

Proposed Amendment No. 1

December 2016

Appropriate Assessment Screening Report



1.0 Determination

South Dublin County Council prepared Proposed Amendment No. 1 to the Ballycullen Oldcourt Local Area Plan (2014) in accordance with Section 20 of the Planning and Development Act 2000 (as amended). The proposed amendment relates primarily to amending the Phasing Strategy in the plan to allow delivery of a school at a later stage within the context of the overall development of the Plan lands, thereby ensuring a critical mass of population is present to be catered for.

A formal screening process of the Proposed Amendment was carried to determine whether Appropriate Assessment Article 6(3) of the Habitats Directive was required. The screening exercise were carried out in accordance with the Commission's methodological guidance (EC, 2002) to determine a) whether the plan or project is directly connected to or necessary for the management of the site and b) whether the plan, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site(s) in view of the site(s) conservation objectives.

It was determined that the Proposed Amendment No. 1 to the Ballycullen Oldcourt Local Area Plan (2014) does not require any further Appropriate Assessment. Amendment No. 1 has been prepared to ensure that any development arising from Amendment No. 1 (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity or conservation objectives of any Natura 2000 sites. The screening report accompanies and has informed this determination.

Appropriate Assessment Screening Report

**Proposed Amendment No.1 of Ballycullen-Oldcourt
Local Area Plan 2014**

August 2016

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1.1 Introduction

This is the Appropriate Assessment (AA) Screening Report for the Proposed Amendment No. 1 to the Ballycullen-Oldcourt Local Area Plan 2014 in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2000 (as amended); and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011).

1.2 Legislative Context

The requirements for a Habitats Directive Assessment are set out in the E.U. Habitats Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (as amended) – hereafter “the Habitats Directive”. This is transposed in Ireland primarily by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) – hereafter “the Birds and Habitats Regulations, and is also addressed in Section 177 of the Planning and Development Act 2000 (as amended).

The Habitats Directive provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of a EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (cSACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC) as codified by Directive 2009/147/EC.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision making tests for plans and projects likely to affect Natura 2000 sites:

Article 6 (3) of the ‘Habitats’ Directive 92/43/EEC states that;

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the sites conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Article 6(4) states:

‘if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of economic or social nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

Article 6(3) therefore requires that an "appropriate assessment" be undertaken for any plan or project which is not necessary for the management of a European Site (a Natura 2000 site) and

which has the potential to have an impact on the integrity of a Natura 2000 site *i.e.* a Special Area of Conservation (SAC) or a Special Protection Area for Birds (SPA), or on the conservation objectives of such a site.

The effect of Article 6 (3) therefore, together with the Planning and Development Act 2000 (as amended); and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011), means that where the implementation of the Plan has potential to have a significant effect on the integrity of a Natura 2000 site, the relevant Local Authority (in this case South Dublin County Council) must ensure that an appropriate assessment must be carried out for the County Development Plan in view of that site's conservation objectives.

The Proposed Amendment can only be approved by Council if it has been determined that it will not adversely affect the integrity of the Natura 2000 site(s) concerned, or in the case of a negative assessment, and where there are no alternative solutions, the proposed Amendment to the Plan can only be approved for reasons of overriding public interest.

1.3 Stages of Appropriate Assessment

A Screening for Appropriate Assessment has therefore been undertaken for the Proposed Amendment to the Ballycullen-Oldcourt Local Area Plan 2014, with regard to the following guidance documents where relevant:

- *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 Directorate General, 2001)
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC* (EC Environment Directorate General, 2000)
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities Circular NPW 1/10 & PSSP 2/10*
- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision)
- *Guidelines for Good Practice, Appropriate Assessment of Plans under Article 6(3) Habitats Directive* (International Workshop on Assessment of Plans under the Habitats Directive, 2011)
- *Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Over-riding Public Interest, Compensatory Measures, Overall Coherence.* Opinion of the European Commission (European Commission, January 2007)

There are four stages in an Appropriate Assessment as outlined in the European Commission Guidance Document (2001), summarised below:

• Stage 1: Screening

The first step is to establish if an appropriate assessment will be required of the Proposed Amendment to the Ballycullen-Oldcourt Local Area Plan 2014. The purpose of this screening is to determine, on the basis of a preliminary assessment and objective criteria, if the Proposed Amendment, alone or in combination with other plans or projects, could have a significant effect on a Natura 2000 site in view of the conservation objectives of the site.

The primary objective of this step therefore is to identify any likely impacts upon a Natura 2000 site arising from the proposed amendment, either alone or in combination with other plans and projects, and consider whether these impacts are likely to significantly adversely affect the integrity of any European site.

If the conclusion at the end of the screening process is that there is a finding of 'no significant effects' i.e. there is no likelihood of significant effects occurring on any European site as a result of the Plan, either alone or in combination with other plans or projects, then there is no requirement to undertake Appropriate Assessment.

