

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
South Dublin County Council

Record of Executive Business and Chief Executive's Orders

Land Use, Planning and Transportation

Appropriate Assessment Screening Determination

Dodder Road Lower Rapid Deployment Active Travel Measures, in conjunction with Dun Laoghaire-Rathdown County Council as part of the Dodder Greenway

Pursuant to the requirements of the above, South Dublin County Council (SDCC) is proposing to consent to the construction of a segregated active travel facility at Ely Arch to the boundary of Dun Laoghaire-Rathdown County Council (DLR), as part of the Dodder Greenway.

It is intended to place the plans and particulars for the development on public display for a non-statutory consultation, although the works will be executed under Section 38 of the Road Traffic Act 1994.

Description of the Proposed Development:

Although the overall proposed scheme extends for approximately 460m, a small portion of this (100m) lies within SDCC, with the remainder in DLR. The proposal mainly involves the changing a two-way carriageway to one-way (southbound) between the junction with Orwell Rd and the junction adjacent to the footbridge at the southern entrance to Orwell Park and conversion of the existing northbound carriageway to a two-way cycle track. The route will continue to be operated and maintained as a public transport route in an urban area.

Scheme proposals relevant to the SDCC section consist of the following:

- Removal of the northbound traffic lane along Dodder Road Lower
- Provision of a 3.0m wide two-way segregated cycle track by way of a bolt down kerb
- Associated ancillary works i.e. updated road markings, new signage etc.

Legislative Context:

- Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora)
- Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds)
- European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) (S.I. No. 477 of 2011)
- Planning and Development Act 2000 (as amended)
- Planning and Development Regulations, 2001 (as amended)
- The Roads Act 1993, as amended
- Road Traffic Act, 1994
- Roads Regulations, 1994 (S.I. 119/1994)

AA Screening Report:

The Active Travel Section, Infrastructure and Climate Change Department of DLR has commissioned the preparation of the Appropriate Assessment Screening Report (AASR) on

behalf of DLR and SDCC. The AASR was prepared by CAAS Ltd. The AASR has been examined and evaluated by Senior Executive Planner and is satisfied that the AA Screening Report gives full consideration to the relevant Directives and legislation and agrees with the contents and conclusion set out in the AASR and the reasons therein.

This Appropriate Assessment Screening Report has considered potential effects which may arise during the construction and operational phases as a result of the implementation of the proposed Orwell Road to Dodder Road Lower Rapid Deployment Scheme through an assessment of the potential sources and potential pathways for significant effects; an evaluation of the project characteristics; taking account of the processes involved and the distance of separation from European sites.

Sixteen European designated sites were identified within the zone of influence (201) on a precautionary basis : South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, Wicklow Mountains SAC, Wicklow Mountains SPA, Glenasmole Valley SAC, North Bull Island SPA, North Dublin Bay SAC North Dublin Bay SAC, North-West Irish Sea cSPA, Knocksink Wood SAC, Rockabill to Dalkey Island SAC, Dalkey Islands SPA, Ballyman Glen SAC, Howth Head SAC, Baldoyle Bay SAC, Baldoyle Bay SPA

The assessment considers the Site-Specific Conservation Objectives (SSCOs) of each of the sites within the 201. An assessment of the sources of effects identified that effects from the proposed scheme are likely to be localised - in the absence of hydrological pathways.

The AASR concludes

"that the proposed scheme is not foreseen to have any likelihood of significant effects on any European sites, alone or in combination with other plans or projects - and therefore any potential for significant effects on any European site as a result of the proposed scheme can be ruled out. This conclusion is made in view of the conservation objectives of the habitats or species for which these sites have been designated. Consequently, this report informs the competent authority undertaking the Appropriate Assessment process that the proposed scheme does not need to be subject to Stage Two Appropriate Assessment and a Natura Impact Statement is not required."

The main reasons for this are as follows:

- Having regard to the relevant Directives and legislation.
- The nature, scale and characteristics of the proposed development at both construction and operation phases.
- The construction phase will be localised, small-scale and temporary.
- There are no European sites present within the proposed scheme boundary and the closest European site is 4.27 km from the proposed scheme area.
- There were no Annex I habitats or supporting habitat for Annex II species identified on site.
- Considering the site context, and the minor area of grassland potentially removed to facilitate a cycle way, this is considered to be negligible, with no potential to significantly affect ex-situ foraging of SCI species.
- At a landscape scale in terms of connectivity and ecological corridors between European sites, there are no functional pathways to European sites that will be interrupted by the proposed scheme.

- No drainage system alterations will take place along the proposed area as a result of the proposed scheme, there will be no interaction with the River Dodder during the construction phase, and there will be no change to hard surface area as a result of the proposed scheme
- Given the minor and localised nature of the proposed scheme works, the absence of any changes to drainage along the proposed scheme area, the implementation of best practice construction measures along the proposed scheme area, and the dilution factor involved for a small scale project there is no potential for significant effects identified with regard to water quality during the construction phase.
- Disturbance effects due to noise or lighting etc. during the construction phase are not present as the SCI species in the nearby SPAs would already exhibit a degree of habituation to such effects.
- The habitats present within the scheme area are not identified to be sufficient or capable of supporting ex-situ foraging for the SCI species of the SPAs identified.
- There are no ecological corridors, apart from the River Dodder, between the proposed scheme area and any European site. There will be no interaction with the River Dodder as part of the proposed scheme works, and there is no potential for significant effects through construction run off or dust due to the small scale, localised nature of the proposed scheme and dilution factor involved.
- There are no habitats identified on site of any ecological significance for European sites. In addition, there is no supporting habitat and/or substantial connectivity between the proposed scheme area and any European site.
- Greenhouse gas emissions from the construction and operational phased will not affect changes projected to arise from climate change to the degree that it would affect the Qls or SCIs of the European sites considered in this assessment.
- The Proposed Development is not directly connected with or necessary to, the management of the European designated sites listed in the AASR for nature conservation.
- Given its small, localised scale, and its nature in the context of the local environment and other plans and projects; the proposed scheme will not lead to any significant effects in-combination with effects arising from any other plans or projects.

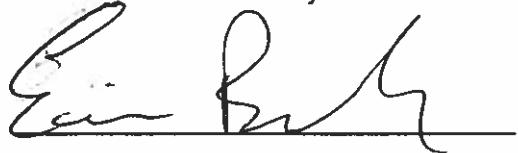
Determination:

Having regard to the foregoing, on the basis of objective information and in view of best scientific knowledge and applying the precautionary principle, for the reasons set out above and in the AA Screening Report, it has been concluded that the proposed development (Orwell Road to Dodder Road Lower Rapid Deployment Scheme), individually or in combination with other plans or projects, without relying on any mitigation measures, will not have a significant effect on any European Sites, in view of the sites' conservation objectives, and that there is no reasonable scientific doubt in relation to this conclusion. Consequently, a Stage Two AA and a Natura Impact Statement (NIS) is not required.



Senior Executive Planner

Order: That South Dublin County Council as the Competent Authority having considered the AA Screening Report prepared by CAAS Ltd., Planning and Environmental Consultants, makes a determination that a Stage 2: Appropriate Assessment will not be required for the proposed Rapid Deployment Active Travel Measures on Dodder Road Lower either alone or in combination with other plans or projects, with respect to any Natura 2000 site and its Conservation Objectives for Dodder Grenway Scheme.



Date: 28/06/2024

Senior Planner

To whom the appropriate powers have been delegated by the order number DELG (3124) of the Chief Executive of South Dublin County Council.