



South Dublin County Council

# Development Plan 2016 – 2022

A VISION FOR SOUTH DUBLIN'S FUTURE

## Proposed Variation No. 2

### Vacant Site Levy

*Appropriate Assessment (AA)  
Screening Report and Determination*

February 2018



**Appropriate Assessment (AA) Screening Determination in accordance with the EU's Habitats Directive Article 6(3) and the Section 177U of the Planning and Development Act 2000 (as amended) by South Dublin County Council as Competent Authority.**

Natura 2000 sites are defined under the Habitats Directive (Article 3) as a European ecological network of special areas of conservation composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II. The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats. In Ireland these sites are designed as European sites - defined under the Planning Acts and/or Birds and Habitats Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs).

**Land Use Planning and Transportation Department**

**South Dublin County Council**

**January 2018**



## Section 1 Introduction

An Appropriate Assessment (AA) Screening Determination has been made by South Dublin County Council regarding the Proposed Variation No.2 of the South Dublin County Council Development Plan 2016-2022.

The proposed variation is seeking to make additions to the South Dublin County Development Plan 2016-2022, a plan which through a series of policies and objectives sets out the vision for the future growth and development of South Dublin up to 2025. Proposed land use plans must undergo a formal “test” or “screening” to ascertain whether they are likely to result in any significant adverse effects on specific sites designated for their nature conservation importance. These sites are those designated under the European Commission’s Natura 2000 network of sites (hereafter “European sites”). These sites are designated on the basis of the presence of certain habitats and species that are deemed to be of international importance. The Irish Government and local planning authorities have a legal obligation to protect these sites.

The Habitats and Birds Directives are the framework for the designation of these sites. The Habitats Directive (92/43/EEC) requires the “screening” of plans and projects under Article 6(3). If the screening process results in a judgement that likely significant effects may occur or cannot be ruled out, then a more detailed appropriate assessment (AA) is required.

This report constitutes the Appropriate Assessment Screening Determination Report of Proposed Variation No. 2 to the South Dublin County Development Plan 2016-2022 and follows on from the preparation of an Appropriate Assessment Screening Report (December 2017).

## Section 2 Determination

Having regard to the content of Proposed Variation No. 2 and consideration of the potential for significant impacts arising from its implementation which may have the potential to adversely affect any Natura 2000 site; with regard to their qualifying interests and conservation objectives, it was determined as part of the Screening for Appropriate Assessment that it is possible to rule out likely significant effects on all European sites.

This decision has been informed following an examination, analysis and evaluation of the relevant

information, including in particular, the nature of the proposed variation and its potential relationship with European sites, as well as considering other plans and projects, and applying the precautionary principle, it is possible to rule out likely significant effects on all European sites assessed.

The principle trigger for a Natura Impact Report would be if the proposed variation was likely to have significant effects on a NATURA 2000 site. The proposed variation seeks to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. This is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use. No negative impacts are predicted from the implementation of this proposed variation due to the nature of the proposed amendments. The policies and provisions of the South Dublin County Development Plan 2016-2022 to which the proposed variation will form part have been devised to anticipate and avoid the need for development that would be likely to significantly and adversely affect the integrity of any Natura 2000 sites or areas of high ecological value/interest.

A Strategic Environmental Assessment (SEA) and an Appropriate Assessment (AA) Screening Report (in accordance with the Habitats Directive) were completed during the drafting of the South Dublin County Development Plan 2016-2022 which examined the cumulative impacts of the plan's policies and objectives on the environment, including Natura 2000 sites. Mitigation measures were proposed and incorporated into the 2016-2022 Development Plan to ensure that no negative impacts would arise from its implementation.

Therefore, in accordance with the Methodological Guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the proposed variation, does not require any further assessment (Stage 2) to demonstrate compliance with the Directive.