- **Stage 2: Appropriate Assessment**

Should it be determined, however, that significant impacts are likely to arise, or if a doubt exists as to the possibility of such impacts, a Stage 2 Appropriate Assessment must commence. This step is to consider the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other plans or projects, on the site's structure and function and on its conservation objectives. Additionally, where there are deemed to be adverse impacts, an assessment of the potential mitigation of those impacts will be considered.

- **Stage 3: Alternative Solutions**

This stage, if required, will examine alternative means of achieving the objectives of the Plan, while avoiding adverse impacts on the integrity of the Natura 2000 site.

- **Stage 4: Imperative Reasons of Overriding Public Interest**

This stage is the main derogation process outlined in Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project which will have adverse effects on the integrity of a Natura 2000 site to proceed.

In the case of this AA exercise, it is found that the Proposed Amendment only requires Stage 1 AA Screening.

2.1 Description of Ballycullen-Oldcourt Local Area Plan 2014

The Ballycullen-Oldcourt Local Area Plan 2014 is a local area plan that provides a detailed framework for the sustainable development with the Ballycullen-Oldcourt area of South Dublin County. The Local Area Plan, as part of a hierarchy of plans, is consistent with the objectives of the South Dublin County Council Development Plan 2016-2022

The Ballycullen-Oldcourt Local Area Plan was adopted by the Elected Members of South Dublin County Council in 2014. It comprises of a written document with maps, and was subject to a full SEA, AA screening and an initial Strategic Flood Risk Assessment. The Stage 1 Screening Process concluded that taking into account the measures that were integrated into the Local Area Plan in order to contribute towards the protection of the Natura 2000 network of European sites, the Plan will not affect the integrity of the Natura 2000 network.

2.1.1 Proposed Amendment No. 1 of the Ballycullen-Oldcourt Local Area Plan 2014

The Ballycullen - Oldcourt Local Area Plan's phasing strategy sets out thresholds for housing in each development phase and identifies the key outcomes required prior to the initiation of the next development phase. The threshold for housing provision has been reached under Phase 1 of the western side of the plan lands.

Notwithstanding the significant demand for housing in the area, the requirement under Phase 2 of the western side of the plan lands for the completion and operation of the first of two proposed primary schools in the Local Area Plan lands has restricted the delivery of housing in the area.

In order for this key element of community infrastructure to be provided, it necessitates an amendment to the Ballycullen-Oldcourt Local Area Plan. The Proposed Amendment will comprise of:

- Relocation of the requirement for primary school provision from Phase 2 to a new Phase 3, as well as providing for a new phase 4, which aligns the delivery of an appropriate quantum of housing units to support the necessity for primary school provision.

The full text of the Proposed Amendment is provided in Appendix 1. The Proposed Amendment and associated SEA and AA Screening documents should be read in conjunction with the Ballycullen-Oldcourt Local Area Plan 2014 and associated SEA, AA and SFRA documents.

2.2 Management of the Site

For a Plan to be 'directly connected with or necessary to the management of the site', the 'management' component must refer to management measures that are for conservation purposes, and the 'directly' element refers to measures that are solely conceived for the conservation management of a site.

The Ballycullen-Oldcourt Local Area Plan 2014 (and the Proposed Amendment) are not directly connected with or necessary to the management of Natura 2000 sites in South Dublin County or elsewhere.

2.3 Natura 2000 Sites in and within 15km of the Plan Area

All Natura 2000 sites within both the Plan area and an area extending 15km around it are to be considered. Figure 1 below illustrates the Natura 2000 sites within 15km of the plan lands. These Natura 2000 sites are listed in Table 1 below.

There is no Natura 2000 site located in the proposed amendment area. There are no likely cumulative, direct or indirect impacts on any Natura 2000 sites as a result of the Proposed Amendment given the separation distances involved. In ecological and environmental impact assessment, for an impact to occur there must be a risk enabled by having a 'source' (e.g. construction works at a proposed development site), a 'receptor' (e.g. a SAC or other ecologically sensitive feature), and a pathway between the source and the receptor (i.e. a watercourse which connects the Proposed Amendment area to the SAC). Where a pathway exists, but the magnitude of the potential impact generated at the source is sufficiently small, the pathway can be ruled out.

An Appropriate Assessment Screening was carried out at all stages of the Local Area Plan in order to ensure that its policies and objectives do not result in significant adverse impacts on the integrity of any of the identified Natura 2000 sites.

