and responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.
- AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations" was submitted to Members in October 2022 alongside the October 2022 Chief Executive's Report.
- Subsequently, Motions were made by the Members which were responded to in a Chief Executive's Report (November 2022).
- AA Screening Addendum II "AA Screening Review of Members' Motions and associated Chief Executive's Recommendations" was submitted to Members in November 2022 alongside the November 2022 Chief Executive's Report.
- The Council have further determined in December 2022, considering the information contained in the December 2022 "Report to Inform Appropriate Assessment Screening for Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended)" that: "...*these changes will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.*"
- This Appropriate Assessment Screening Report, which has been prepared to accompany the Chief Executive's Report and to inform the Final AA Screening Determination.

The key documents referred to above are included as Appendices to this report, as indicated in the Table of Contents.

² Encompassing the original Proposed Amendment that was placed on public display in July 2022 and any or all Proposed Modifications/Proposed Material Alterations that were placed on public display in January 2023.

Appendix (i)

Report to inform the AA Screening for Proposed
Amendment No. 8 to the Cherrywood SDZPS 2014 (as
amended) [July 2022]

REPORT TO INFORM APPROPRIATE ASSESSMENT SCREENING

**FOR
PROPOSED AMENDMENT No. 8**

**TO THE
CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)**

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



JULY 2022

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1 Introduction

1.1 Background

This Appropriate Assessment (AA) Screening Report has been prepared for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 in accordance with requirements of in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the "Habitats Directive")¹.

1.2 Legislative Context

The Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site. These sites consist of SACs and SPAs and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

1.3 Approach

The AA is based on best scientific knowledge and has utilised ecological and hydrological expertise. In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife (NPWS) website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives.

The ecological desktop study completed for the AA screening of the Proposed Amendment comprised the following elements:

- Identification of European sites within 15km of the Proposed Amendment boundary with identification of potential pathways links for specific sites (if relevant) greater than 15km from the Proposed Amendment boundary;
- Review of the NPWS site synopsis and conservation objectives for European sites with identification of potential pathways from the Proposed Amendment area; and
- Examination of available information on protected species.

There are four main stages in the AA process as follow:

Stage One: Screening

The process that identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant.

Stage Two: Appropriate Assessment

The consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may

¹ Directive 92/43/EEC

end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage Three.

Stage Three: Assessment of Alternative Solutions

The process that examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the European site.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. This approach aims to avoid any impacts on European sites by identifying possible impacts early in the plan-making process and avoiding such impacts. Second, the approach involves the application of mitigation measures, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If potential impacts on European sites remain, the approach requires the consideration of alternative solutions. If no alternative solutions are identified and the plan/project is required for imperative reasons of overriding public interest, then compensation measures are required for any remaining adverse effect(s).

The assessment of potential effects on European sites is conducted following a standard source-pathway-receptor² model, where, in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the model is sufficient to conclude that a potential effect is not of any relevance or significance.

In the interest of this report, receptors are the ecological features that are known to be utilised by the qualifying interests or special conservation interests of a European site. A source is any identifiable element of the Proposed Amendment provision that is known to interact with ecological processes. The pathways are any connections or links between the source and the receptor. This report provides information on whether direct, indirect and cumulative adverse effects could arise from the Proposed Amendment.

The AA Screening exercise has been prepared taking into account legislation including the aforementioned legislation and guidance including the following:

- AA of Plans and Projects in Ireland. Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2009;
- *"Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"*, European Commission 2018;
- *"Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC"*, European Commission Environment DG, 2002; and
- *"Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC"*, European Commission, 2000.

² Source(s) – e.g. pollutant run-off from proposed works; Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats; and Receptor(s) – qualifying aquatic habitats and species of European Sites.

2 Description of and background to the Proposed Amendment

2.1 The Cherrywood SDZ Planning Scheme 2014 (as amended)

The Cherrywood SDZ Planning Scheme 2014 was subject to full Strategic Environmental Assessment (SEA) and to Appropriate Assessment (AA) Screening. These processes, throughout which the environmental authorities were consulted, facilitated the mitigation of potential environmental effects.

The AA screening of the existing Planning Scheme has been carried out, and this concluded that there is no requirement for Stage 2 AA to be undertaken. The Planning Scheme was found not to introduce any potential significant adverse effects to any European Sites. Similarly, the existing Planning Scheme was subject to an SEA to ensure that environmental considerations were an integral element of the Planning Scheme including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between these considerations, whenever applicable.

The seven previous Amendments to the Scheme were found not to require full SEA or Stage 2 AA.

2.2 Proposed Amendment No. 8

Amendment No. 8 to the Cherrywood Planning Scheme seeks to increase the Building Heights in Cherrywood at certain locations. This review of the building heights was carried out in response to SPPR 3 (Part B) of the Urban Development and Building Heights Guidelines for Planning Authorities.

It was also considered an appropriate time to carry out a review of the residential densities in the approved Planning Scheme, having regard to the Apartment Guidelines 2018, noting that some additional height could be accommodated in the Planning Scheme area and also noting that the residential densities in the Draft Planning Scheme were higher than those currently in the approved Planning Scheme, noting that the Planning Scheme was drafted during an economic downturn which particularly impacted on the construction sector.

Updates have also been made to Appendix E of the Planning Scheme which relates to Hydrogeology in the Planning Scheme area with particular reference to 2 no. Tuffa Spring formations. Since the adoption of the Planning Scheme extensive site investigations have been carried out in relation to Tuffa Spring No. 5 and it is important that this updated information is included in the Planning Scheme to inform the future development of sites within the protection zone of this Tuffa Spring.

For clarity, the Proposed Amendment document, and this Screening document, takes account of Amendment No. 7 of the Cherrywood Planning Scheme 2014 (as amended) - Beckett Road Re-alignment and Ancillary Amendments - as approved by An Bord Pleanála on the 14th of April 2021, ABP Case Number: ABP-308753-20.

3 Screening for Appropriate Assessment

3.1 Introduction to Screening

This stage of the process identifies any potential significant affects to European sites from the Proposed Amendment, either alone or in combination with other projects or plans.

An important element of the AA process is the identification of the “conservation objectives”, “Qualifying Interests” (QIs) and/ or “Special Conservation Interests” (SCIs) of European sites requiring assessment. QIs are the habitat features and species listed in Annexes I and II of the Habitats Directive for which each European site has been designated and afforded protection. SCIs are wetland habitats and bird species listed within Annexes I and II of the Birds Directive. It is also vital that the threats to the ecological / environmental conditions that are required to support QIs and SCIs are considered as part of the assessment.

The following NPWS Generic Conservation Objectives have been considered in the screening:

- For SACs - to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- For SPAs - to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Where available, Site-Specific Conservation Objectives (SSCOs) designed to define favourable conservation status for a particular habitat³ or species⁴ at that site have been considered.

3.2 Assessment Criteria

3.2.1 Is the Plan Necessary to the Management of European Sites?

The primary purpose of the Proposed Amendment is not the nature conservation management of the sites, but to update Planning Scheme content and provisions regarding density, heights and Tufa Springs.

Therefore, the Proposed Amendment is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

3.2.2 Elements of the Proposed Amendment with Potential to Give Rise to Effects

The Proposed Amendment is screened on [Table 3.1](#). The Proposed Amendment would not result in significant effects on any European Site. Therefore Stage 2 AA is not required.

³ Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are stable or increasing; the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable.

⁴ The favourable conservation status of a species is achieved when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Table 3.1 AA Screening

Amendment Component(s)	Description (refer to Proposed Amendment document for full details)	AA Screening Considerations
<p>Height and Density</p>	<p>Amendment No. 8 to the Cherrywood Planning Scheme seeks to increase the Building Heights in Cherrywood at certain locations. This review of the building heights was carried out in response to SPPR 3 (Part B) of the Urban Development and Building Heights Guidelines for Planning Authorities.</p> <p>It was also considered an appropriate time to carry out a review of the residential densities in the approved Planning Scheme, noting that some additional height could be accommodated in the Planning Scheme area and also noting that the residential densities in the Draft Planning Scheme were higher than those currently in the approved Planning Scheme, noting that the Planning Scheme was drafted during an economic downturn which particularly impacted on the construction sector.</p> <p>Proposed Amendments to Height and Density include:</p> <ul style="list-style-type: none"> • A review of the building heights in the Cherrywood Planning Scheme and proposals to alter these building heights where appropriate. • A review of the density ranges in the Cherrywood Planning Scheme in light of the building height review, Apartment Guidelines 2018 and proposed amendments and changes to development quanta where appropriate. • A review of policy in the Planning Scheme in relation to Residential Development, Urban Form, Skyline to support the changes proposed to density and building height. • Amendments and additions to Section 2.9 Building Heights including the deletion of Table 2.11 and associated footnote, the addition of new Section 2.9.1 "Criteria for Assessing Building Height in the Planning Scheme Area" and the addition of additional supporting text allowing for greater flexibility in roof design and architectural expression. • Amendments to Map 2.3 Building Heights indicating where additional height may be accommodated and showing the remaining 5 school sites where the max height is now proposed to increase to 4 floors. • An increase in Class 1 Open space from 29.7 ha to 32.5 ha as indicated under Table 5.1: Main Classification of Open Space, under Chapter 5 of the Planning Scheme. This reflects the projected increase in the maximum residential population in the Planning Scheme area by circa 9% as a result of the density review. • And associated amendments. 	<p>Proposed Amendments to Height and Density are interrelated.</p> <p>By amending the detail in the Scheme relating to heights and densities, the Proposed Amendment would contribute towards the overall development of the Strategic Development Zone and associated effects that have been identified by the SEA for the existing Scheme:</p> <ul style="list-style-type: none"> • Positive effects include contributions towards: sustainable mobility (arising from a high public transport and non-motorised mode share and a high percentage of internal sustainable mode trips between the residential, employment, education and leisure uses within Cherrywood and), including associated interactions with energy usage and greenhouse gas and other emissions to air; and contributions towards the protection and management of various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). • Potential adverse (if unmitigated) environmental effects include those relating to various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage and exposure to noise levels). However, these effects have already been identified, assessed and mitigated (where relevant) by the SEA undertaken on the existing Planning Scheme. <p>This Proposed Amendment does not increase the number of dwellings and the population to be accommodated within the SDZ to the extent that it would result in exceedances in infrastructural capacity or result in significant effects on any European Site.</p>

Amendment Component(s)	Description (refer to Proposed Amendment document for full details)	AA Screening Considerations
<p>Tufa Springs</p>	<p>Amendments to Appendix E : Phase 1 Hydrogeology Assessment of the Cherrywood SDZ to include the results of a hydrogeological study carried out on behalf of the DLRCC by JBA Consulting in relation to the Catchment Sensitivity Zone of Tuffa Spring No. 5 and the addition of supporting policy for the development of sites within this Catchment Sensitivity Zone in Development Area 1 Lehaunstown, Development Area 4 Domville and Development Area 8 Tully</p>	<p>Tufa Springs are already protected under the Planning Scheme⁵. Changes are proposed to Appendix E, which relates to Hydrogeology in the Planning Scheme area with particular reference to 2 no. Tuffa Spring formations. Since the adoption of the Planning Scheme extensive site investigations have been carried out in relation to Tuffa Spring No. 5 referenced in the Scheme documents</p> <p>It is proposed to include this updated information in the Planning Scheme to order to ensure that it informs the future development of sites within the protection zone of this Tuffa Spring. It is considered that these changes will further contribute towards the protection of the springs that is already contributed towards by the Planning Scheme.</p> <p>By amending the detail in the Scheme relating to Tufa Springs, the Proposed Amendment would contribute towards the overall development of the Strategic Development Zone and associated effects that have been identified by the SEA for the existing Scheme:</p> <ul style="list-style-type: none"> • Positive effects include contributions towards: sustainable mobility (arising from a high public transport and non-motorised mode share and a high percentage of internal sustainable mode trips between the residential, employment, education and leisure uses within Cherrywood and), including associated interactions with energy usage and greenhouse gas and other emissions to air; and contributions towards the protection and management of various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). • Potential adverse (if unmitigated) environmental effects include those relating to various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). However, these effects have already been identified, assessed and mitigated (where relevant) by the SEA undertaken on the existing Planning Scheme. <p>This Proposed Amendment would not result in significant effects on any European Site.</p>

⁵ For example, GI 61, which is proposed to be amended as follows "Ensure the protection of calcareous (tufa) springs and the area surrounding them by having no net effect **significant impact** on the hydrogeological and other physical conditions on which these springs rely. Any Planning Application that is located within the hydrogeological catchment of these areas as outlined in the protection zone map of the Hydrogeological Study in Appendix E will have to be accompanied by evidence of how this will be achieved. Collection of hydrogeological data may be required in some cases to prove that there will be no effect **significant impact** on these features."

3.3 Types of Potential Effects and Changes

As outlined in the European Commission Environment DG document "*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*" outlines the types of effects that may affect European Sites. These include effects from the following activities:

- Land take
- Resource Requirements (Drinking Water Abstraction Etc.)
- Emissions (Disposal to Land, Water or Air)
- Excavation Requirements
- Transportation Requirements
- Duration of Construction, Operation, Decommissioning

In addition, the guidance document outlines the following likely changes that may occur at a designated site, which may result in effects on the integrity and function of that site:

- Reduction of Habitat Area
- Disturbance to Key Species
- Habitat or Species Fragmentation
- Reduction in Species Density
- Changes in Key Indicators of Conservation Value (Water Quality Etc.)
- Climate Change

3.4 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European sites. The Proposed Amendment would not result in significant effects on any European Site and there are no in-combination effects beyond those contained within the existing Scheme and associated AA.