Taking the above on board, along with the conclusions of the Appropriate Assessment Screening Report (December 2017), it is determined that further stages of Appropriate Assessment are not required. The proposed variation has been prepared to ensure that any development (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.

### Section 3 Conclusion

The Appropriate Assessment Screening Report and Determination Report of the proposed variation, has been carried out in accordance with the Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC as published by the European Commission.





Appropriate Assessment Screening Report  
Proposed Variation No. 2  
South Dublin County Council Development  
Plan 2016-2022

**Land Use Planning and Transportation Department**

**South Dublin County Council**

**Completed: December 2017**



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- 3.1 Statement for Appropriate Assessment

**Appendix 1** Proposed Variation No.2 to the South Dublin County Council Development Plan 2016-2022

### 1.1 Introduction

This is the Appropriate Assessment (AA) Screening Report for the Proposed Variation No. 2 to the South Dublin County Council Development Plan 2016-2022 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 Variation 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 Variation 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 Variation No. 2 to the South Dublin County Council Development Plan 2016-2022, 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 Variation No. 2 to the South Dublin County Council Development Plan 2016-2022. The purpose of this screening is to determine, on the basis of a preliminary assessment and objective criteria, if the Proposed Variation, 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 variation, 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 Variation only requires Stage 1 AA Screening.

## SECTION 2 SCREENING PROCESS

### **2.1 Description of South Dublin County Council Development 2016-2022**

The South Dublin County Council County Development Plan 2016-2022 was prepared under the provisions of the Planning and Development Act 2000 (as amended) to develop and improve the County in a sustainable manner.

The Plan contents are best described through a list of the chapter headings:

1. Introduction and Core Strategy
2. Housing
3. Community Infrastructure
4. Economic Development and Tourism
5. Urban Centres and Retailing
6. Transport and Mobility
7. Infrastructure and Environmental Quality
8. Green Infrastructure
9. Heritage, Conservation and Landscapes
10. Energy
11. Implementation

Chapter 1, Core Strategy, of the Plan outlines the development strategy for the county and details the overarching considerations which underpin the Plan including prosperity, sustainability and climate change adaptation. The Plan provides a land use framework for the sustainable development of the county. The Plan sets the strategic context for any lower-tier plans, such as Local Area Plans to be prepared. In its making, the Plan had regard to all relevant planning and environmental policy and legislation including European Union directives, Ministerial guidelines and other national, regional and county plans and policies.

#### **2.1.1 Proposed Variation No. 2 to the South Dublin County Council Development Plan 2016-2022**

The purpose of Proposed Variation 2 to the South Dublin County Council County Development Plan is to incorporate the Vacant Site Levy (VSL) provisions as introduced by the Urban Regeneration and Housing Act 2015.

The VSL is to incentivise the development of vacant sites in urban areas, and is a site activation measure, to ensure that vacant or underutilised land in urban areas is brought into beneficial use. As part of the Act, Planning Authorities must include an objective in their Development Plans for the development and renewal of areas in need of regeneration and must establish a vacant site register. There are no changes to the zoning map (or any maps) proposed under this Variation.

The South Dublin County Council County Development Plan 2016-2022 underwent Appropriate

Assessment Screening (AA) in accordance with Article 6(3) of the Habitats Directive.

The full text of the Proposed Variation is provided in Appendix 1. The Proposed Variation and associated SEA and AA Screening documents should be read in conjunction with the South Dublin County Council 2016-2022 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 South Dublin County Council County Development Plan (and the Proposed Variation) 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**