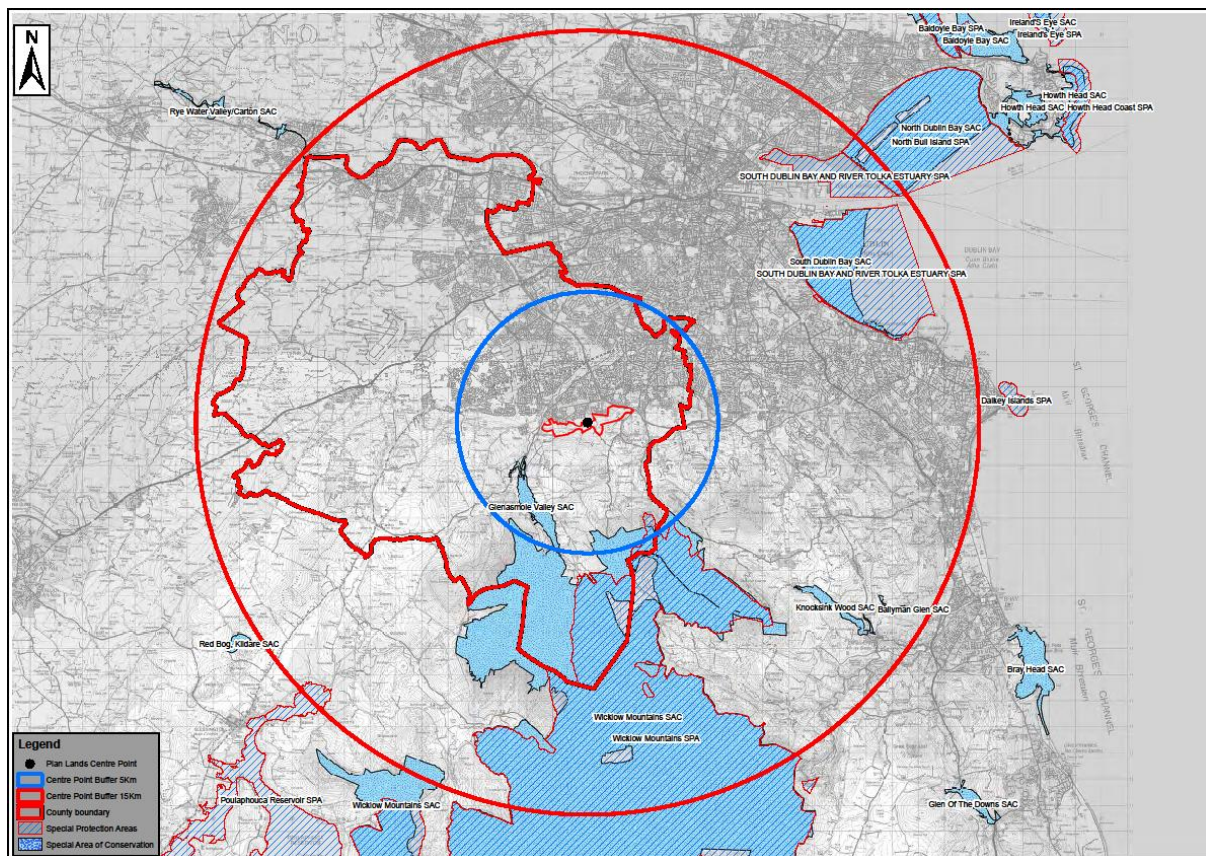


Figure 1 Natura 2000 sites within 15km of the Ballycullen-Oldcourt LAP and proposed amendment

Table 1. Natura 2000 sites within 15km of the Ballycullen-Oldcourt LAP and proposed amendment

Natura 2000 sites within South Dublin County	Site Code	Other Natura 2000 sites within 15km of the Plan Lands	Site Code
Glenasmole Valley SAC	001209	North Dublin Bay SAC	000206
Wicklow Mountains SAC	002122	South Dublin Bay SAC	000210
Wicklow Mountains SPA	004040	South Dublin Bay and River Tolka Estuary SPA	004024
		North Bull Island SPA	004006
		Rye Water Valley/Carton SAC, Co. Kildare	001398
		Poulaphouca Reservoir SPA, Co. Kildare	004006
		Wicklow Mountains SAC	002122
		Wicklow Mountains SPA	004040
		Knocksink Wood SAC, Co. Dublin/Co.Wicklow	000725
		Ballyman Glen, Co. Dublin/Co.Wicklow	000713

2.4 Conservation Objectives

Management planning for nature conservation sites has a number of aims. These include:

- To identify and evaluate the features of interest for a site;
- To set clear objectives for the conservation of the features of interest;
- To describe the site and its management;
- To identify issues (both positive and negative) that might influence the site;
- To set out appropriate strategies/management actions to achieve the objectives.

Generic conservation objectives have been compiled for some SACs and SPAs. These are based on the sites' qualifying features. In time, specific conservation objectives will be written for the features of interest within each Designated Site.

Table 2 outlines the qualifying features, conservation objectives, sensitivities and threats for each site which have been obtained through a review of the NPWS Site Synopses for the sites. Table 3 details the screening of each of the SAC/SPA sites located within and outside the 15km of the plan lands.