4 Conclusions

Stage 1 AA Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) must be undertaken. This report, which is intended to inform the AA determination, has demonstrated that implementation of the Proposed Amendment is not foreseen to have any likely significant effects on any European site.

Implementation of the Proposed Amendment as part of the Scheme must demonstrate compliance with the requirements of environmental and planning legislation and planning and licensing processes, including existing provisions of relevant land use plan(s) and policy documents such as the National Planning Framework, the Regional Spatial and Economic Strategy and policies, objectives and environmental provisions contained in the existing Scheme (as amended). The Scheme was subject to AA and SEA processes that determined there is no risk of likely significant effects to any European site as a result of the implementation of the Scheme.

The AA screening process considered potential effects that may arise during implementation of the Proposed Amendment. Through an assessment of the sources for effects and an evaluation of the Proposed Amendment it was determined that the existing Scheme accounts for development within the Cherrywood area.

It is concluded that the Proposed Amendment to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. Consequently, a Stage 2 AA is not required to be undertaken for the Proposed Amendment.

Appendix (ii)

Screening for AA Determination for Proposed Amendment
No. 8 to the Cherrywood SDZPS 2014 (as amended) [July
2022]

Screening for AA Determination

Screening for Appropriate Assessment (AA) Determination under the Habitats Directive¹

for: the proposed Amendment (No. 8) of the adopted Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended

A Screening for Appropriate Assessment (AA) determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, could result in a likely significant effect on any European site is being made by Dún Laoghaire-Rathdown County Council under Article 6(3) of the Habitats Directive.

In carrying out this Screening for AA, the Council is taking into account matters including those specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- The existing Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, including all associated AA documentation;
- The Report to inform AA Screening prepared for Proposed Amendment No. 8.

The Report to inform AA Screening demonstrates that the implementation of the Proposed Amendment will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. The Report to inform AA Screening has been carefully considered and its reasoning and conclusion agreed with and adopted, allowing a determination to be made that Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site.

Taking into account all of the above, it is determined that that Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site and that Stage 2 AA is not required to be undertaken on the Proposed Amendment.

Signed: 
Vivienne Byrne,
Senior Planner, Forward Planning & Infrastructure Department.

Signed: 
Mary Henchy,
Director of Services, Planning Department.

Date: 25th July 2022

¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, transposed into Irish legislation through, among other statutes, the Planning and Development Act 2000 (as amended)

Appendix (iii)

AA Screening of Proposed Amendment No. 8 Addendum I -
AA Screening Review of CE Recommendations [October
2022]

**ADDENDUM I
(AA SCREENING REVIEW OF CHIEF EXECUTIVE'S
RECOMMENDATIONS)**

TO

**REPORT TO INFORM
APPROPRIATE ASSESSMENT SCREENING**

FOR

PROPOSED AMENDMENT No. 8

TO THE

CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
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OCTOBER 2022

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1. Introduction

This report is an addendum to the "Report to Inform Appropriate Assessment Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended)" (July 2022) and should be read in conjunction with that report.

It provides an Appropriate Assessment (AA) review of recommendations contained in the Chief Executive's Report on Submissions received during the public display of the Proposed Building Heights and Density Review Amendment (Proposed Amendment No. 8) of the Cherrywood SDZ Planning Scheme, 2014, as amended.

It will be appended to the Chief Executive's Report, which will be submitted to Elected Members in accordance with, inter alia, Section 169 (3) of the Planning and Development Acts, 2000 (as amended).

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. and would thus warrant Stage 2 AA.

3. AA process to date

An AA Screening determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Planning Scheme, as amended, would give rise to any likely significant effect on any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.

4. Chief Executive's Recommendations and AA Screening

A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.

Submissions received have been considered and are responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.

There is a need to establish whether or not any Chief Executive's Recommendation would give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

5. Review of Chief Executive's Recommendations

The Chief Executive's Recommendations would further contribute towards provisions related to sectors and topics that are already provided for within the existing Planning Scheme and Proposed Amendment No. 8.

There are no additional sources for effects on European sites that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, none of the Executive's Recommendations will give rise to any likely significant effect on any European site.

6. Conclusion

As the recommendations will not give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Chief Executive's Recommendations.

7. Next Steps

Any additional recommendations need to be considered by the AA Screening process in order to establish whether or not they would not give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

A final AA Screening must be made by the Council in advance of making the final amendment.

Appendix (iv)

AA Screening of Proposed Amendment No. 8 Addendum II
- AA Screening Review of Members' Motions and associated
Chief Executive's Recommendations [November 2022]

ADDENDUM II
(AA SCREENING REVIEW OF MEMBERS' MOTIONS AND
ASSOCIATED CHIEF EXECUTIVE'S RECOMMENDATIONS)

TO

REPORT TO INFORM
APPROPRIATE ASSESSMENT SCREENING

FOR

PROPOSED AMENDMENT No. 8

TO THE

CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



NOVEMBER 2022

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6. Conclusion	2
7. Next Steps	2

1. Introduction

This report is an addendum to the "Report to Inform Appropriate Assessment Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended)" (July 2022) and should be read in conjunction with that report and AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations".

It provides an Appropriate Assessment (AA) review of motions proposed by Elected Members and associated Chief Executive's Recommendations following the public display of the Proposed Building Heights and Density Review Amendment (Proposed Amendment No. 8) of the Cherrywood SDZ Planning Scheme, 2014, as amended.

It will be submitted to Members for consideration alongside other documentation relating to Proposed Amendment No. 8 under Section 169 (3) of the Planning and Development Acts, 2000 (as amended).

It will be appended to the Chief Executive's Report, which will be submitted to Elected Members in accordance with, inter alia, Section 169 of the Planning and Development Acts, 2000 (as amended).

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. and would thus warrant Stage 2 AA.

3. AA process to date

An AA Screening determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Planning Scheme, as amended, would give rise to any likely significant effect on any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.

A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.

Submissions received have been considered and are responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.

AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations" was submitted to Members in October 2022 alongside the Chief Executive's Report. Addendum I concluded that as the recommendations will not give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Chief Executive's Recommendations.

4. Members' Motions (and associated Chief Executive's Recommendations) and AA Screening

There is a need to establish whether or not any Motions from the Elected Members would give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

5. Review of Members' Motions (and associated Chief Executive's Recommendations)

There are no additional sources for effects on European sites arising from Members' Motions (and associated Chief Executive's Recommendations) that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, none of the Motions will give rise to any likely significant effect on any European site.

6. Conclusion

As neither the Motions nor the (and associated Chief Executive's Recommendations) will give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Members' Motions (or the associated Chief Executive's Recommendations).

7. Next Steps

Any additional motions (and associated Chief Executive's recommendations) need to be considered by the AA Screening process in order to establish whether or not they would not give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

A final AA Screening must be made by the Council in advance of making the final amendment.

Appendix (v)

Cherrywood SDZ Pond 5A Rezoning - Technical Note [December 2022]

Cherrywood SDZ Rezoning Technical Note – 08/12/2022

ROD has been engaged to undertake a technical assessment on the potential rezoning of the Physical Infrastructure (PI) zoned land associated with Pond 5A, as identified on Planning Scheme maps including Maps 4.2 and 6.6¹ (reproduced in Appendix A) and relocating Pond 5a to lands zoned Green Infrastructure (GI) as permitted under DZ18A/0854. The location of Pond 5a as permitted under DZ18A/0854 is presented in the context of the Cherrywood Planning Scheme zoning in Appendix B. This technical note details key considerations associated with the relocation of Pond 5a from PI to GI arising from the detailed design process and possible future requirements having regard to technical capacity, sustainability, flood risk and climate change.

Technical Capacity

The pond 5A (detailed design permitted under DZ18A/0854) has been designed in accordance objective PI 6 of the planning scheme to sustainably manage the surface water from a catchment of ~15.72 Ha (detailed design scheme layout and contributing catchment area map presented in Appendix C) and has sufficient capacity to do so. The design considers both the attenuation volume requirements and ability to treat contributing runoff (including an allowance for climate change). As such, the relocation of the Pond 5a will have no perceptible difference on the receiving waterbody in terms of runoff volumes (hydromorphology) and water quality downstream.

It's worth noting that in line with the principles of the GDS² and specifically the requirements of the Planning Scheme Objective PI 8, every development plot permitted within the catchment of pond 5a currently attenuates to 1 l/s/ha, as will all future permitted development plots in accordance with the Planning Scheme requirements. No additional PI lands are required to provide appropriate management of surface waters within the catchment of pond 5a either in its current or proposed amended location. Rezoning of the (majority of) PI zoned lands to residential (RES 2 as per the adjoining land-use zoning as per Map 6.6) will not materially impact on the ability to suitably and sustainably manage surface water for the catchment.

The intensification of development proposed as part of the building height amendment to the planning scheme is likely to have negligible impact to the management of surface waters with the pond 5a catchment. This is predominantly due to the fact that all permitted development is required to attenuate surface water flows to 1 l/s/ha within its site boundary prior to discharge to the network, as per the requirements of the Planning Scheme. It is envisaged that this will be achieved by way of multiple SuDS features incorporated into such developments, as listed in the Planning Scheme inclusive of blue / green roofs where appropriate'. Therefore, any future intensification of development (including within the Town Centre) will have a negligible impact on the functioning of the regional drainage infrastructure and the potential to adapt to future pressures as required. Regarding Town Centre zonings, it is noted that only TC3 is within the Pond 5A catchment and that TC1, TC2 and TC4 are part of a separate catchment that drains to other Cherrywood regional attenuation ponds.

¹ DLR County Council (Amended 2014) Cherrywood SDZ Planning Scheme. Available at: <https://www.dlrcoco.ie/en/planning/cherrywood-sdz>

² DCC (2005), Greater Dublin Strategic Drainage Strategy. Available at: <http://www.greaterdublindrainage.com/gdsds/>

The proposed pond 5a is regarded as a key component of the catchments SuDS strategy and wider Green Infrastructure within Cherrywood SDZ. The pond 5a (as permitted under DZ18A/0854) is supportive of multiple Planning Scheme Green Infrastructure Objectives e.g. GI 10, GI 16, GI 54 & GI 55). It should be noted that an original consideration when zoning PI lands was to ensure that key infrastructure such as regional attenuation was within publicly accessible lands and could therefore be appropriately managed by the Local Authority. Relocating pond 5a to GI zoned lands ensures the pond can be managed by the local authority as intended.

Sustainability

As described in the CIRIA SuDS manual (C753)³ the biodiversity potential of SuDS features and especially ponds/wetlands can be hindered when sited in highly managed landscapes (hard standing) such as the current indicative location of pond 5a shown on Planning Scheme maps (including Maps 4.2 and 6.6). Siting the pond within the GI zoning as an alternative location will have significant benefits to biodiversity potential arising from the integration of a biodiversity hotspot (the pond) in a biodiversity corridor (the existing GI zoned lands). Net increases to biodiversity are also likely to have indirect benefits to the perceived amenity value of the locality.

The flood studies undertaken for the planning scheme and as part of the CFRAMS⁴ indicate that the pond 5a locations shown in the Planning Scheme and as permitted under DZ18A/0854 are outside the 1 in 1000 year floodplains of watercourses in the locality, this is also true of when climate change is considered. As such the pond 5a location (permitted under DZ18A/0854) is appropriate as per the OPW's flood risk assessment Guidance⁵. Considering the implications for the management of surface water derived flooding, relocation of pond 5a is also likely to have no perceptible effect on the functioning of the management of surface waters.

Regarding climate change, there are still significant unknowns as to the likely severity of climate change impacts. This uncertainty is exacerbated when considering impacts at a local (catchment) level. Although the prediction of likely impacts is the subject of significant research at both national and international levels it is acknowledged that all climate models and predictions are subject to change. As such adaptability to different climatic conditions is a key consideration when designing infrastructure schemes including drainage. At a fundamental level, having a larger area within the GI lands if necessary to extend and adapt infrastructure is a positive attribute. When comparing the pond 5a location as identified in the Planning Scheme and as permitted under DZ18A/0854, it is evident that the indicative location identified on Planning Scheme Maps including Maps 4.2 and 6.6 is constrained by Residential zonings (to the north, west and south) and the permitted location under DZ18A/0854 has an availability of land immediately adjacent to allow for future adaption. As such, the pond 5a location permitted under DZ18A/0854 is more appropriate as it allows for future adaptation as required.

The sediment forebay (permitted under DZ18A/0854) is to be located on lands zoned for residential use separate from the main volume of the pond. A reduced area of PI zoning is required for the forebay (as compared to the original Planning Scheme) which is to be located within an area which is more easily accessible from the public road for ease of operation and maintenance by the Local Authority. This is likely to have a negligible impact on the functioning of the treatment train. However, as with the general design of the pond, if required due to

³ CIRIA (2015), The SuDS Manual C753, Available at: <https://www.ciria.org/ItemDetail?iProductCode=C753>

⁴ OPW (2017) CFRAMS Flood Mapping, Available at: https://s3-eu-west-1.amazonaws.com/docs.floodinfo.opw/pdf/east/uom_10/afa/deansgrange_loughlinstown/01_ex/current/fluvial/e10lou_exfcd_f1_05.pdf

⁵ OPW (2009), The Planning System and Flood Risk Management - Guidelines for Planning Authorities. Available at: <https://www.opw.ie/wp-content/uploads/2019/08/2009-Planning-System-Flood-Risk-Mgmt-1.pdf>

climate change effects, the relocated pond 5a could be modified to include a sediment forebay within the GI Lands.