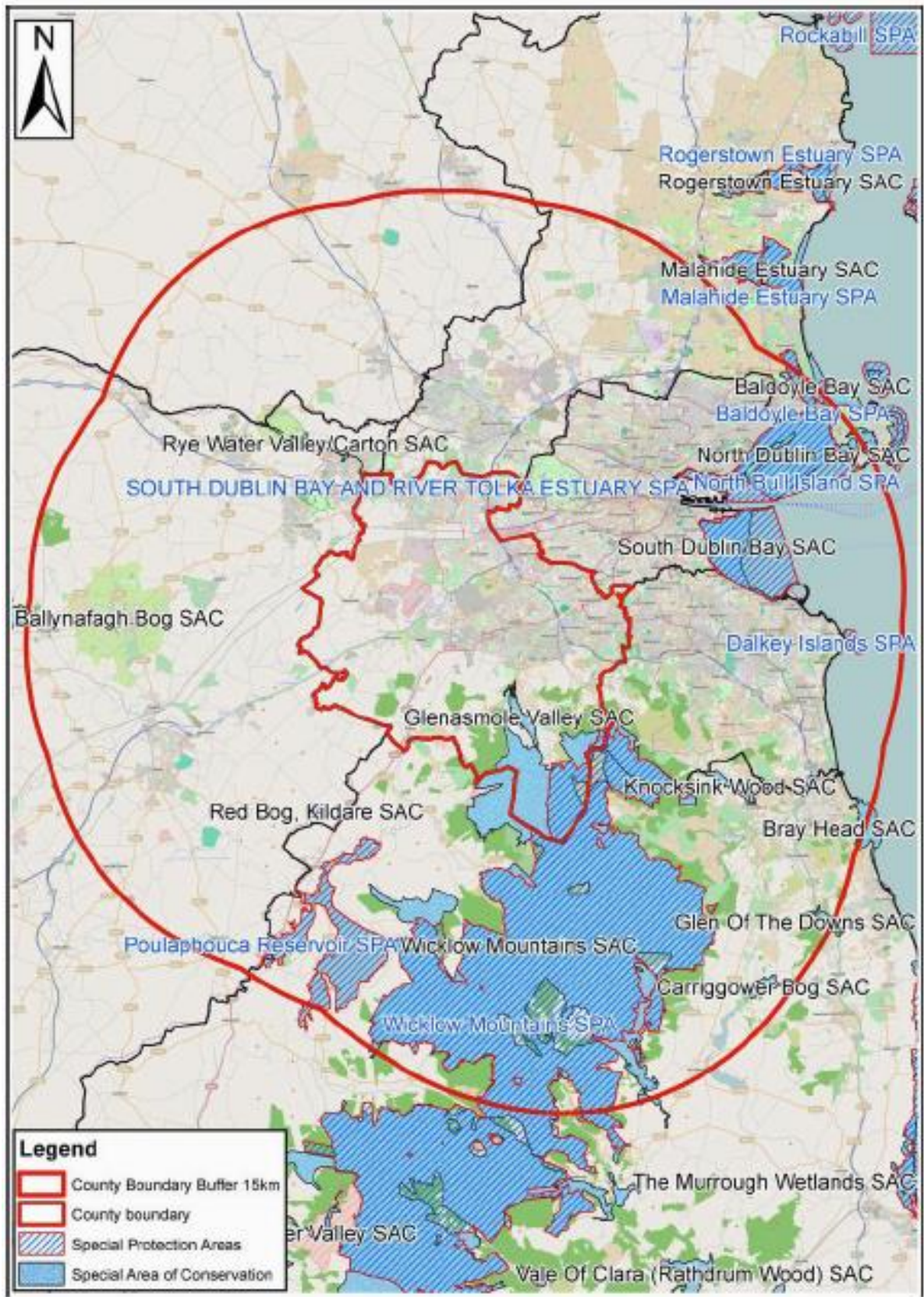
All Natura 2000 sites within both the Plan area and an area extending 15km around it are to be considered. Figure 1 below illustrates the Natura 2000 sites within 15km of the plan lands. These Natura 2000 sites are listed in Table 1 below.