Table 2: Qualifying features, conservation objectives, sensitivities and threats

	Natura 2000 Site	Conservation Objectives and Qualifying Interests	Key environmental conditions supporting site integrity	Threats to key conditions
Special Area of Conservation	Glenasmole Valley SAC (Site Code 001209)	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: 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) (* important orchid sites)*	Dry, shallow, calcium rich nutrient poor soils. Light grazing.	Encroachment by Pteridium aquilinum and woody shrub species, undergrazing, Fertiliser, Agricultural Improvement - cultivation, Abandonment of pastoral systems, sand and gravel extraction
		6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)		Walking, horse-riding, non-motorised vehicles, erosion, grazing, undergrazing, invasion by a species, trampling, overuse, camping and caravans, agricultural improvement, stock feeding, overgrazing, motorised vehicles, paths, tracks, cycle routes, golf course, restructuring, sea defence, dispersed habitation, disposal of household waste, sand and gravel extraction, other pollution, sports pitch, urbanisation, burning, routes, autoroutes, fertilisation, pollution, competition
		7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat	Calcium-rich, nutrient Poor groundwater/surface water supply.	Agriculture & Land Reclamation, Drainage, Turf Cutting, Afforestation

	Wicklow Mountains SAC Site Code 002122	<p>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:</p> <p>3130 Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoetes-Nanojuncetea</p>	<p>Low in nutrients, basepoor and acidic Lake</p>	<p>Fertilisation, Grazing, General Forestry management, Peat Extraction, Dispersed habitation, Sport and leisure structures, Pollution, Invasive species</p>
		<p>3160 Natural dystrophic lakes and ponds</p>	<p>pH is often low, 3 to 6. Plant communities belong to the order Utricularietalia</p>	<p>Grazing, Restructuring agricultural land holding, General Forestry management, Burning, Mechanical removal of peat, Drainage</p>
		<p>4010 Northern Atlantic wet heaths with Erica tetralix</p>	<p>Erica tetralix, Calluna vulgaris, areas of damp-moist peat, peat which generally vary between 30 cm and 80 cm in depth</p>	<p>Drainage, Burning, Land Reclamation, Erosion, Overgrazing by sheep, Climate change, Forestry, Windfarm Development, Forestry Planting, Roadway, motorways, Invasive Species, Large scale industrial development</p>
		<p>4030 European dry heaths</p>	<p>Free-draining nutrient poor acid soils. Grazing and burning.</p>	<p>Agricultural Improvements, Removal of Scrub, Cultivation, Fertilisation, Over Grazing by sheep, Burning, Invasion by Species, Vandalism,</p>
		<p>4060 Alpine and Boreal heaths</p>	<p>350-450 metres; assemblages of alpine plants, (Lycopodioalpini-Rhacomitrietum lanuginosi ; Achilleo-Festucetum tenuifoliae; Nardo-Caricetum binervis)</p>	<p>Abandonment of Pastoral Systems – in the Burren; Overgrazing; Burning; Quarries; Infrastructure development; Outdoor Recreation; Pollution; Air pollution – acidification – from acid rain</p>
		<p>6230 Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p>	<p>Sloping, acidic soils</p>	<p>agricultural intensification; agricultural abandonment; afforestation</p>

		7130 Blanket bogs (* if active bog)	Species Composition, Hydrological integrity, Structural integrity, rainfall	Grazing, General Forestry Management, Burning, Peat Extraction, Dispersed habitation, Development, Powerlines, Walking, horse-riding, non-motorised vehicles, Climate change, Drainage, Erosion, Invasive Species
		8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	Accumulations of loose or broken siliceous rock, less than 50% vegetation cover	Air Pollution(Acidification); Mining & Extraction (Removal of Scree);Overgrazing; Outdoor Recreation (Erosion of Habitat)
		8210 Calcareous rocky slopes with chasmophytic vegetation	Calcareous scree; plant associations; Polysticho-Asplenietum viridis; Philonotido fontanae-Saxifragetum stellaris; Saxifragetum aizoidis; Breutelia- Seslerietum; Arctostaphylo-Dryadetum; Lycopodioalpini-Rhacomitrietum lanuginosi	Overgrazing, Quarries, Outdoor Recreation
		8220 Siliceous rocky slopes with chasmophytic vegetation	Altitude 350-450 metres, assemblages of alpine plants of rocky slopes located on the more or less vertical, bare, north-east facing cliffs	Air Pollution(Acidification); Mining & Extraction (Removal of Scree); Overgrazing; Outdoor Recreation (Erosion of Habitat)
		91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles * denotes a priority habitat	Habitat fragmentation, Natural regeneration, Stand structure, Dead wood, Associated Fauna	tree felling, inappropriate grazing levels, invasive species, road schemes and housing developments
		91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles * denotes a priority habitat	Habitat fragmentation, Natural regeneration, Stand structure, Dead wood, Associated Fauna	tree felling, inappropriate grazing levels, invasive species, road schemes and housing developments
	Rye Water Valley/Carton SAC (Site Code 001398)	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:		
		7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat Code	Calcium-rich, nutrient Poor groundwater/surface water supply.	Agriculture & Land Reclamation, Drainage, Turf Cutting, Afforestation