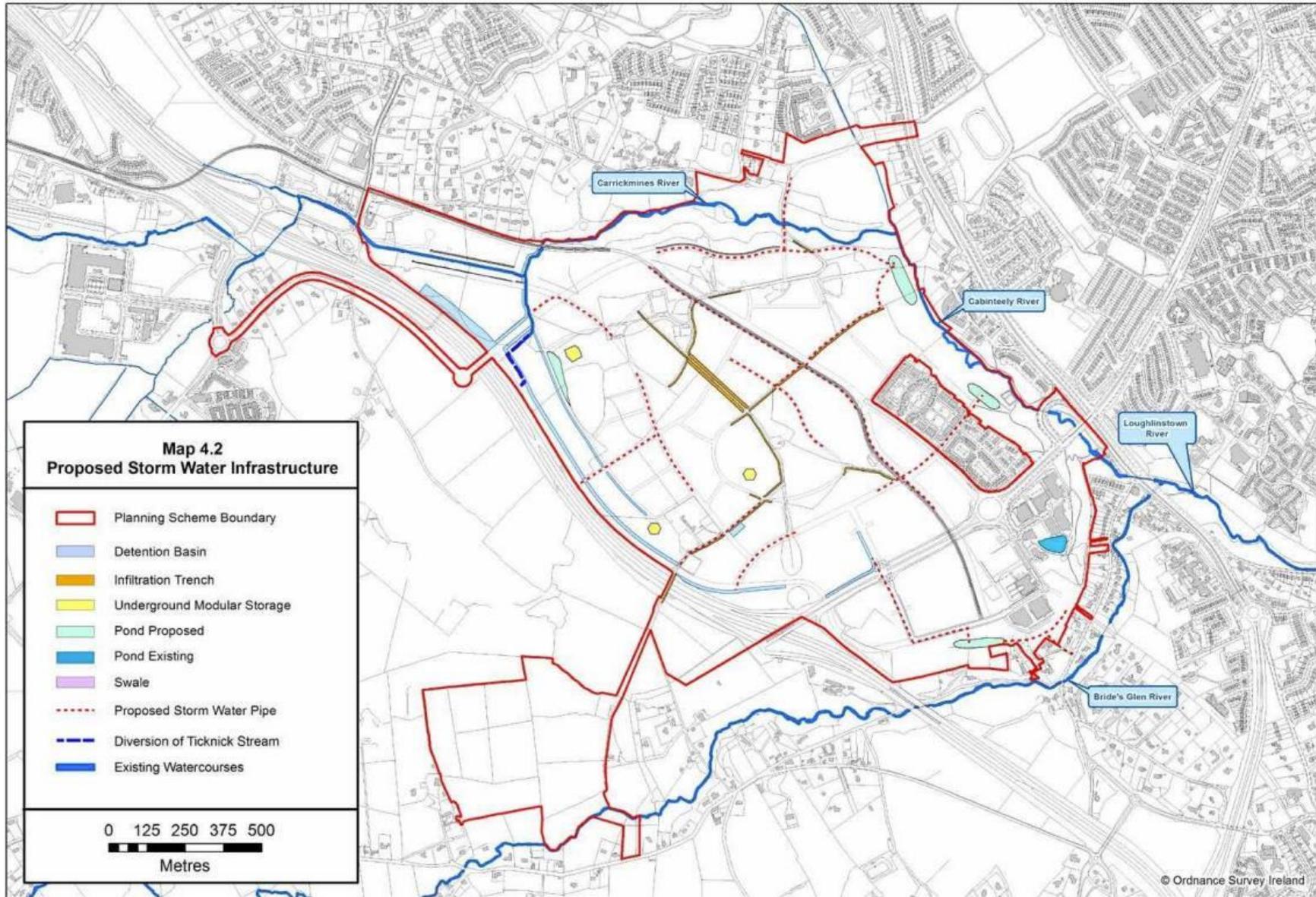
Relocating the pond 5a to GI lands ensures that in future and as required the function and capacity of the pond can be modified as necessary to ensure that flood risk and water quality can be managed appropriately in perpetuity.

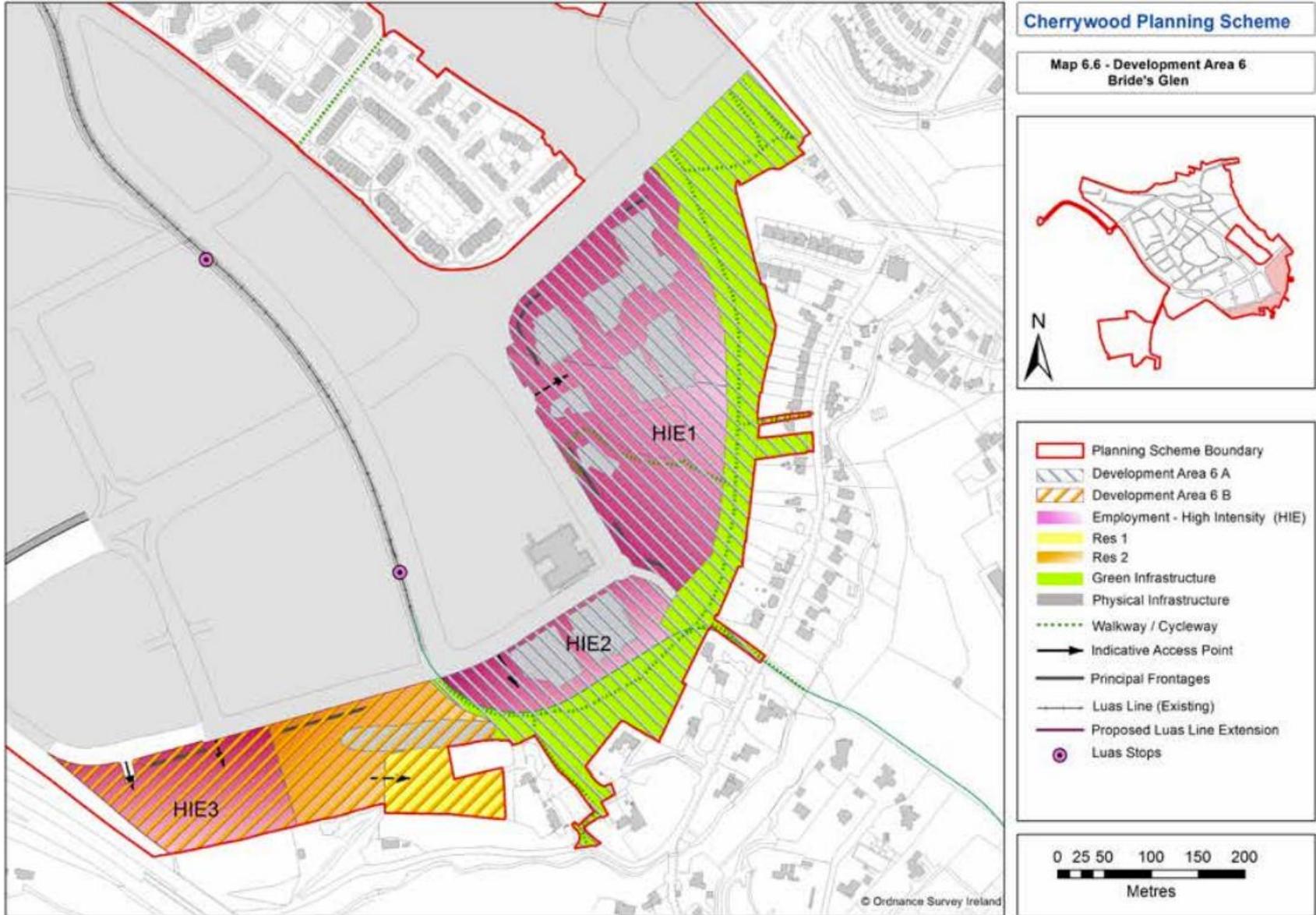
Conclusion

The relocation of the proposed pond 5a is not constrained technically and either the existing or proposed site is appropriate regarding the technical provision of the pond. However, when sustainability is considered the relocated siting of the pond is advantageous over the existing location as shown indicatively in the Planning Scheme. No additional PI lands are required for the provision of the surface water management infrastructure as pond 5a (as permitted under DZ18A/0854) can meet all technical requirements regarding capacity and water quality treatment. The intensification of development proposed as part of the building height amendment to the planning scheme and potential future intensification of the Town Centre, is likely to have negligible impact to the management of surface waters within the pond 5a catchment. Considering future development and climate change effects, the pond 5a location permitted under DZ18A/0854 is more appropriate as it allows for future adaptation if required. As such, there is likely no adverse impact of a potential re-zoning of the existing PI lands to a RES 2 zoning from a surface water management perspective and locating the pond as per DZ18A/0854 is beneficial overall.

