

REPORT TO INFORM APPROPRIATE ASSESSMENT SCREENING

FOR PROPOSED AMENDMENT 7 (BECKETT ROAD REALIGNMENT)

TO THE CHERRYWOOD SDZ PLANNING SCHEME 2014 (AS AMENDED)

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SEPTEMBER 2020

Table of Contents

1	Introduction.....	1
1.1	Background.....	1
1.2	Legislative Context	1
1.3	Approach	1
2	Description of and background to the Proposed Amendment.....	3
2.1	The Cherrywood SDZ Planning Scheme 2014 (as amended)	3
2.2	The Proposed Amendment (Beckett Road Realignment).....	3
3	Screening for Appropriate Assessment	4
3.1	Introduction to Screening.....	4
3.2	Assessment Criteria	4
3.3	Types of Potential Effects and Changes	5
3.4	Other Plans and Programs.....	5
4	Conclusions.....	6

1 Introduction

1.1 Background

This Appropriate Assessment (AA) Screening Report has been prepared for Proposed Amendment No. 7 (Beckett Road Realignment) 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 six previous Amendments to the Scheme were found not to require full SEA or Stage 2 AA.

2.2 The Proposed Amendment (Beckett Road Realignment)

The proposals contained in Proposed Amendment No. 7 would provide for: the realignment of a section of Beckett Road from where it meets with Lehaunstown Lane to Junction H on Cherrywood Avenue; and an amendment to the cross section of Beckett Road from Junction E to Junction G to include a two-way cycle track along the northern side of Beckett Road instead of a with flow cycle track on either side of the road.

Various other proposals to change Planning Scheme text and maps in order to, inter alia, facilitate the realignment, including those relating to:

- Adjoining land parcels configurations and zoning;
- Specific Objective DA 44;
- Specific Objective DA 46;
- Specific Objective DA 47; and
- Relatively minor changes to other Specific Objectives, including those relating to Green Infrastructure.

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 the Planning Scheme to facilitate the realignment of a section of Beckett Road from where it meets with Lehaunstown Lane to Junction H on Cherrywood Avenue and an amendment to the cross section of Beckett Road from Junction E to Junction G to include a two-way cycle track along the northern side of Beckett Road instead of a flow cycle track on either side of the road.

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 identified as small in scale relating a relatively minor part of the Planning Scheme area. The potential effects arising from the development of the Planning Scheme area, including land uses in this part of the Planning Scheme area and from the development of the road, have already been assessed and mitigated. The Proposed Amendment does not provide for additional sources for adverse effects to any ecological process and no further assessment is 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.

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. There are no additional sources for effects identified within the Proposed Amendment 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. 7 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 been 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 Cherrywood area. It has been evaluated that the Proposed Amendment has no additional sources for effects on ecological processes.

It is concluded that the Proposed Amendment to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) will not give rise to any effect on the ecological integrity of any European site⁵, 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.

⁵ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:

- a) no alternative solution available,
- b) imperative reasons of overriding public interest for the plan to proceed; and
- c) Adequate compensatory measures in place.