		1014 Narrow- mouthed Whorl Snail (<i>Veritgo angustior</i>)	Stable wetland water table. Emergent vegetation. Groundwater supply. Lime-rich conditions.	Climate Change, Flooding, Urbanisation (Habitat Encroachment, Pesticides, Fertilised, Undergrazing, Afforestation, Stock Feeding, Burning, Peat Extraction, Communications Networks, Paths & Tracks, Walking/horse riding & non-motorised vehicles, Water Pollution, Landfill, Drainage, Modifying structures of inland watercourse. Raising water levels through reopening of disused feeder canal
		1016 Desmoulin's Whorl Snail (<i>Veritgo Moulinsiana</i>)	Stable wetland water table. Emergent vegetation. Groundwater supply. Lime-rich conditions.	Climate Change, Flooding, Urbanisation (Habitat Encroachment, Pesticides, Fertilised, Undergrazing, Afforestation, Stock Feeding, Burning, Peat Extraction, Communications Networks, Paths & Tracks, Walking/horse riding & non-motorised vehicles, Water Pollution, Landfill, Drainage, Modifying structures of inland watercourse. Raising water levels through reopening of disused feeder canal
	Red Bog SAC (Site Code 000397) Red Bog, Co. Kildare	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: 7140 Transition mires and quaking bogs * denotes a priority habitat	Water quality; Hydrological conditions	General agricultural land reclamation, infilling of sites with building waste, dumping of household refuse, afforestation, water pollution and urban expansion
	South Dublin Bay SAC (Site Code 000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	Water quality. Absence of Disturbance	Aquaculture, Professional fishing, Bait Digging, Removal of Fauna, Reclamation of Land, Coastal protection works, industrialisation, Invasion by a species, oil pollution.

	North Dublin Bay SAC (Site Code 000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC	Water quality. Absence of Disturbance	Aquaculture, Professional fishing, Bait Digging, Removal of Fauna, Reclamation of Land, Coastal protection works, industrialisation, Invasion by a species, oil pollution.
		To restore the favourable conservation condition of Annual vegetation of drift lines in North Dublin Bay SAC	Sandy substrate. Physical impact and nutrient supply from tidal flow.	Grazing, Sand & Gravel extraction - Removal of Beach materials, Walking horse riding – non motorised vehicles, outdoor sports & motorised vehicles, other leisure & tourism impacts, Trampling overuse, sea defences & coastal protection works
		To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in North Dublin Bay SAC	Frequency of tidal submergence	Invasive Species, Erosion & Accretion, Grazing
		To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) in North Dublin Bay SAC	Frequency of tidal submergence	Grazing, Infilling & Reclamation, Invasive Species, Erosion & Accretion
		To maintain the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in North Dublin Bay SAC	Frequency of tidal submergence	Grazing, Infilling & Reclamation, Invasive Species, Erosion
		To restore the favourable conservation condition of Embryonic shifting dunes in North Dublin Bay SAC	Dune-building grasses <i>Elytrigia juncea</i> and <i>Leymus arenarius</i> . Supply of windblown sand	Erosion, Walking horse riding and non-motorised vehicles, Trampling overuse, Sea defence or coastal protection works
		To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in North Dublin Bay SAC	Supply of wind-blown sand.	Erosion, Walking/ Horse riding and non-motorised vehicles, Trampling - overuse, Motorised Vehicles

		To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in North Dublin Bay SAC	Low wind, weakly saline conditions In shelter of <i>Ammophila arenaria</i> dunes. Grazing.	Erosion, Walking horse riding and non-motorised vehicles, Grazing, Undergrazing, Invasion by a species, Trampling, Overuse, Camping/Caravans, Agricultural Improvement/Restructuring agricultural land holdings, Stock Feeding, Motorised Vehicles, Paths Tracks & Cycling Routes, Golf Courses, Fertilisation, Sea defences or coastal protection works,
		To restore the favourable conservation condition of Humid dune slacks in North Dublin Bay SAC,	High water maintained by groundwater and impermeable soils. Grazing. Salinity.	Agricultural Improvement, Fertilisation, Grazing, Restructuring agricultural land holding, Forestry, Stock Feeding, Golf Course, Walking, horse riding and nonmotorised vehicles, motorized vehicles, trampling/overuse, drainage, other human changes in hydraulic conditions, drying out, invasion by a species
		To maintain the favourable conservation condition of Petalwort in North Dublin Bay SAC,	Lime-rich sandy habitat. Overgrazing. Water supply for damp conditions.	Grazing Imbalance, Physical Disturbance, Pollution, Desiccation, trampling from stock and recreation, changes in land use.
Special Protection Area	Wicklow Mountains SPA (Site Code 4040)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.		
		Merlin (<i>Falco columbarius</i>)	Undisturbed woodland, open pasture, marsh, heathland or moorland	Loss of suitable habitat through overgrazing, insensitive management, and increased tourism disturbing nest sites, Pesticide contamination, predation of nests
		Peregrine Falcon (<i>Falco peregrinus</i>)	extensive open terrain for hunting, availability of prey	land use changes, vulnerable to human activities
		To maintain or restore the favourable conservation	Food availability (intertidal aquatic	Infilling of habitats, Pollution from upstream urbanisation,