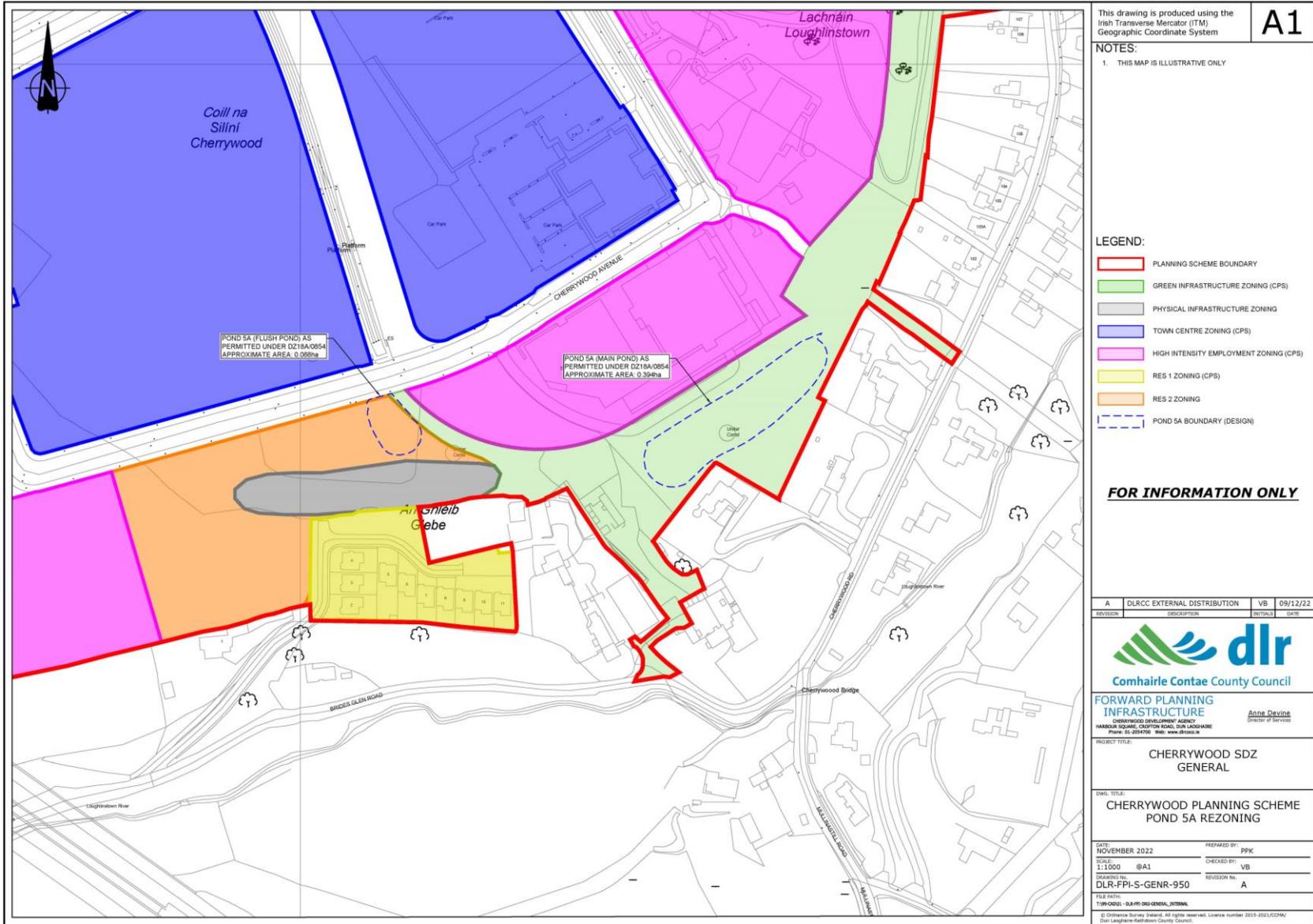
APPENDIX A

Cherrywood SDZ Scheme Maps

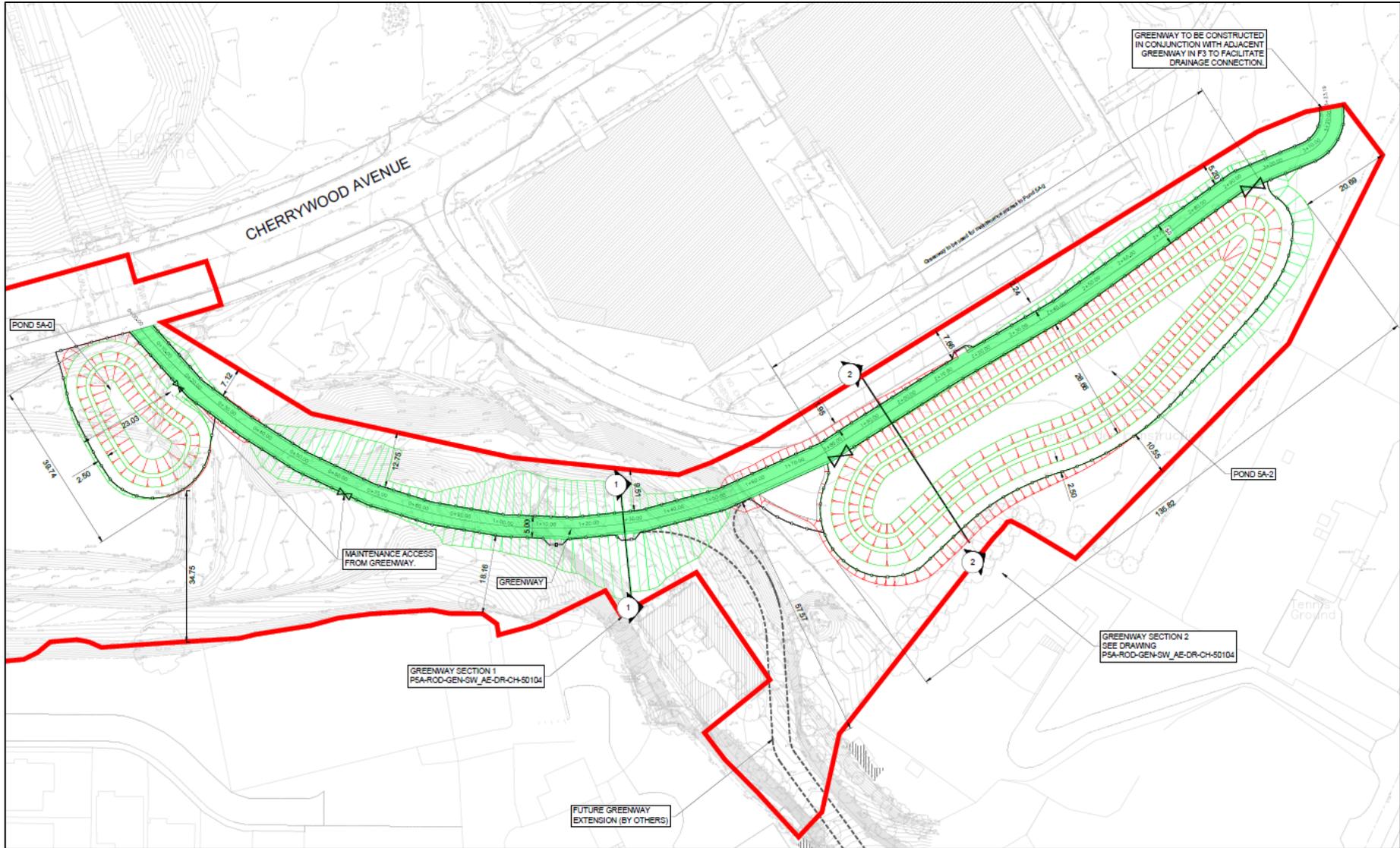




APPENDIX B
Pond 5a as permitted under DZ18A/0854
Zoning Context



APPENDIX C
Pond 5a Detailed Design Layout and
Contributing Catchment Map



Appendix (vi)

Report to inform the AA Screening for Proposed Modifications-Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [December 2022]

REPORT TO INFORM APPROPRIATE ASSESSMENT SCREENING

FOR

**PROPOSED MODIFICATIONS / PROPOSED MATERIAL
ALTERATIONS**

TO

PROPOSED AMENDMENT No. 8

TO THE

CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



DECEMBER 2022

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Appendix I

Report to inform the AA Screening for Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [July 2022]

Appendix II

Screening for AA Determination for Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [July 2022]

Appendix III

AA Screening of Proposed Amendment No. 8 Addendum I - AA Screening Review of CE Recommendations [October 2022]

Appendix IV

AA Screening of Proposed Amendment No. 8 Addendum II - AA Screening Review of Members' Motions and associated Chief Executive's Recommendations [November 2022]

Appendix V

Cherrywood SDZ Pond 5A Rezoning - Technical Note [December 2022]

1. Introduction

This report is to inform Appropriate Assessment (AA) Screening for Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended).

This report provides an AA screening review of Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended) and forms part of the ongoing AA screening process that is being progressed and its main body should be read in conjunction with all of its appendices. It will inform an AA Screening Determination regarding the Proposed Modifications/Proposed Material Alterations and will be placed on public display alongside relevant Proposed Modifications/Proposed Material Alterations documents.

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects, etc and would thus warrant Stage 2 AA.

3. AA process to date

An AA Screening determination as to whether the Proposed Amendment No. 8 for adoption, including any modifications/material alterations, comprising a building height and density review, of the adopted Planning Scheme, as amended, would potentially affect the ecological integrity of any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.

A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.

Submissions received were considered and responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.

AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations" was submitted to Members in October 2022 alongside the October 2022 Chief Executive's Report.

Subsequently, Motions were made by the Members which were responded to in a Chief Executive's Report (November 2022).

AA Screening Addendum II "AA Screening Review of Members' Motions and associated Chief Executive's Recommendations" was submitted to Members in November 2022 alongside the November 2022 Chief Executive's Report.

Any Modifications that were accepted by the Members by resolution were not considered material and are addressed in the Appendices to this report as relevant.

Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended) are considered in further detail under Section 4 of this report.

4. AA Screening Review of Proposed Modifications/Proposed Material Alterations

Table 1 AA Screening Review of Proposed Modifications/Proposed Material Alterations

Proposed Modification/Proposed Material Alteration	AA Screening Review	Stage 2 AA Required?
<p>Add a 4th bullet point to Section 2.9 Building Heights as follows:</p> <ul style="list-style-type: none"> For the Commercial Plots, in instances where buildings do not follow the normal pattern of floors/storeys, consideration may be given to such uses based on the equivalent building height in metres. This relates specifically to the Commercial Uses (CU) plots only. In such instances, the Applicant shall set out a rationale for same having regard to the nature of the uses. The onus shall be on the Applicant to adequately detail the rationale and to demonstrate that visually the proposal will not have an undue overbearing impact, and/or to introduce design elements to reduce the appearance of the resultant massing and scale. 	<p>This Proposed Modification/Proposed Material Alteration provides clarification for instances where buildings do not follow the normal pattern of floors/storeys on Commercial Plots. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>
<p>In Appendix H: Indicative Street Sections showing Proposed Maximum Building Heights, on page 38, for the drawing for Section 6: Indicative Cross Section of Beckett Road, change the wording '2m-4m Setback/Privacy Strip to '2m-4m Physical Infrastructure zone', and shade light grey.</p>	<p>This Proposed Modification/Proposed Material Alteration is to a cross section that is indicative only and recognises that physical infrastructure, such as linear detention basins, may be provided for in these areas. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>
<p>With regard to, Insert New Appendix I Guidance with regard to Sunlight and Daylight Assessment of Proposed Developments at the end of the Cherrywood Planning Scheme Document. -</p> <p>Appendix I Guidance with regard to Sunlight and Daylight Assessment of Proposed Developments</p> <p>Delete the following text:</p> <p>Proposals for development should include technical assessments in accordance with BR209 Site Layout Planning for Daylight & Sunlight A Guide to Good Practice Second Edition 2011 and BS 8206-2: 2008 Lighting for Buildings Part 2: Code of Practice for Daylighting. Assessments should include the following:</p> <p>With regard to neighbouring developments:</p> <ul style="list-style-type: none"> Shadow Impact/ Sunlight levels on private gardens, balconies, communal and public spaces to the 2hr on the 21st March test. Impact on habitable windows Skylight – Vertical Sky Component (VSC) test. Impact on living room windows Sunlight – Annual and Winter Probable Sunlight Hours (APSH & WPSH) tests. <p>With regard to the proposed development itself:</p> <ul style="list-style-type: none"> Sunlight levels on private gardens, balconies, communal and public spaces to the 2hr on the 21st March test. Light distribution within habitable rooms - Average Daylight Factor (ADF) levels with particular regard to units at the ground and lower floor levels and at corner locations. 	<p>This Proposed Modification/Proposed Material Alteration would allow for consistency with the most up to date (2022) Building Research Establishment ("BRE") guidelines on site layout and planning for daylight and sunlight ("Site Layout Planning for Daylight and Sunlight: a guide to good practice"). There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>

Report to Inform Appropriate Assessment Screening for Proposed Modifications/Proposed Material Alterations
to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended)

Proposed Modification/Proposed Material Alteration	AA Screening Review	Stage 2 AA Required?
<p>• Sunlight availability for living room windows – Annual and Winter Annual Probable Sunlight Hours (APSH & WPSH) tests. And replace with the following text : Proposals for development should include technical assessments in accordance with BR209 Site Layout Planning for Daylight & Sunlight A Guide to Good Practice Third Edition – 2022 and the Irish Standard IS EN 17037:2018 which differs from BS EN 17037. The above should be used to frame their technical assessments in relation to light under the headings of:</p> <ul style="list-style-type: none"> • Impact on Neighbours • Development Performance <p>The tests required are detailed in the guidelines. There is cognisance of the fact that IS EN 17037 does not currently include a localising National Annex. An Applicant may wish to additionally provide results in terms of the BS EN 17037 National Annex NA and should support this with commentary for consideration. The above documents replace the now withdrawn BR209 Site Layout Planning for Daylight & Sunlight A Guide to Good Practice Second Edition – 2011 and the also withdrawn BS 8206- 2: 2008 Lighting for Buildings Part 2: Code of Practice for Daylighting.</p>		
<p>To insert a new bullet point into Section 2.9.1 as Bullet Point 4 All planning applications shall demonstrate how the proposal achieves an appropriate balance between height and scale, contributes to variety in design, incorporates an element of finer grain at the street level and prominent elevations, and includes design elements to safeguard against monolithic and monotonous buildings. Proposals shall demonstrate visual variety across a plot where appropriate, neighbouring plots or development areas and also along the streetscape frontage.</p>	<p>This Proposed Modification/Proposed Material Alteration seeks to balance building height and scale, with the introduction of design elements both at streetscape level and on elevations with façade treatment that provide both visual variety in a newly developing area, and also reduce the apparent mass and scale of otherwise potentially monolithic buildings, in certain circumstances. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>
<p>Insert the following additional paragraph as a sixth and final paragraph under Table 2.9 Residential Development Density Ranges and Development Yield (on page 15 of the Cherrywood Planning Scheme document), 'The current number of dwelling units that have been completed within the Planning Scheme area on Res 1, 2, 3 and 4 lands from the date of the adoption of the Planning Scheme in April 2014 to 17 October 2022, is 210 no. dwelling units. A further circa 369 no. dwelling units are under active construction. The total number of permitted dwellings units across all the Res 1, Res, 2, Res 3 and Res 4 lands is 1,212 no. dwellings to date, as of October 2022. It is relevant that 1,508 no. dwelling units have been permitted in the Town Centre, 431 no. of which have been completed and a further 520 no. are under construction, as of October 2022.'</p>	<p>This Proposed Modification/Proposed Material Alteration relates to adding baseline information to the Scheme relating to (at the time of proposal) up to date figures on how many residential units have so far been developed in the Scheme area. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>

Report to Inform Appropriate Assessment Screening for Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended)