Within the area of South Dublin County, there are two European sites designated as Special Areas of Conservation: Glenasmole Valley SAC (Site Code 001209) and a portion of the larger Wicklow Mountains SAC (Site Code 001209) that extends into the administrative area of the County. There is also one Special Protection Area for Birds: a portion of the Wicklow Mountains SPA (Site Code 004040). All three Natura 2000 sites are located at altitude in the Dublin Mountains, bordering with County Wicklow.

There are no likely cumulative, direct or indirect impacts on any Natura 2000 sites as a result of the Proposed Variation given the context of the proposed variation i.e. incentivising development on already zoned lands through the application of the vacant site levy. 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 County 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 County Development 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 South Dublin County Council area

**TABLE 1.** Natura 2000 sites within 15km of the Plan area.

<b>Natura 2000 sites within South Dublin County</b>	<b>Site Code</b>	<b>Other Natura 2000 sites within 15km of the Plan Lands</b>	<b>Site Code</b>
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
		Glen Of the Downs SAC	000719
		Bray Head SAC	000714

## 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.

	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

<p><b>Wicklow Mountains SAC</b> <b>Site Code 002122</b></p>	<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 Isoeto-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</p>	<p>Sloping, acidic soils</p>	<p>agricultural intensification; agricultural abandonment; afforestation</p>

		Continental Europe)*		
		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

<b>Rye Water Valley/Carton SAC</b>  <b>(Site Code 001398)</b>	<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>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>* denotes a priority habitat Code</p>	<p>Calcium-rich, nutrient Poor groundwater/surface water supply.</p>	<p>Agriculture &amp; Land Reclamation, Drainage, Turf Cutting, Afforestation</p>
	<p>1014 Narrow-mouthed Whorl Snail (<i>Veritgo angustior</i>)</p>	<p>Stable wetland water table. Emergent vegetation. Groundwater supply. Lime-rich conditions.</p>	<p>Climate Change, Flooding, Urbanisation (Habitat Encroachment, Pesticides, Fertilised, Undergrazing, Afforestation, Stock Feeding,</p> <p>Burning, Peat Extraction, Communications Networks, Paths &amp; Tracks, Walking/horse riding &amp; non-motorised vehicles, Water Pollution, Landfill, Drainage, Modifying structures of inland watercourse. Raising water levels through reopening of disused feeder canal</p>
	<p>1016 Desmoulin's Whorl Snail (<i>Veritgo Moulinsiana</i>)</p>	<p>Stable wetland water table. Emergent vegetation. Groundwater supply. Lime-rich conditions.</p>	<p>Climate Change, Flooding, Urbanisation (Habitat Encroachment, Pesticides, Fertilised, Undergrazing, Afforestation, Stock Feeding, Burning, Peat Extraction, Communications Networks, Paths &amp; Tracks, Walking/horse riding &amp; non-motorised vehicles, Water Pollution, Landfill, Drainage, Modifying structures of inland watercourse. Raising water levels through reopening of disused feeder canal</p>

	<b>Red Bog SAC</b>  <b>(Site Code 000397)</b>  <b>Red Bog, Co. Kildare</b>	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
	<b>South Dublin Bay SAC</b>  <b>(Site Code 000210)</b>	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.
	<b>North Dublin Bay SAC</b>  <b>(Site Code 000206)</b>	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 maritimae</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.
<b>Special Protection Area</b>	<b>Wicklow Mountains SPA (Site Code 4040)</b>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.		
		Merlin (Falco columbarius)	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 (Falco peregrinus)	extensive open terrain for hunting, availability of prey	land use changes, vulnerable to human activities
	<b>Poulaphouca Reservoir SPA (Site Code 4063)</b>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Grey Lag Goose, Lesser Black Backed Gull.	Food availability (intertidal aquatic vegetation/ pasture/ crops). Undisturbed coastal roosting sites close to feeding sites. Grazing	Infilling of habitats, Pollution from upstream urbanisation, hard coastal developments. Disturbance from recreational activities
	<b>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</b>	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 Variation 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/Carton SAC	No	No	No	No
004024	South Dublin Bay and River Tolka Estuary	No	No	No	No