	Poulaphouca Reservoir SPA (Site Code 4063)	condition of the bird species listed as Special Conservation Interests for this SPA: Grey Lag Goose, Lesser Black Backed Gull.	vegetation/ pasture/ crops). Undisturbed coastal roosting sites close to feeding sites. Grazing	hard coastal developments. Disturbance from recreational activities
	South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)	To maintain the favourable conservation condition of Light-bellied Brent Goose,	Food availability (intertidal aquatic vegetation/ pasture/ crops). Undisturbed coastal roosting sites close to feeding sites. Grazing.	Infilling of Intertidal mudflats, Pollution from upstream urbanisation, hard coastal developments. Disturbance from recreational activities at coast and offshore.
		To maintain the favourable conservation condition of Oystercatcher, Ringed Plover, Knot, Sanderling, Dunlin, Bar Tailed Godwit, Redshank, Black-Headed Gull, Common Tern, Arctic Tern, in South Dublin Bay and River Tolka Estuary SPA	Food availability (intertidal fauna/pasture). Flooding regime of coastal grasslands. Undisturbed coastal roosting sites close to feeding areas.	Infilling of Intertidal mudflats, Pollution from upstream urbanisation, hard coastal developments. Disturbance from recreational activities at coast and offshore.
		To maintain the favourable conservation condition of Roseate Tern	Sea level. Natural/artificial nest site availability. Undisturbed breeding sites. Regularity of extreme weather events. Marine prey availability (sand eel). Predation	Infilling of Intertidal mudflats, Pollution from upstream urbanisation, hard coastal developments. Disturbance from recreational activities at coast and offshore.
		To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it	Undisturbed from human activity	Disturbance from recreational activities at coast and offshore. drainage, other human changes in hydraulic conditions, drying out, invasion by a species

Table 3: Potential Impacts from the Proposed Amendment on Natura 2000 sites

Site ID	Site Name	Direct Impacts e.g. Habitat Loss	Indirect Impacts e.g. alteration to the hydrological regime	Is there potential; for surface or ground water contamination	Disturbance to qualifying interest habitats or species
001209	Glenasmole Valley SAC	No	No	No	No
002122	Wicklow Mountains SAC	No	No	No	No
004040	Wicklow Mountains SPA	No	No	No	No
001398	Rye Water Valley/Carlton SAC	No	No	No	No
004024	South Dublin Bay and River Tolka Estuary SPA	No	No	No	No
000206	North Dublin Bay SAC	No	No	No	No
000397	Red Bog, Kildare SAC	No	No	No	No
000210	South Dublin Bay SAC	No	No	No	No
004063	Poulaphouca Reservoir SPA	No	No	No	No

2.5 Assessment Criteria

This section assesses the likelihood of potential impacts from the Proposed Amendment on Natura 2000 sites. In practice and as outlined in the EU 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”*, and the national guidance document *“Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities”*, impacts that require consideration can be categorised under a number of headings:

- Loss/Reduction of habitat area – *e.g.* as a result of new development sites *etc.*;
- Disturbance to key species – *e.g.* as a result of increased public access to protected sites and increased recreational pressure;
- Habitat or species fragmentation – *e.g.* through further urbanisation;
- Reduction in species density – *e.g.* transport infrastructure, land intensification *etc.*;
- Changes in key indicators of conservation value such as decrease in water quality and quantity *e.g.* through inadequate wastewater treatment, runoff of pollutants during construction and operational phases of development.

2.5.1 Proposed Amendment No. 1

The Ballycullen Oldcourt Local Area Plan, to which the proposed amendment relates, has undergone an AA screening, as well as a full SEA. This process successfully facilitated the integration of mitigation into the Plan in order to contribute towards the protection of the Natura 2000 network of European Sites.

The Proposed Amendment relates to the relocation of the requirement for a primary school to a later phase in the development of the plan lands, as the provision of the primary school is considered premature pending the development of a sufficient quantum of housing units. The Proposed Amendment remains consistent with the policies and objectives of the Local Area Plan and the County Development Plan. There are no additional effects on the Natura 2000 network arising from the Proposed Amendment (significant, potential or uncertain) that were not envisaged and mitigated by the AA screening of the Plan. That AA process successfully facilitated the integration of mitigation into the Plan in order to contribute towards the protection of the Natura 2000 network.

Taking all of the above into account, it is determined that the Proposed Amendment will not affect the integrity of the Natura 2000 network of sites. Consequently further assessment is not required.

2.6 Finding of No Significant Effects Report Matrix

Name of project or plan:

Proposed Amendment No.1 to the Ballycullen-Oldcourt Local Area Plan 2014

Name and location of Natura 2000 sites:

See Section 2 for Natura 2000 sites within the Plan boundary and those within 15km of Plan boundary.

Description of the project or plan:

See Section 2 for description and purpose of the Proposed Amendment.

Is the Plan necessary to the management of Natura 2000 Sites?