Proposed Modification/Proposed Material Alteration	AA Screening Review	Stage 2 AA Required?																		
<p>Proposed Table 6.6.1 Development Type and Quantum for Development Area 6 Brides Glen, Sub Heading Residential Development</p> <table border="1" data-bbox="168 300 1106 587"> <thead> <tr> <th colspan="3" style="background-color: #4F81BD; color: white;">RESIDENTIAL DEVELOPMENT</th> </tr> </thead> <tbody> <tr> <td style="background-color: #4F81BD; color: white;">Total Residential Lands HA</td> <td colspan="2" style="background-color: #4F81BD; color: white;">2.2 2.5</td> </tr> <tr> <td></td> <td style="background-color: #4F81BD; color: white;">Land Area HA</td> <td style="background-color: #4F81BD; color: white;">Density Range</td> </tr> <tr> <td style="background-color: #4F81BD; color: white;">Res 1</td> <td style="background-color: #4F81BD; color: white;">0.7</td> <td style="background-color: #4F81BD; color: white;">35-55</td> </tr> <tr> <td style="background-color: #4F81BD; color: white;">Res 2</td> <td style="background-color: #4F81BD; color: white;">1.5 1.8*</td> <td style="background-color: #4F81BD; color: white;">45-75</td> </tr> <tr> <td style="background-color: #4F81BD; color: white;">Total No. of Residential Dwellings</td> <td style="background-color: #4F81BD; color: white;">Min Circa-93 Circa 106</td> <td style="background-color: #4F81BD; color: white;">Max Circa-151 174</td> </tr> </tbody> </table> <p><i>*Includes an allowance of circa 0.3ha of land zoned Physical Infrastructure but that may not be utilised for the Regional Pond 5A system, and which may be used for residential development.</i></p>	RESIDENTIAL DEVELOPMENT			Total Residential Lands HA	2.2 2.5			Land Area HA	Density Range	Res 1	0.7	35-55	Res 2	1.5 1.8*	45-75	Total No. of Residential Dwellings	Min Circa-93 Circa 106	Max Circa-151 174	<p>Following this Proposed Modification by way of resolution, the Development Authority commissioned a technical assessment on the potential rezoning of the Physical Infrastructure (PI) zoned land associated with Pond 5A to lands zoned Green Infrastructure (GI), as already permitted under DZ18A/0854. This technical report provides specialist consideration that can be taken into account as part of this ongoing screening review. The technical report (see Appendix V) demonstrates that "The relocation of the proposed pond 5a is not constrained technically and either the existing or proposed site is appropriate regarding the technical provision of the pond. However, when sustainability is considered the relocated siting of the pond is advantageous over the existing location as shown indicatively in the Planning Scheme. No additional PI lands are required for the provision of the surface water management infrastructure as pond 5a (as permitted under DZ18A/0854) can meet all technical requirements regarding capacity and water quality treatment. The intensification of development proposed as part of the building height amendment to the planning scheme and potential future intensification of the Town Centre, is likely to have negligible impact to the management of surface waters within the pond 5a catchment. Considering future development and climate change effects, the pond 5a location permitted under DZ18A/0854 is more appropriate as it allows for future adaptation if required. As such, there is likely no adverse impact of a potential re-zoning of the existing PI lands to a RES 2 zoning from a surface water management perspective and locating the pond as per DZ18A/0854 is beneficial overall." There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>
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<p>To insert as an additional Specific Objective DA 40 (b) A building of appropriate scale, massing, design and quality should be located at the interface of the Town Centre, Brides Glen Square, the Luas line and Green Linear Park, south of the Brides Glen Square on HIE2 lands, to provide a visual focal point at these key public realm and civic spaces. *There is an allowance of a transfer of 3,000 sqm of floorspace between HIE 1 and HIE 2 whilst maintaining the overall area permissible in HIE 1 & HIE 2 combined (Refer to Table 6.6.1). (This transfer between the HIE 1 and HIE 2 plots is subject to the agreement between the HIE 1 and HIE 2 landowners if relevant)</p>	<p>This Proposed Modification/Proposed Material Alteration relates to public realm specifications and the transfer of floorspace between HIE 1 and HIE 2 (sites already zoned for high intensity employment uses by the existing Scheme) whilst maintaining the overall area permissible in HIE 1 & HIE 2 combined. It is noted that the Planning Scheme already provides for flexibility across a range of land-uses and measures. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>																		
<p>Insert New Specific Objective DA 48 (b) into Development Area 8 Tully as follows With regard to the built form of the Tully Village Centre, urban scale and variation in building height shall contribute to a well-designed, high quality development, with elements of fine grain. Extensive monolithic blocks should be avoided, and in this regard, the design shall incorporate a roofscape and building form that presents with visual and architectural variety, including for example, set-backs, breaks in form, sections which emphasise verticality, and roofscape articulation. The built form shall reflect the civic nature of a village centre as a focal point for the neighbourhood.</p>	<p>This Proposed Modification/Proposed Material Alteration seeks to balance building height and scale, with the introduction of design elements both at streetscape level and on elevations with façade treatment that provide both visual variety in a newly developing area, and also reduce the apparent mass and scale of otherwise potentially monolithic buildings, in certain circumstances. There are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>																		

Report to Inform Appropriate Assessment Screening for Proposed Modifications/Proposed Material Alterations
to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended)

Proposed Modification/Proposed Material Alteration	AA Screening Review	Stage 2 AA Required?
<p>Insert Text to Section 7.4 of the Planning Scheme as follows:</p> <p>From: The Local Authority will also undertake a review of the Town Centre and Environs having regard to the overall Vision and Principles for Cherrywood and appropriate Government policy, to ensure that the Town Centre functions as a vibrant, mixed use sustainable District Centre at the heart of Cherrywood.</p> <p>To</p> <p>“The Local Authority will also undertake a plan lead review of the Town Centre and Environs having regard to the overall Vision and Principles for Cherrywood and appropriate Government policy, to ensure that the Town Centre functions as a vibrant, mixed use sustainable District Centre at the heart of Cherrywood. This review will seek to ensure an appropriate mix, quantum and phasing of uses to secure a balance of employment, commercial, retail, residential, community and social uses. It is an objective of the Council to use its best endeavours to undertake this plan lead review within twelve months from the date that the proposed Amendment No. 8 comes into effect.”</p>	<p>rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p> <p>This Proposed Modification/Proposed Material Alteration would add text to the Scheme concerning a plan lead review of the Town Centre and Environs within twelve months from the date that the Proposed Amendment No. 8 comes into effect. This change would only provide for a review. Taking this into account, there are no additional sources for effects on European sites arising from this change that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, this change will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.</p> <p>Was any such review to be followed by recommendations for an amendment to the Scheme, such an amendment would have to be subject to screening for AA and other requirements as appropriate.</p>	<p>Taking into account the AA Screening Review it is advised that Stage 2 AA is not required.</p>

5. Conclusion

This report provides an AA screening review of Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended) and forms part of the ongoing AA screening process that is being progressed, taking into account the initial Proposed Amendment No. 8 that was placed on public display and ongoing and emerging proposals for Modifications/Material Alterations and associated information.

Taking into account the AA Screening Review of Proposed Modifications/Proposed Material Alterations provided under Section 4, it is concluded that there are no additional sources for effects on European sites arising from the Proposed Modifications/Proposed Material Alterations that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, these changes will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc.

Consequently, it is advised that Stage 2 AA is not required.

6. Next Steps

This report will inform an AA Screening Determination regarding the Proposed Modifications/Proposed Material Alterations and will be placed on public display alongside relevant Proposed Modifications/Proposed Material Alterations documents as part of the ongoing Proposed Amendment and associated AA screening process.

If further changes are proposed to the Proposed Modifications/Proposed Material Alterations, these will be subject to AA screening and an additional final AA Screening Determination will be undertaken following public display of the Proposed Modifications/Proposed Material Alterations, in advance of adoption of the Proposed Amendment.

Appendix I

Report to inform the AA Screening for Proposed
Amendment No. 8 to the Cherrywood SDZPS 2014 (as
amended) [July 2022]

REPORT TO INFORM APPROPRIATE ASSESSMENT SCREENING

**FOR
PROPOSED AMENDMENT No. 8**

**TO THE
CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)**

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



JULY 2022

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1 Introduction

1.1 Background

This Appropriate Assessment (AA) Screening Report has been prepared for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 in accordance with requirements of in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the "Habitats Directive")¹.

1.2 Legislative Context

The Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site. These sites consist of SACs and SPAs and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

1.3 Approach

The AA is based on best scientific knowledge and has utilised ecological and hydrological expertise. In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife (NPWS) website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives.

The ecological desktop study completed for the AA screening of the Proposed Amendment comprised the following elements:

- Identification of European sites within 15km of the Proposed Amendment boundary with identification of potential pathways links for specific sites (if relevant) greater than 15km from the Proposed Amendment boundary;
- Review of the NPWS site synopsis and conservation objectives for European sites with identification of potential pathways from the Proposed Amendment area; and
- Examination of available information on protected species.

There are four main stages in the AA process as follow:

Stage One: Screening

The process that identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant.

Stage Two: Appropriate Assessment

The consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may

¹ Directive 92/43/EEC

end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage Three.

Stage Three: Assessment of Alternative Solutions

The process that examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the European site.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. This approach aims to avoid any impacts on European sites by identifying possible impacts early in the plan-making process and avoiding such impacts. Second, the approach involves the application of mitigation measures, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If potential impacts on European sites remain, the approach requires the consideration of alternative solutions. If no alternative solutions are identified and the plan/project is required for imperative reasons of overriding public interest, then compensation measures are required for any remaining adverse effect(s).

The assessment of potential effects on European sites is conducted following a standard source-pathway-receptor² model, where, in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the model is sufficient to conclude that a potential effect is not of any relevance or significance.

In the interest of this report, receptors are the ecological features that are known to be utilised by the qualifying interests or special conservation interests of a European site. A source is any identifiable element of the Proposed Amendment provision that is known to interact with ecological processes. The pathways are any connections or links between the source and the receptor. This report provides information on whether direct, indirect and cumulative adverse effects could arise from the Proposed Amendment.

The AA Screening exercise has been prepared taking into account legislation including the aforementioned legislation and guidance including the following:

- AA of Plans and Projects in Ireland. Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2009;
- *"Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC"*, European Commission 2018;
- *"Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC"*, European Commission Environment DG, 2002; and
- *"Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC"*, European Commission, 2000.

² Source(s) – e.g. pollutant run-off from proposed works; Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats; and Receptor(s) – qualifying aquatic habitats and species of European Sites.

2 Description of and background to the Proposed Amendment

2.1 The Cherrywood SDZ Planning Scheme 2014 (as amended)

The Cherrywood SDZ Planning Scheme 2014 was subject to full Strategic Environmental Assessment (SEA) and to Appropriate Assessment (AA) Screening. These processes, throughout which the environmental authorities were consulted, facilitated the mitigation of potential environmental effects.

The AA screening of the existing Planning Scheme has been carried out, and this concluded that there is no requirement for Stage 2 AA to be undertaken. The Planning Scheme was found not to introduce any potential significant adverse effects to any European Sites. Similarly, the existing Planning Scheme was subject to an SEA to ensure that environmental considerations were an integral element of the Planning Scheme including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between these considerations, whenever applicable.

The seven previous Amendments to the Scheme were found not to require full SEA or Stage 2 AA.

2.2 Proposed Amendment No. 8

Amendment No. 8 to the Cherrywood Planning Scheme seeks to increase the Building Heights in Cherrywood at certain locations. This review of the building heights was carried out in response to SPPR 3 (Part B) of the Urban Development and Building Heights Guidelines for Planning Authorities.

It was also considered an appropriate time to carry out a review of the residential densities in the approved Planning Scheme, having regard to the Apartment Guidelines 2018, noting that some additional height could be accommodated in the Planning Scheme area and also noting that the residential densities in the Draft Planning Scheme were higher than those currently in the approved Planning Scheme, noting that the Planning Scheme was drafted during an economic downturn which particularly impacted on the construction sector.

Updates have also been made to Appendix E of the Planning Scheme which relates to Hydrogeology in the Planning Scheme area with particular reference to 2 no. Tuffa Spring formations. Since the adoption of the Planning Scheme extensive site investigations have been carried out in relation to Tuffa Spring No. 5 and it is important that this updated information is included in the Planning Scheme to inform the future development of sites within the protection zone of this Tuffa Spring.

For clarity, the Proposed Amendment document, and this Screening document, takes account of Amendment No. 7 of the Cherrywood Planning Scheme 2014 (as amended) - Beckett Road Re-alignment and Ancillary Amendments - as approved by An Bord Pleanála on the 14th of April 2021, ABP Case Number: ABP-308753-20.

3 Screening for Appropriate Assessment

3.1 Introduction to Screening

This stage of the process identifies any potential significant affects to European sites from the Proposed Amendment, either alone or in combination with other projects or plans.

An important element of the AA process is the identification of the “conservation objectives”, “Qualifying Interests” (QIs) and/ or “Special Conservation Interests” (SCIs) of European sites requiring assessment. QIs are the habitat features and species listed in Annexes I and II of the Habitats Directive for which each European site has been designated and afforded protection. SCIs are wetland habitats and bird species listed within Annexes I and II of the Birds Directive. It is also vital that the threats to the ecological / environmental conditions that are required to support QIs and SCIs are considered as part of the assessment.

The following NPWS Generic Conservation Objectives have been considered in the screening:

- For SACs - to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- For SPAs - to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Where available, Site-Specific Conservation Objectives (SSCOs) designed to define favourable conservation status for a particular habitat³ or species⁴ at that site have been considered.

3.2 Assessment Criteria

3.2.1 Is the Plan Necessary to the Management of European Sites?

The primary purpose of the Proposed Amendment is not the nature conservation management of the sites, but to update Planning Scheme content and provisions regarding density, heights and Tufa Springs.

Therefore, the Proposed Amendment is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

3.2.2 Elements of the Proposed Amendment with Potential to Give Rise to Effects

The Proposed Amendment is screened on [Table 3.1](#). The Proposed Amendment would not result in significant effects on any European Site. Therefore Stage 2 AA is not required.

³ Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are stable or increasing; the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable.

