

**Appropriate Assessment Screening Determination under the
 European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended)
 (For Proposed Local Authority Development)**

Project Title: Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme

Description of the Proposed Development:

Dún Laoghaire-Rathdown County Council is proposing to undertake a rapid build cycle scheme between Cherrywood Park access and Rathmichael Manor, Loughlinstown. The proposed works comprise Phase 1 of the 'Cherrywood to Shankill Cycle and Pedestrian Links' scheme. The proposal (Phase 1) which is ca. 720 metres in length, commences at the Cherrywood Park access, routing along the Bray Road on the western side of the N11 as far as Rathmichael Manor. Along the Bray Road, a 'cycle street' design is proposed which utilises the low traffic nature of the Bray Road. The 'cycle street' transitions briefly for ca. 25 metres into a shared path where the N11/Bray Road slip lane merges onto the cycle street. A two-way cycle track and footpath is proposed south of the N11/Bray Road slip road. The two-way cycle track and footpath leads to a new pedestrian and cycle crossing at Rathmichael Manor. Access is maintained to all existing properties along the route. The works will include modifying the bus stop to an island style bus stop together with a pedestrian crossing of the cycle lane at that point. A three metre wide shared path will link the footpath and cycle track with the Loughlinstown pedestrian bridge. This scheme also involves some additional road traffic safety / calming measures including new road traffic markings and signage, two raised tables along the Bray Road.

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 ('the proposing internal section') has commissioned the preparation of the Appropriate Assessment Screening Report (AASR). The AASR was prepared by Arup Ireland Partners Ltd (Arup). The AASR has been examined and evaluated by the Senior Planner for the area and the Director of Services for Planning and Economic Development, who are 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.

Eighteen European designated sites are identified within the zone of influence, however, seven of the sites were scoped out given the distance, lack of pathway and *Qualifying Interests*, duration, scale and the nature of the Proposed Development and therefore, absence of any potential for effects. Due to the potential hydrological pathway through surface water the potential for impacts on eleven European designated sites within the zone of influence were assessed for Likely Significant Effects.

The AASR concludes that it can be excluded beyond reasonable scientific doubt, in view of best scientific knowledge and in the absence of mitigation that the proposed Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme, individually or in-combination with other plans or projects, is not likely to have a significant effect on the above listed European Sites, in view of the sites' conservation objectives. An Appropriate Assessment is therefore, not required and that there is no requirement for a Natura Impact Statement to be prepared in respect of the proposed Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme.

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.
- Anticipated duration of construction related works.
- The habitat within the Proposed Development is predominantly of low in ecological value.
- Distance from designated European sites.
- No additional land is required as part of the operational phase and the proposal will operate on developed land.
- No habitat loss will occur within any European designated site or Annex I habitat type during the operational phase.
- There are no likely significant effects from potential emissions to the environment arising from the construction or operation phases of the proposed development.
- 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.
- There will be no likely significant effect on the conservation objectives any of European designated sites within the zone of influence as result of habitat loss, emission to water, direct emissions to air, lighting emissions, noise or vibration, visual disturbance and/or invasive species. (It is noted that good construction practices such as the implementation of a Construction Environmental Management Plan (CEMP) are not included to protect any European designated site but are in place as best construction practice only.)
- No significant in-combination effects are likely to occur arising from relevant schemes and planning applications.
- There is no pathway or mechanism for the proposed development to result in any significant effect on any European Site identified in the zone of influence when considered on its own and therefore there is no potential for it to contribute to any such effects when considered in-combination with any other development.

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 (Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme), individually or in combination with other plans or projects¹, 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.

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:

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

Signature:


Ger Ryan

Senior Planner, Planning & Economic Devt. Department
Position / Department

Signatory

(Approved Officer): Aidan Blighe



Director of Service, Planning & Economic Devt. Department
Position / Department

Delegation No.

2515

Date:

07/03/2024

The proposed Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme is being promoted by the Active Travel Section, Infrastructure and Climate Change Department. This Appropriate Assessment Screening Determination in respect of the proposed Cherrywood to Rathmichael Manor Rapid Build Cycle Scheme has been made by the Director of Service of the Planning and Economic Development Department to apply appropriate functional separation in the carrying out of a Screening Determination for Appropriate Assessment.