The Ballycullen-Oldcourt Plan and the Proposed Amendment are not directly connected with or necessary to the management of the Natura 2000 sites in the County.

Are there other projects or plans that together with the project or plan being assessed could affect the sites (provide details)?

The proposed amendment relates only to the restructuring of phasing requirements in relation to the provision of primary schools on the Ballycullen-Oldcourt Local Area Plan 2014. This proposed amendment remains consistent with the policies and objectives of the LAP and the principles of proper planning and development. There are no interactions identified with other plans or projects that together with the proposed amendment could affect the sites.

The assessment of significance of effects

Describe how the plan (alone or in combination) is likely to affect the Natura 2000 site:

No significant effects identified.

Explain why these effects are not considered significant:

No effects have been identified.

List of agencies to be consulted

As part of the AA Screening, the following statutory bodies can be consulted.

- Environmental Protection Agency (EPA);
- Department of Communications, Climate Action and Environment (DCCAE);
- Department of Housing, Planning, Community and Local Government (DoHPCLG);
- Department of Agriculture, Food and Marine (DoAFM);
- Department of Communications, Energy and Natural Resources (DCENR);
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DoAHRRG)

As the Proposed Amendment will have no significant effects in relation to fisheries or the marine environment or the archaeological/architectural heritage, the necessary authorities to be consulted are the EPA, DCCAE and DHPCLG as detailed in Article 20 of the Regulations.

Data collection to carry out the assessment

Who carried out this assessment?

Forward Planning Team, South Dublin County Council

Sources of data

Existing records and information published by the NPWS and EPA.

Level of assessment completed

A desktop study was completed utilising existing information from the relevant state authorities.

Where the full results of the assessment can be accessed and viewed?

This document contains the full results of the Appropriate Assessment Screening exercise and will be placed on display with the proposed amendment.

3.1 Statement for Appropriate Assessment

The Proposed Amendment No. 1 to the Ballycullen-Oldcourt Local Area Plan 2014 has been screened for Appropriate Assessment in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2000 (as amended); and the European Communities (Birds and Natural Habitats) Regulations 2011(S.I. No. 477/2011).

Following the assessment procedure as detailed in this report, the findings of this process are that there are no likely significant direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on any Natura 2000 site by virtue of:

- size and scale;
- land-take;
- distance from the Natura 2000 site or key features of the site;
- resource requirements (water abstraction etc.);
- emissions (disposal to land, water or air); excavation requirements;
- transportation requirements;
- duration of construction, operation, decommissioning, etc.;
- other

This Appropriate Assessment process is therefore deemed to be concluded at this stage and there is no requirement to proceed to a Stage 2 assessment.

Proposed Amendment No.1 to Ballycullen-Oldcourt Local Area Plan

This document presents details of the proposed amendment to the Ballycullen – Oldcourt Local Area Plan (2014). The proposed amendment is identified as a series of changes to the phasing requirements of the plan and relate principally to Section 6.3.2 of the Plan.

Where appropriate, extracts of text before and after the proposed amendment are included in order to present the amendment within their context. It is only the proposed changes that submissions or observations can be made upon and not the contextual information.

The proposed changes to text and maps / figures are structured to follow the sequence of the adopted Local Area Plan. This document should therefore be read in conjunction with the relevant sections of the Ballycullen – Oldcourt Local Area Plan as adopted in 2014.

Each amendment is designated with a unique reference number and is accompanied by the relevant section / figure and page number of the Local Area Plan to which the proposed amendment relates.

The nature and extent of the proposed amendment are identified as follows:

- Proposed alterations involving additional text are shown in green.
- Proposed alterations involving deletion of text are shown in ~~red strikethrough~~.

Amendment Ref No. PA01	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

6.3.1 Eastern Side of Plan Lands

PHASE ONE*	
Key Development	260 dwellings (if all permitted developments are modified in accordance with this Local Area Plan) ^a
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> • Knocklyon Park Extension to include link to existing parkland/playing pitches to the north-east, upgrade of roundabout junction to four arm junction and 1 x NEAP (see Appendix 2 of LAP) • Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b • Site made available for construction of a Primary School on the eastern or western side of the Plan Lands • Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace, at least 270 sq.m of childcare floorspace, convenience shopping (not exceeding 1,500 sq.m gross) and a bus lay-by^c
Rationale	<p>A substantial number of dwellings have been constructed on the eastern side of the Plan Lands with little or no public open space, local convenience shopping, bus stop facilities, community facilities, childcare facilities or play facilities. To provide primarily for the needs of existing residents, these amenities must be provided prior to or in tandem with the construction of any further housing in the area.</p> <p>A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.</p>

*± Phase One on the eastern side of the Plan Lands includes development sites that are subject to existing permissions but is not exclusive to such lands.

Amendment Ref No. PA02	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE TWO	
Key Development	150 dwellings
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> • Completion of Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities^c • Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b • Site made available for construction of a Primary School on the eastern or western side of the Plan Lands • Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains
Rationale	Further community and neighbourhood facilities will be required to meet the needs of further residents on the eastern side of the Plan Lands as they continue to develop. A school will also need to be in place.