⁴ The favourable conservation status of a species is achieved when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Table 3.1 AA Screening

Amendment Component(s)	Description (refer to Proposed Amendment document for full details)	AA Screening Considerations
<p>Height and Density</p>	<p>Amendment No. 8 to the Cherrywood Planning Scheme seeks to increase the Building Heights in Cherrywood at certain locations. This review of the building heights was carried out in response to SPPR 3 (Part B) of the Urban Development and Building Heights Guidelines for Planning Authorities.</p> <p>It was also considered an appropriate time to carry out a review of the residential densities in the approved Planning Scheme, noting that some additional height could be accommodated in the Planning Scheme area and also noting that the residential densities in the Draft Planning Scheme were higher than those currently in the approved Planning Scheme, noting that the Planning Scheme was drafted during an economic downturn which particularly impacted on the construction sector.</p> <p>Proposed Amendments to Height and Density include:</p> <ul style="list-style-type: none"> • A review of the building heights in the Cherrywood Planning Scheme and proposals to alter these building heights where appropriate. • A review of the density ranges in the Cherrywood Planning Scheme in light of the building height review, Apartment Guidelines 2018 and proposed amendments and changes to development quanta where appropriate. • A review of policy in the Planning Scheme in relation to Residential Development, Urban Form, Skyline to support the changes proposed to density and building height. • Amendments and additions to Section 2.9 Building Heights including the deletion of Table 2.11 and associated footnote, the addition of new Section 2.9.1 "Criteria for Assessing Building Height in the Planning Scheme Area" and the addition of additional supporting text allowing for greater flexibility in roof design and architectural expression. • Amendments to Map 2.3 Building Heights indicating where additional height may be accommodated and showing the remaining 5 school sites where the max height is now proposed to increase to 4 floors. • An increase in Class 1 Open space from 29.7 ha to 32.5 ha as indicated under Table 5.1: Main Classification of Open Space, under Chapter 5 of the Planning Scheme. This reflects the projected increase in the maximum residential population in the Planning Scheme area by circa 9% as a result of the density review. • And associated amendments. 	<p>Proposed Amendments to Height and Density are interrelated.</p> <p>By amending the detail in the Scheme relating to heights and densities, the Proposed Amendment would contribute towards the overall development of the Strategic Development Zone and associated effects that have been identified by the SEA for the existing Scheme:</p> <ul style="list-style-type: none"> • Positive effects include contributions towards: sustainable mobility (arising from a high public transport and non-motorised mode share and a high percentage of internal sustainable mode trips between the residential, employment, education and leisure uses within Cherrywood and), including associated interactions with energy usage and greenhouse gas and other emissions to air; and contributions towards the protection and management of various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). • Potential adverse (if unmitigated) environmental effects include those relating to various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage and exposure to noise levels). However, these effects have already been identified, assessed and mitigated (where relevant) by the SEA undertaken on the existing Planning Scheme. <p>This Proposed Amendment does not increase the number of dwellings and the population to be accommodated within the SDZ to the extent that it would result in exceedances in infrastructural capacity or result in significant effects on any European Site.</p>

Amendment Component(s)	Description (refer to Proposed Amendment document for full details)	AA Screening Considerations
<p>Tufa Springs</p>	<p>Amendments to Appendix E : Phase 1 Hydrogeology Assessment of the Cherrywood SDZ to include the results of a hydrogeological study carried out on behalf of the DLRCC by JBA Consulting in relation to the Catchment Sensitivity Zone of Tuffa Spring No. 5 and the addition of supporting policy for the development of sites within this Catchment Sensitivity Zone in Development Area 1 Lehaunstown, Development Area 4 Domville and Development Area 8 Tully</p>	<p>Tufa Springs are already protected under the Planning Scheme⁵. Changes are proposed to Appendix E, which relates to Hydrogeology in the Planning Scheme area with particular reference to 2 no. Tuffa Spring formations. Since the adoption of the Planning Scheme extensive site investigations have been carried out in relation to Tuffa Spring No. 5 referenced in the Scheme documents</p> <p>It is proposed to include this updated information in the Planning Scheme to order to ensure that it informs the future development of sites within the protection zone of this Tuffa Spring. It is considered that these changes will further contribute towards the protection of the springs that is already contributed towards by the Planning Scheme.</p> <p>By amending the detail in the Scheme relating to Tufa Springs, the Proposed Amendment would contribute towards the overall development of the Strategic Development Zone and associated effects that have been identified by the SEA for the existing Scheme:</p> <ul style="list-style-type: none"> • Positive effects include contributions towards: sustainable mobility (arising from a high public transport and non-motorised mode share and a high percentage of internal sustainable mode trips between the residential, employment, education and leisure uses within Cherrywood and), including associated interactions with energy usage and greenhouse gas and other emissions to air; and contributions towards the protection and management of various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). • Potential adverse (if unmitigated) environmental effects include those relating to various environmental components (including habitats, species, ecological connectivity, water quality/status, soil, flood risk management, visual sensitivities, archaeological heritage, architectural heritage and exposure to noise levels). However, these effects have already been identified, assessed and mitigated (where relevant) by the SEA undertaken on the existing Planning Scheme. <p>This Proposed Amendment would not result in significant effects on any European Site.</p>

⁵ For example, GI 61, which is proposed to be amended as follows "Ensure the protection of calcareous (tufa) springs and the area surrounding them by having no net effect **significant impact** on the hydrogeological and other physical conditions on which these springs rely. Any Planning Application that is located within the hydrogeological catchment of these areas as outlined in the protection zone map of the Hydrogeological Study in Appendix E will have to be accompanied by evidence of how this will be achieved. Collection of hydrogeological data may be required in some cases to prove that there will be no effect **significant impact** on these features."

3.3 Types of Potential Effects and Changes

As outlined in the European Commission Environment DG document "*Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*" outlines the types of effects that may affect European Sites. These include effects from the following activities:

- Land take
- Resource Requirements (Drinking Water Abstraction Etc.)
- Emissions (Disposal to Land, Water or Air)
- Excavation Requirements
- Transportation Requirements
- Duration of Construction, Operation, Decommissioning

In addition, the guidance document outlines the following likely changes that may occur at a designated site, which may result in effects on the integrity and function of that site:

- Reduction of Habitat Area
- Disturbance to Key Species
- Habitat or Species Fragmentation
- Reduction in Species Density
- Changes in Key Indicators of Conservation Value (Water Quality Etc.)
- Climate Change

3.4 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European sites. The Proposed Amendment would not result in significant effects on any European Site and there are no in-combination effects beyond those contained within the existing Scheme and associated AA.

4 Conclusions

Stage 1 AA Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) must be undertaken. This report, which is intended to inform the AA determination, has demonstrated that implementation of the Proposed Amendment is not foreseen to have any likely significant effects on any European site.

Implementation of the Proposed Amendment as part of the Scheme must demonstrate compliance with the requirements of environmental and planning legislation and planning and licensing processes, including existing provisions of relevant land use plan(s) and policy documents such as the National Planning Framework, the Regional Spatial and Economic Strategy and policies, objectives and environmental provisions contained in the existing Scheme (as amended). The Scheme was subject to AA and SEA processes that determined there is no risk of likely significant effects to any European site as a result of the implementation of the Scheme.

The AA screening process considered potential effects that may arise during implementation of the Proposed Amendment. Through an assessment of the sources for effects and an evaluation of the Proposed Amendment it was determined that the existing Scheme accounts for development within the Cherrywood area.

It is concluded that the Proposed Amendment to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. Consequently, a Stage 2 AA is not required to be undertaken for the Proposed Amendment.

Appendix II

Screening for AA Determination for Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [July 2022]

Screening for AA Determination

Screening for Appropriate Assessment (AA) Determination under the Habitats Directive¹

for:
**the proposed Amendment (No. 8) of the adopted Cherrywood Strategic
Development Zone Planning Scheme, 2014, as amended**

A Screening for Appropriate Assessment (AA) determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, could result in a likely significant effect on any European site is being made by Dún Laoghaire-Rathdown County Council under Article 6(3) of the Habitats Directive.

In carrying out this Screening for AA, the Council is taking into account matters including those specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- The existing Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, including all associated AA documentation;
- The Report to inform AA Screening prepared for Proposed Amendment No. 8.

The Report to inform AA Screening demonstrates that the implementation of the Proposed Amendment will not give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. The Report to inform AA Screening has been carefully considered and its reasoning and conclusion agreed with and adopted, allowing a determination to be made that Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site.

Taking into account all of the above, it is determined that that Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site and that Stage 2 AA is not required to be undertaken on the Proposed Amendment.

Signed: 
Vivienne Byrne,
Senior Planner, Forward Planning & Infrastructure Department.

Signed: 
Mary Henchy,
Director of Services, Planning Department.

Date: 25th July 2022

¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, transposed into Irish legislation through, among other statutes, the Planning and Development Act 2000 (as amended)

Appendix III

AA Screening of Proposed Amendment No. 8 Addendum I -
AA Screening Review of CE Recommendations [October
2022]

**ADDENDUM I
(AA SCREENING REVIEW OF CHIEF EXECUTIVE'S
RECOMMENDATIONS)**

TO

**REPORT TO INFORM
APPROPRIATE ASSESSMENT SCREENING**

FOR

PROPOSED AMENDMENT No. 8

TO THE

CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



OCTOBER 2022

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1. Introduction

This report is an addendum to the "Report to Inform Appropriate Assessment Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended)" (July 2022) and should be read in conjunction with that report.

It provides an Appropriate Assessment (AA) review of recommendations contained in the Chief Executive's Report on Submissions received during the public display of the Proposed Building Heights and Density Review Amendment (Proposed Amendment No. 8) of the Cherrywood SDZ Planning Scheme, 2014, as amended.

It will be appended to the Chief Executive's Report, which will be submitted to Elected Members in accordance with, inter alia, Section 169 (3) of the Planning and Development Acts, 2000 (as amended).

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. and would thus warrant Stage 2 AA.

3. AA process to date

An AA Screening determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Planning Scheme, as amended, would give rise to any likely significant effect on any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.

4. Chief Executive's Recommendations and AA Screening

A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.

Submissions received have been considered and are responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.

There is a need to establish whether or not any Chief Executive's Recommendation would give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

5. Review of Chief Executive's Recommendations

The Chief Executive's Recommendations would further contribute towards provisions related to sectors and topics that are already provided for within the existing Planning Scheme and Proposed Amendment No. 8.

There are no additional sources for effects on European sites that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, none of the Executive's Recommendations will give rise to any likely significant effect on any European site.

6. Conclusion

As the recommendations will not give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Chief Executive's Recommendations.

7. Next Steps

Any additional recommendations need to be considered by the AA Screening process in order to establish whether or not they would not give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

A final AA Screening must be made by the Council in advance of making the final amendment.

Appendix IV

AA Screening of Proposed Amendment No. 8 Addendum II - AA Screening Review of Members' Motions and associated Chief Executive's Recommendations [November 2022]

ADDENDUM II
(AA SCREENING REVIEW OF MEMBERS' MOTIONS AND
ASSOCIATED CHIEF EXECUTIVE'S RECOMMENDATIONS)

TO

REPORT TO INFORM
APPROPRIATE ASSESSMENT SCREENING

FOR

PROPOSED AMENDMENT No. 8

TO THE

CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

for: Dún Laoghaire-Rathdown County Council

County Hall
Marine Road
Dún Laoghaire



by: CAAS Ltd.

1st Floor
24-26 Ormond Quay Upper
Dublin 7



NOVEMBER 2022

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7. Next Steps	2

1. Introduction

This report is an addendum to the "Report to Inform Appropriate Assessment Screening for Proposed Amendment No. 8 to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 (as amended)" (July 2022) and should be read in conjunction with that report and AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations".

It provides an Appropriate Assessment (AA) review of motions proposed by Elected Members and associated Chief Executive's Recommendations following the public display of the Proposed Building Heights and Density Review Amendment (Proposed Amendment No. 8) of the Cherrywood SDZ Planning Scheme, 2014, as amended.

It will be submitted to Members for consideration alongside other documentation relating to Proposed Amendment No. 8 under Section 169 (3) of the Planning and Development Acts, 2000 (as amended).

It will be appended to the Chief Executive's Report, which will be submitted to Elected Members in accordance with, inter alia, Section 169 of the Planning and Development Acts, 2000 (as amended).

2. AA and related legislation

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, referred to as the Habitats Directive, provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.

AA Screening is the process for deciding whether a particular plan - or amendment to a plan -, would give rise to any likely significant effect on any European site, alone or in combination with any other plans, programmes, projects etc. and would thus warrant Stage 2 AA.

3. AA process to date

An AA Screening determination as to whether the Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Planning Scheme, as amended, would give rise to any likely significant effect on any European site is required to be made by Dún Laoghaire-Rathdown County Council under the Habitats Directive.

The Council have already determined in July 2022, considering the information contained in the July 2022 "Report to Inform Appropriate Assessment Screening" that: Proposed Amendment No. 8, as placed on public display in July 2022, will not give rise to any likely significant effect on any European site; and, consequently, Stage 2 AA is not required to be undertaken on Proposed Amendment No. 8, as placed on public display in July 2022.

A copy of Proposed Amendment No. 8 and associated documents were placed on public display and submissions invited from 26 July to 7 September 2022.

Submissions received have been considered and are responded to in the Chief Executive's Report (October 2022), with recommendations made for updates to the Proposed Amendment No. 8, as relevant.

AA Screening Addendum I "AA Screening Review of Chief Executive's Recommendations" was submitted to Members in October 2022 alongside the Chief Executive's Report. Addendum I concluded that as the recommendations will not give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Chief Executive's Recommendations.

4. Members' Motions (and associated Chief Executive's Recommendations) and AA Screening

There is a need to establish whether or not any Motions from the Elected Members would give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

5. Review of Members' Motions (and associated Chief Executive's Recommendations)

There are no additional sources for effects on European sites arising from Members' Motions (and associated Chief Executive's Recommendations) that have not been considered by the AA Screening to date. Considering this and applying the source-pathway-receptor model, none of the Motions will give rise to any likely significant effect on any European site.