	SPA				
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
000714	Bray Head SAC	No	No	No	No
000719	Glen Of the Downs SAC	No	No	No	No

## 2.5 Assessment Criteria

This section assesses the likelihood of potential impacts from the Proposed Variation 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 Variation No. 2 to South Dublin County Council County Development Plan 2016-2022

The South Dublin County Council County Development Plan, to which the proposed variation 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 Variation is intended to incentivise the development of vacant or underutilised land in urban areas, through the application of the Vacant Site Levy. The levy will only be applied on land that

is already zoned under the current County Development Plan, therefore there will be no change to the effects already examined during the preparation and adoption/approval of the Plan.

There are no additional effects on the Natura 2000 network arising from the Proposed Variation (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 Variation 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 Variation No.2 to the South Dublin County Council County Development Plan 2016-2022

### **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 Variation.

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

The County Development Plan and the Proposed Variation 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 variation is intended to incentivise the development of vacant or underutilised land in urban areas, through the application of the Vacant Site Levy. This proposed variation remains consistent with the policies and objectives of the County Development Plan and the principles of proper planning and development. There are no interactions identified with other plans or projects that together with the proposed variation 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 (DCCA);
- Department of Housing, Planning and Local Government (DHPLG);
- Department of Agriculture, Food and Marine (DAFM);
- Department of Communications, Climate Action and Environment (DCCA);
- Department of Culture, Heritage and the Gaeltacht (DCHG)

As the Proposed Variation 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 and DHPLG 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 variation.

### 3.1 Statement for Appropriate Assessment

The Proposed Variation No. 2 to the South Dublin County Council County Development Plan 2016-2022 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.



South Dublin County Council  
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Appendix 1

Proposed Variation No. 2 to the South Dublin  
County Council Development Plan 2016-2022

## Proposed Variation No. 2 to South Dublin County Development Plan 2016-2022

This document presents details of the proposed variation to the South Dublin County Council Development Plan 2016-2022.

Where appropriate, extracts of text before and after the proposed variation are included in order to present the variation 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 are structured to follow the sequence of the adopted County Development Plan. This document should therefore be read in conjunction with the relevant sections of the County Development Plan as adopted in 2016.

Each Variation is accompanied by the relevant section / figure and page number of the County Development Plan to which the proposed variation relates.

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

- Proposed alterations, if any, involving additional text are shown in **green**.
- Proposed alterations, if any, involving deletion of text are shown in ~~red strikethrough~~.
- Existing text, where no changes are proposed, is shown in **black**

To note: no changes are proposed to the landuse zoning map or any landuse zoning objective under Proposed Variation No.2.



Chapter 1	Page Number
Introduction and Core Strategy	23-24

### 1.8.0 Phasing, Prioritisation and Infrastructure Delivery

Map 1.3 outlines the sites that have been identified as having development potential during the plan period. In terms of phasing, planning prioritisation and infrastructure delivery it is advised that:

- 1) The continued consolidation of the established urban and suburban built form is a priority during the period 2016-2022. There is significant capacity for new housing on serviced lands to the east of the M50, south of the River Dodder and in the Metropolitan Consolidation Towns.
- 2) Strategic growth nodes at Adamstown and Clonburris (SDZs) offer significant potential for housing and commercial activity and are priority development areas. The SDZs are serviced by strategic water, drainage and transport infrastructure. The delivery of sufficient public transport and road capacity shall be actively supported in tandem with future development of the SDZs so as to facilitate sustainable new development in these areas. Internal physical and social infrastructure is required to be delivered in tandem with housing. The future development of these areas is/will be subject to approved Planning Schemes and is dependent on a sustainable delivery model.
- 3) The Ballycullen/Oldcourt LAP area is a key growth node at the edge of the Consolidation Areas within the Gateway. Future development will be dependent on the delivery of a surface water drainage scheme. Social and physical infrastructure and services will also need to be provided in tandem with the delivery of housing. Delivery of the surface water drainage scheme is due during the lifetime of this Plan.
- 4) Underutilised industrial lands that are close to town centres and transport nodes are designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led regeneration). These lands are serviced and offer significant potential for more intensive employment and/or residential development and associated uses. The transition from underutilised industrial areas is likely to occur on an incremental basis and may need to be supported by an economic regeneration strategy. It is envisaged that not more than 50% of these areas will come forward for housing during the period 2016-2022.
- 5) The emerging settlement of Saggart/Citywest will develop based on the capacity of the public transport network and social infrastructure. While additional long term capacity exists in this area, the capacity of zoned lands is considered to be sufficient to meet demand during the period 2016-2022.
- 6) Rathcoole and Newcastle have limited public transport provision and social services, and as such, are not identified as growth nodes. These settlements will develop at an incremental pace, based on the delivery of social, physical and transport infrastructure and services. The capacity of zoned lands is considered to be largely sufficient to meet long term demand.

All residential and mixed use zoned lands have access to the strategic road, water and drainage networks and utilities.

The South Dublin County (Section 48) Development Contribution Scheme (2016 – 2020) assesses the future infrastructure needs of the County and seeks to prioritise the delivery of road and transport infrastructure; surface water drainage infrastructure; community facilities; and parks and open spaces in key growth areas, in tandem with the delivery of new communities.

The achievement of the Core Strategy is intrinsically linked to the delivery of concurrent water and drainage infrastructure by Irish Water to serve the priority growth locations. As such, the investment programme of Irish Water is a key influence on the achievement of the Core Strategy.

The delivery of enhanced transport infrastructure will be dependent on the investment programmes of government agencies such as the Department of Transport, Tourism and Sport, the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII).

### 1.8.1 Vacant Sites

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Vacant development sites are both a challenge and an opportunity for the County to provide additional housing, employment and other important uses. Active land management, including the implementation of the vacant site levy, is key to realising the vision and objectives of the Core Strategy.

The Urban Regeneration and Housing Act 2015 provides for a levy to be applied on vacant sites in residential and regeneration zoned lands, which are suitable for housing but are not coming forward for development. This is a key measure to encourage and promote the development of such vacant sites. The Act sets out two classes of land in which the levy may apply:

- Residential land, under Section 10 (2)(a) of the Planning Act 2000 (as amended).
- Regeneration land, under Section 10(2)(h) of the Planning Act 2000 (as amended).

In accordance with the Urban Regeneration and Housing Act 2015, it is a key pillar of the Development Plan to promote the appropriate development and renewal of areas that are in need of regeneration, identified having regard to the core strategy, in order to prevent:

- adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,
- urban blight and decay
- anti-social behaviour or
- a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

<b>Chapter 2</b>	<b>Page Number</b>
<b>Housing</b>	<b>30</b>

### **2.1.1 SUPPLY OF HOUSING**

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The Strategy identifies capacity for approximately 40,150 housing units in the County to 2022. Consolidation and sustainable intensification in established urban and suburban areas, through infill development and brownfield redevelopment on 'REGEN' zoned lands, is a priority.

Strategic growth nodes at Adamstown and Clonburris SDZs are also priority development areas. Ballycullen/Oldcourt and Saggart/Citywest will develop based on the capacity of the public transport network and social infrastructure. Rathcoole and Newcastle are not identified as major growth nodes. These settlements will develop at an incremental pace based on the delivery of social, physical and transport infrastructure and services.

#### **HOUSING (H) Policy 2 Supply of Housing**

It is the policy of the Council to seek to ensure that sufficient zoned land continues to be available at appropriate locations to satisfy the housing requirements of the County.