Amendment Ref No. PA03	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE THREE	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands- approx. 210 dwellings 150 dwellings ^d

Key Outcome Required Before Completion of Phase	<ul style="list-style-type: none"> Site made available for construction of a second primary school on the remaining designated primary school on the eastern or western side of the Plan Lands^b Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains Commencement of planning process for the provision of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. Green buffers must be in place before the lands are fully developed particular the partially developed eastern side of the Plan Lands.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

Amendment Ref No. PA04	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE FOUR	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands - approx. 60 dwellings ^d
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Commencement of construction of the designated Primary Schools on the eastern and western side of the Plan Lands
Rationale	Two primary schools will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

Amendment Ref No. PA05	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

6.3.2 Western Side of Plan Lands

PHASE ONE	
Key Development	<p>Option A (relocation of 220 kV lines) – 200 dwellings</p> <p>Option B (retention of existing 220 kV lines) – 150 dwellings</p>
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Commencement of works on Gunny Hill playing pitches including access • 1 x NEAP on western side of Plan Lands (see Appendix 2 of LAP) • Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b • Site made available for construction of a Primary School on the eastern or western side of the Plan Lands
Rationale	<p>Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands. A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.</p>

Amendment Ref No. PA06	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE TWO	
Key Development	<p>Option A (relocation of 220 kV lines) – 300 dwellings</p> <p>Option B (retention of existing 220 kV lines) – 220 dwellings</p>
Key Outcomes Required	<ul style="list-style-type: none"> • Completion of Gunny Hill playing pitches including access

Before Next Phase	<ul style="list-style-type: none"> Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b Site made available for construction of a Primary School on the eastern or western side of the Plan Lands Commencement of landscaping of Oldcourt Park with access and 1 additional NEAP for western side of Plan Lands The provision of a minimum of 300 sq.m. of community floorspace
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands.

Amendment Ref No. PA07	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE THREE	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:</p> <p>Option A (relocation of 220 kV lines) – approx. 460 dwellings 350 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 460 dwellings 350 dwellings</p>
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Site made available for construction of a second primary school on the remaining designated primary school on the eastern and western side of the Plan Lands Completion of Oldcourt Park Commencement of planning process for the provision of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding</p>

	suburban hinterland.
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Amendment Ref No. PA08	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE FOUR	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:^d</p> <p>Option A (relocation of 220 kV lines) – approx. 110 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 110 dwellings</p>
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Commencement of construction of the designated Primary Schools on the eastern and western side of the Plan Lands
Rationale	Two Primary Schools will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

Amendment Ref No. PA09	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

^a Extant Planning Permissions

It is possible that 1,180* dwellings could be built on the eastern side of the Plan Lands if all extant permission for residential development were to be fully built or completed prior to their expiration. The densities, layouts and dwelling-types of these permitted developments are not in keeping with the objectives of this plan and would require extensive engineered solutions that would not be in accordance with SUDS principles. Some of these permissions are close to expiry. Furthermore, aspects of the permitted developments may no longer be viable under the current housing market and economic climate. New applications lodged for development on these sites would be looked upon favourably, provided that:

- They adhere to the density and housing mix requirements contained within the Plan
- They comply with the SUDS requirements of the Plan
- Applications for development includes for the Knocklyon Park Extension and a Neighbourhood and Community Facility.

*Figure includes recently expired permission on Ballycullen Partnership Site.

^b Primary School Provision

Two primary schools sites are designated under this LAP to cater for the existing population demands of the surrounding area and the future population demands of the Plan Lands. Further to a Material Alteration of the Local Area Plan, the Oldcourt/Gunny Hill School Site has been increased by 1.2 acres to allow for a third school site. The Phasing Strategy provides the option of constructing the first primary school on either of the two school sites initially designated to serve the Plan Lands be it on the eastern or western side of the Plan Lands. Development on the eastern and western sides of the Plan Lands shall not enter into their third phases until ~~at least one primary school has been constructed and is fully operational~~ the commencement of the planning process for a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.

^c Community Floorspace

Based on Option A (see tables presented overleaf), a total of 680 sq.m of community floorspace is required to serve the existing and future population needs of the Plan Lands. This includes for at least 190 sq.m of community floorspace to serve existing dwelling on the eastern side of the Plan Lands. The required floorspace quantum is calculated at a rate of 3 sq.m per 10 dwellings. Floorspace on the eastern side of the Plan Lands shall be provided within the planned Stocking Wood Neighbourhood/Community Centre. Floorspace on the western side shall be co-located with the permitted discount foodstore.

^d Residential Development

For the purposes of phasing assessment and in the interest of clarity, a residential unit will be defined as completed when a Certificate of Compliance on Completion (CCC), where required, has been submitted via the Building Control and Management System (BCMS), validated, and particulars entered on the Register.