6. Conclusion

As neither the Motions nor the (and associated Chief Executive's Recommendations) will give rise to any likely significant effect on any European site, Stage 2 AA remains unnecessary for Proposed Amendment No. 8 with/without the Members' Motions (or the associated Chief Executive's Recommendations).

7. Next Steps

Any additional motions (and associated Chief Executive's recommendations) need to be considered by the AA Screening process in order to establish whether or not they would not give rise to any likely significant effect on any European site. In any case whereby a likely significant effect on any European site is identified as being likely, Stage 2 AA would need to be undertaken.

A final AA Screening must be made by the Council in advance of making the final amendment.

Appendix V

Cherrywood SDZ Pond 5A Rezoning - Technical Note

Cherrywood SDZ Rezoning Technical Note – 08/12/2022

ROD has been engaged to undertake a technical assessment on the potential rezoning of the Physical Infrastructure (PI) zoned land associated with Pond 5A, as identified on Planning Scheme maps including Maps 4.2 and 6.6¹ (reproduced in Appendix A) and relocating Pond 5a to lands zoned Green Infrastructure (GI) as permitted under DZ18A/0854. The location of Pond 5a as permitted under DZ18A/0854 is presented in the context of the Cherrywood Planning Scheme zoning in Appendix B. This technical note details key considerations associated with the relocation of Pond 5a from PI to GI arising from the detailed design process and possible future requirements having regard to technical capacity, sustainability, flood risk and climate change.

Technical Capacity

The pond 5A (detailed design permitted under DZ18A/0854) has been designed in accordance objective PI 6 of the planning scheme to sustainably manage the surface water from a catchment of ~15.72 Ha (detailed design scheme layout and contributing catchment area map presented in Appendix C) and has sufficient capacity to do so. The design considers both the attenuation volume requirements and ability to treat contributing runoff (including an allowance for climate change). As such, the relocation of the Pond 5a will have no perceptible difference on the receiving waterbody in terms of runoff volumes (hydromorphology) and water quality downstream.

It's worth noting that in line with the principles of the GDS² and specifically the requirements of the Planning Scheme Objective PI 8, every development plot permitted within the catchment of pond 5a currently attenuates to 1 l/s/ha, as will all future permitted development plots in accordance with the Planning Scheme requirements. No additional PI lands are required to provide appropriate management of surface waters within the catchment of pond 5a either in its current or proposed amended location. Rezoning of the (majority of) PI zoned lands to residential (RES 2 as per the adjoining land-use zoning as per Map 6.6) will not materially impact on the ability to suitably and sustainably manage surface water for the catchment.

The intensification of development proposed as part of the building height amendment to the planning scheme is likely to have negligible impact to the management of surface waters with the pond 5a catchment. This is predominantly due to the fact that all permitted development is required to attenuate surface water flows to 1 l/s/ha within its site boundary prior to discharge to the network, as per the requirements of the Planning Scheme. It is envisaged that this will be achieved by way of multiple SuDS features incorporated into such developments, as listed in the Planning Scheme inclusive of blue / green roofs where appropriate'. Therefore, any future intensification of development (including within the Town Centre) will have a negligible impact on the functioning of the regional drainage infrastructure and the potential to adapt to future pressures as required. Regarding Town Centre zonings, it is noted that only TC3 is within the Pond 5A catchment and that TC1, TC2 and TC4 are part of a separate catchment that drains to other Cherrywood regional attenuation ponds.

¹ DLR County Council (Amended 2014) Cherrywood SDZ Planning Scheme. Available at: <https://www.dlrcoco.ie/en/planning/cherrywood-sdz>

² DCC (2005), Greater Dublin Strategic Drainage Strategy. Available at: <http://www.greaterdublindrainage.com/gdsds/>

The proposed pond 5a is regarded as a key component of the catchments SuDS strategy and wider Green Infrastructure within Cherrywood SDZ. The pond 5a (as permitted under DZ18A/0854) is supportive of multiple Planning Scheme Green Infrastructure Objectives e.g. GI 10, GI 16, GI 54 & GI 55). It should be noted that an original consideration when zoning PI lands was to ensure that key infrastructure such as regional attenuation was within publicly accessible lands and could therefore be appropriately managed by the Local Authority. Relocating pond 5a to GI zoned lands ensures the pond can be managed by the local authority as intended.

Sustainability

As described in the CIRIA SuDS manual (C753)³ the biodiversity potential of SuDS features and especially ponds/wetlands can be hindered when sited in highly managed landscapes (hard standing) such as the current indicative location of pond 5a shown on Planning Scheme maps (including Maps 4.2 and 6.6). Siting the pond within the GI zoning as an alternative location will have significant benefits to biodiversity potential arising from the integration of a biodiversity hotspot (the pond) in a biodiversity corridor (the existing GI zoned lands). Net increases to biodiversity are also likely to have indirect benefits to the perceived amenity value of the locality.

The flood studies undertaken for the planning scheme and as part of the CFRAMS⁴ indicate that the pond 5a locations shown in the Planning Scheme and as permitted under DZ18A/0854 are outside the 1 in 1000 year floodplains of watercourses in the locality, this is also true of when climate change is considered. As such the pond 5a location (permitted under DZ18A/0854) is appropriate as per the OPW's flood risk assessment Guidance⁵. Considering the implications for the management of surface water derived flooding, relocation of pond 5a is also likely to have no perceptible effect on the functioning of the management of surface waters.

Regarding climate change, there are still significant unknowns as to the likely severity of climate change impacts. This uncertainty is exacerbated when considering impacts at a local (catchment) level. Although the prediction of likely impacts is the subject of significant research at both national and international levels it is acknowledged that all climate models and predictions are subject to change. As such adaptability to different climatic conditions is a key consideration when designing infrastructure schemes including drainage. At a fundamental level, having a larger area within the GI lands if necessary to extend and adapt infrastructure is a positive attribute. When comparing the pond 5a location as identified in the Planning Scheme and as permitted under DZ18A/0854, it is evident that the indicative location identified on Planning Scheme Maps including Maps 4.2 and 6.6 is constrained by Residential zonings (to the north, west and south) and the permitted location under DZ18A/0854 has an availability of land immediately adjacent to allow for future adaption. As such, the pond 5a location permitted under DZ18A/0854 is more appropriate as it allows for future adaptation as required.

The sediment forebay (permitted under DZ18A/0854) is to be located on lands zoned for residential use separate from the main volume of the pond. A reduced area of PI zoning is required for the forebay (as compared to the original Planning Scheme) which is to be located within an area which is more easily accessible from the public road for ease of operation and maintenance by the Local Authority. This is likely to have a negligible impact on the functioning of the treatment train. However, as with the general design of the pond, if required due to

³ CIRIA (2015), The SuDS Manual C753, Available at: <https://www.ciria.org/ItemDetail?iProductCode=C753>

⁴ OPW (2017) CFRAMS Flood Mapping, Available at: https://s3-eu-west-1.amazonaws.com/docs.floodinfo.opw/pdf/east/uom_10/afa/deansgrange_loughlinstown/01_ex/current/fluvial/e10lou_exfcd_f1_05.pdf

⁵ OPW (2009), The Planning System and Flood Risk Management - Guidelines for Planning Authorities. Available at: <https://www.opr.ie/wp-content/uploads/2019/08/2009-Planning-System-Flood-Risk-Mgmt-1.pdf>

climate change effects, the relocated pond 5a could be modified to include a sediment forebay within the GI Lands.

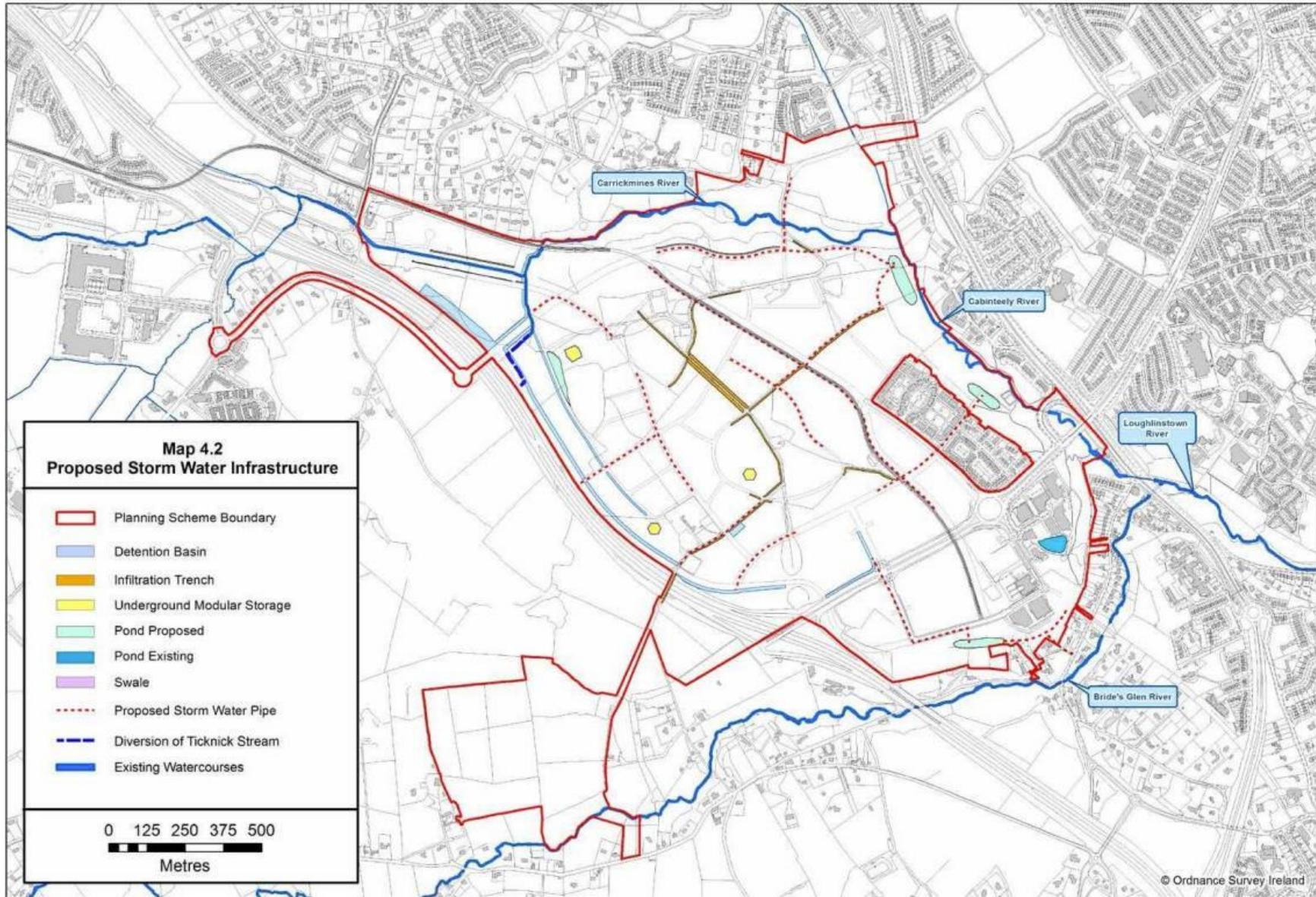
Relocating the pond 5a to GI lands ensures that in future and as required the function and capacity of the pond can be modified as necessary to ensure that flood risk and water quality can be managed appropriately in perpetuity.

