

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

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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)	SEA 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)	SEA 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 effect on the ecological integrity of any European site⁶, 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.

⁶ 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.