#### **H2 Objective 1:**

To ensure that sufficient zoned land, which could be serviced by sufficient public transport and road capacity, continues to be available at appropriate locations to satisfy the housing requirements of the County and to support and facilitate the development of housing lands based on the Settlement Strategy outlined in Chapter 1 Introduction and Core Strategy.

#### **H2 Objective 2:**

To promote residential development through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

#### **H2 Objective 3:**

To implement the Vacant Site Levy for all vacant development sites, as appropriate, in the County and to prepare and make publicly available a register of vacant sites, as set out in the Urban Regeneration and Housing Act 2015 (or any superseding Act).

<b>Chapter 11</b>	<b>Page Number</b>
<b>Implementation</b>	<b>197</b>

### 11.1.0 Land Use Zoning Objectives

**Table 11.16:** Zoning Objective 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture'

<b>USE CLASSES RELATED TO ZONING OBJECTIVE</b>	
<b>Permitted in Principle</b>	Aerodrome/Airfield, Agriculture, Allotments, Cemetery, Concrete/Asphalt Plant in or adjacent to a Quarry, Home Based Economic Activities, Industry-Extractive, Open Space, Public Services, Rural Industry-Food.
<b>Open for Consideration</b>	Abattoir, Bed & Breakfast, Boarding Kennels, Camp Site, Car Park, Childcare Facilities, Community Centre, Crematorium, Cultural Use, Doctor/Dentist, Education, Embassy, Enterprise Centre, Fuel Depot, Funeral Home, Garden Centre, Guest House, Health Centre, Heavy Vehicle Park, Hotel/Hostel, Offices less than 100 sq.m, Petrol Station, Place of Worship, Primary Health Care Centre, Public House, Recreational-Facility, Recycling Facility, Refuse Landfill/ Tip, Residential, Restaurant/Café, Service Garage, Shop-Local, Social Club, Sports Club/Facility, Stadium, Traveller Accommodation, Veterinary Surgery.
<b>Not Permitted</b>	Advertisements and Advertising Structures, Betting Office, Caravan Park- Residential, Conference Centre, Hospital, Housing for Older People, Industry- General, Industry-Light, Industry-Special, Live-Work Units, Motor Sales Outlet, Nightclub, Nursing Home, Office-Based Industry, Offices 100sq.m-1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Outdoor Entertainment Park, Refuse Transfer Station, Residential Institution, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Shop-Major Sales Outlet, Shop- Neighbourhood, Transport Depot, Warehousing, Wholesale Outlet, Wind Farm.

a In existing premises

b In Villages to serve local needs

c In accordance with Council policy for residential development in rural areas

f In accordance with a Local Area Plan

h For small-scale amenity or recreational purposes only

#### 11.1.2 Vacant Site Levy- Residential and Regeneration Lands

Land is a finite resource and should be used efficiently, especially zoned and serviced land in urban areas, which provides significant opportunities for housing, employment, regeneration and the creation of sustainable communities. There are currently a considerable number of vacant sites in urban areas throughout the country, which are lying dormant and undeveloped. South Dublin County Council is committed to identifying and prioritising the development of vacant and under-utilised sites in the county for housing and regeneration purposes.

The Urban Regeneration and Housing Act 2015 sets out two broad categories of vacant land that the levy may apply to:

- Lands zoned primarily for residential purposes
- Lands in need of regeneration

The following lands zoned for residential or primarily residential purposes are included for the purposes as set out in the Urban Regeneration and Housing Act 2015 in relation to the vacant land levy:

- Objective RES and RES-N zoned lands as they have capacity to provide for residential accommodation.

The following zoned lands are included as lands with the objective of development and renewal of areas in need of regeneration:

- Objective REGEN (regeneration), TC (town centre), DC (District Centre), VC (village centre) and LC (local centre).

These lands offer great potential for the significant supply of housing and employment space, as set out in their zoning objectives. Furthermore, the local, town, village and district centre zoned lands are included given their critical role for sustainable neighbourhoods and wider communities.



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