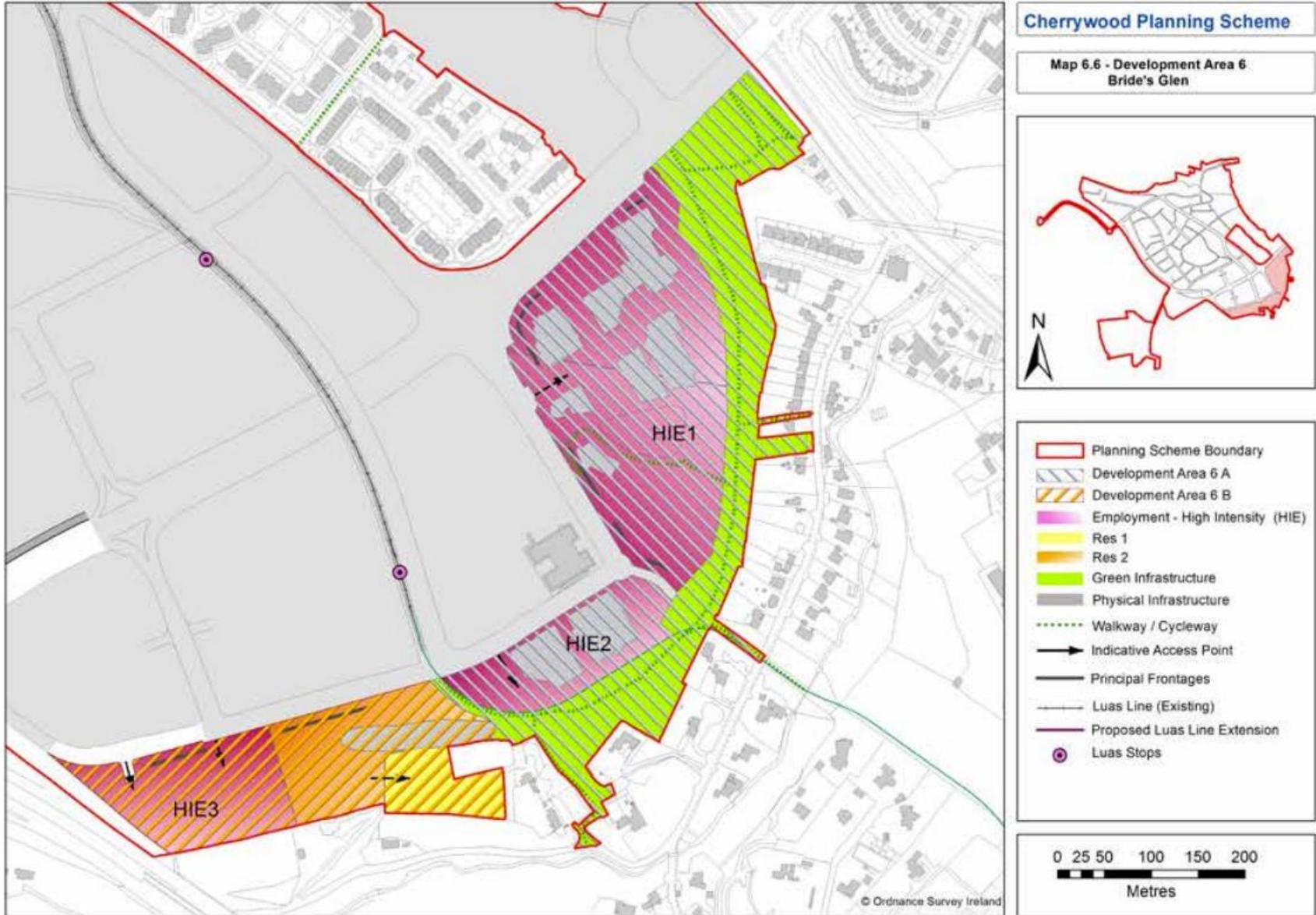
Conclusion

The relocation of the proposed pond 5a is not constrained technically and either the existing or proposed site is appropriate regarding the technical provision of the pond. However, when sustainability is considered the relocated siting of the pond is advantageous over the existing location as shown indicatively in the Planning Scheme. No additional PI lands are required for the provision of the surface water management infrastructure as pond 5a (as permitted under DZ18A/0854) can meet all technical requirements regarding capacity and water quality treatment. The intensification of development proposed as part of the building height amendment to the planning scheme and potential future intensification of the Town Centre, is likely to have negligible impact to the management of surface waters within the pond 5a catchment. Considering future development and climate change effects, the pond 5a location permitted under DZ18A/0854 is more appropriate as it allows for future adaptation if required. As such, there is likely no adverse impact of a potential re-zoning of the existing PI lands to a RES 2 zoning from a surface water management perspective and locating the pond as per DZ18A/0854 is beneficial overall.

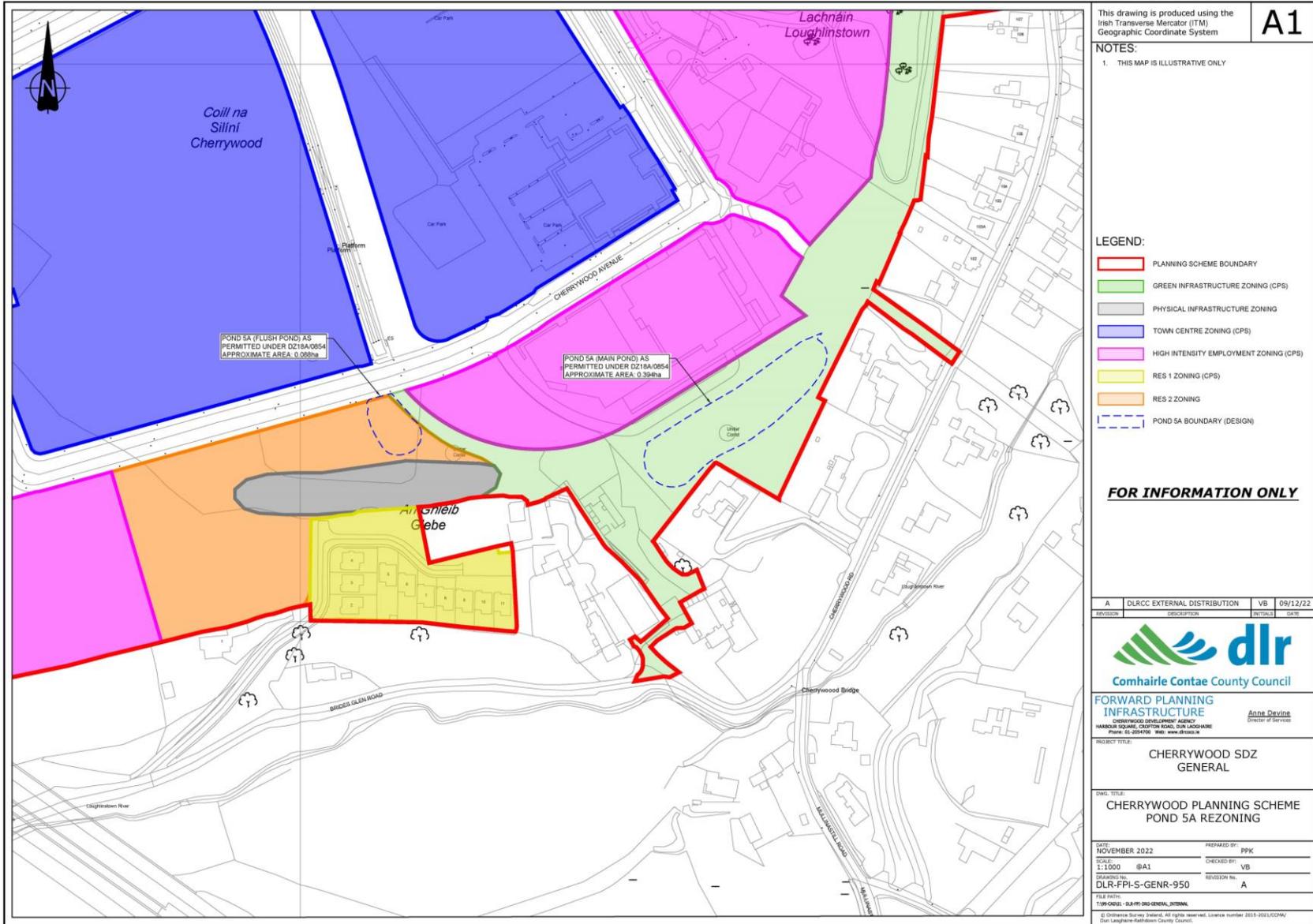
APPENDIX A

Cherrywood SDZ Scheme Maps

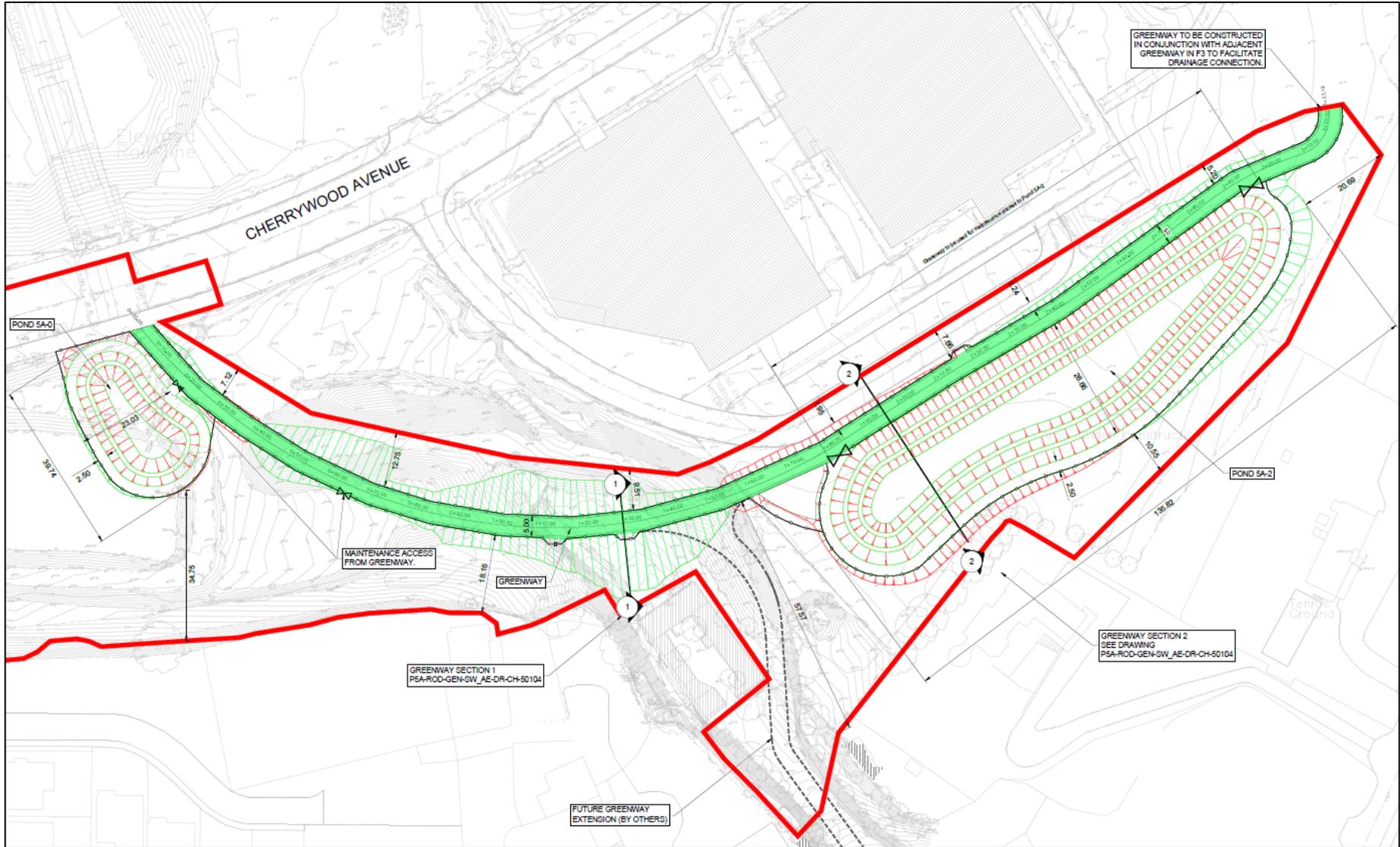




APPENDIX B
Pond 5a as permitted under DZ18A/0854
Zoning Context



APPENDIX C
Pond 5a Detailed Design Layout and
Contributing Catchment Map



Appendix (vii)

Screening for AA Determination for Proposed Modifications-
Proposed Material Alterations to Proposed Amendment No.
8 to the Cherrywood SDZPS 2014 (as amended) [December
2022]

Screening for AA Determination

Screening for Appropriate Assessment (AA) Determination under the Habitats Directive¹ for:

Proposed Modifications/Proposed Material Alterations to Proposed Amendment (No. 8) of the adopted Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended

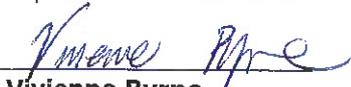
A Screening for Appropriate Assessment (AA) determination as to whether Proposed Modifications/Proposed Material Alterations to Proposed Amendment (No. 8), comprising a building height and density review, of the adopted Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, could result in a likely significant effect on any European site is being made by Dún Laoghaire-Rathdown County Council under Article 6(3) of the Habitats Directive.

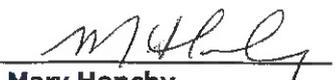
In carrying out this Screening for AA, the Council is taking into account matters including those specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- "Report to Inform Appropriate Assessment Screening for Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 to the Cherrywood SDZ Planning Scheme 2014 (as amended)" (December 2022), including various appendices²;
- Written submissions made during public display of the proposed Amendment process; and
- Ongoing advice on AA from the Council's agents.

The Report to Inform AA Screening demonstrates that the implementation of Proposed Modifications/Proposed Material Alterations to the Proposed Amendment will not give rise to any potential effect on the ecological integrity of any European site, alone or in combination with any other plans, programmes, projects, etc. The Report to Inform AA Screening has been carefully considered and its reasoning and conclusion agreed with and adopted, allowing a determination to be made that Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site.

Taking into account all of the above, it is determined that Proposed Modifications/Proposed Material Alterations to Proposed Amendment No. 8 will not give rise to any likely significant effect on any European site and that Stage 2 AA is not required to be undertaken on the Proposed Modifications/Proposed Material Alterations.

Signed: 
Vivienne Byrne,
Senior Planner, Forward Planning Infrastructure Department.

Signed: 
Mary Henchy,
Director of Services, Planning Department.

Date: 20th December 2022

¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, transposed into Irish legislation through, among other statutes, the Planning and Development Act 2000 (as amended)

² Appendix I: Report to inform the AA Screening for Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [July 2022]

Appendix II: Screening for AA Determination for Proposed Amendment No. 8 to the Cherrywood SDZPS 2014 (as amended) [July 2022]

Appendix III: AA Screening of Proposed Amendment No. 8 Addendum I - AA Screening Review of CE Recommendations [October 2022]

Appendix IV: AA Screening of Proposed Amendment No. 8 Addendum II - AA Screening Review of Members' Motions and associated Chief Executive's Recommendations [November 2022]

Appendix V: Cherrywood SDZ Pond 5A Rezoning - Technical Note [December 2022]