

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS


In accordance with Section 12 (6) of the Planning and Development Act 2000 (as amended) the Members adopted by Resolution at a meeting on 21st October 2021, proposed amendments to the Draft County Development Plan 2022-2028.

In accordance with Section 12(7)(aa) of the Planning and Development Act 2000 (as amended), the Chief Executive determined on 9th November 2021, that a Strategic Environmental Assessment and Appropriate Assessment are required for one or more of the proposed material amendments.

In accordance with Section 12(7)(ab) of the Act, the Chief Executive has specified that the period required to facilitate the assessment referred to above shall be 3 week from the date of the passing of the resolution under subsection (6) on 21st October 2021, that is by 10th November 2021.

I hereby recommend that the period required, under Section 12(7)(ab) of the Planning and Development Act 2000 (as amended), to facilitate the carrying out of a Strategic Environmental Assessment and Appropriate Assessment of one or more of the proposed material amendments to Draft Dún Laoghaire Rathdown County Development Plan 2022-2028 shall be 3 weeks from the date of the passing of the resolution under subsection (6) of the of the Planning and Development Act 2000 (as amended) on 21st October 2021, that is by 10th November 2021.

Date: 9th November 2021


L Mc Gauran
Senior Planner

Order:

The Foregoing report of the Senior Planner, recommending that the period required for the assessment of the proposed material amendments to the Draft Dún Laoghaire Rathdown County Development Plan 2022-2028 shall be 3 weeks from the date of the passing of the resolution under subsection (6) of the of the Planning and Development Act 2000 (as amended) on 21st October 2021, that is by 10th November 2021.

Date: 9th November 2021

Signed:  9/11/21
Ger Ryan
Approved Officer

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2375, dated 9/11/21, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Dún Laoghaire-Rathdown County Council

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**Screening for Appropriate Assessment (AA)
Determination under:
The Planning and Development Act 2000 (as amended)**

for:

**Proposed Material Alterations to the
Draft Dún Laoghaire-Rathdown County Development Plan 2022-2028**

A Screening for Appropriate Assessment (AA) Determination is being made by Dún Laoghaire-Rathdown County Council regarding Proposed Material Alterations to the Draft Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Section 12 (7) (aa) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Plan warrant the undertaking of AA.

The existing Draft Plan has already been informed by a Stage 2 AA and a Natura Impact Report has been prepared. As part of that AA, it was identified that the Plan may, if unmitigated, have significant effects on 16 (no.) European sites. Plan elements that could potentially affect the integrity of European sites include:

- Provisions for sectors such as climate action, urbanisation including residential and economic development, streetscape works, community facilities, transport, green infrastructure, energy, environmental infrastructure, recreational, natural resource, which introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects; and
- Loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and habitat fragmentation.

Mitigation was integrated into the Draft Plan that allowed the Natura Impact Report to conclude that that the Draft Plan is not foreseen to give rise to any significant effects on designated European sites, alone or in combination with other plans or projects¹. The Draft Plan and AA Natura Impact Report were placed on public display and submissions were invited. Some of these submissions resulted in Material Alterations being proposed to the Plan.

Taking into account the measures that have been already integrated into the Draft Plan that provide for and contribute towards environmental protection, environmental management and sustainable development, the AA process identified that there is no potential for effects to arise on the integrity of any European site as a result of all Proposed Material Alterations apart from Proposed Material Alterations² Ref: No. 83; No. 218; No. 265; No. 269; No. 314; No. 316; and M911 (Mapping Amendment to Map 9).

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.

² For detail on Proposed Material Alterations please refer to 'Draft County Development Plan 2022-2028 Proposed Amendments to Draft Plan'.

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Furthermore, the AA screening process takes into account the need to undertake Stage 2 AA when mitigation is being proposed. As certain Proposed Material Alterations (Nos: 84; 208; 218; 265; 306; 314; and 316) could be considered to be mitigation in relation to Plan elements that could potentially affect the integrity of European sites, further to the mitigation already integrated into the Draft Plan, the AA process identified that it would be prudent to undertake Stage 2 AA.

The AA Natura Impact Report that accompanies the Proposed Material Alterations is part of the ongoing and overall AA process that is being undertaken alongside the preparation of the Plan. All Plan and AA related documentation will be considered by the planning authority in advance of the adoption of the Plan and a final AA Determination will be undertaken by the planning authority at adoption. An AA Conclusion Statement will be prepared following adoption, which will detail the AA process undertaken for the Plan.

Having carefully considered the information referred to above and being in agreement with and adopting the reasoning and conclusion presented above I hereby recommend that that An Appropriate Assessment Determination be made pursuant to Section 12 (7)(aa) of the Planning and Development Act 2000, as amended, and for the purposes of Article 6(3) of the Habitats Directive that Stage 2 AA is required for the above Proposed Material Alterations.

Date: 9th November 2021

L. McGauran 9/11/2021
L McGauran
Senior Planner

Order:

Having carefully considered the information and report of the Senior Planner set out above I agree with the reasoning and conclusion presented and recommend that it is determined pursuant to Section 12 (7)(aa) of the Planning and Development Act 2000, as amended, and for the purposes of Article 6(3) of the Habitats Directive that Stage 2 AA is required for the above Proposed Material Alterations.

Date: 9th November 2021 Signed: *Ger Ryan* 9/11/21
Ger Ryan
Approved Officer

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2375, dated 1/11/21, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

Dún Laoghaire-Rathdown County Council

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Strategic Environmental Assessment (SEA) Determination under:

The Planning and Development Act 2000 (as amended)

for:

Proposed Material Alterations to the Draft Dún Laoghaire-Rathdown County Development Plan 2022-2028

A Strategic Environmental Assessment (SEA) Determination is being made by Dún Laoghaire-Rathdown County Council regarding Proposed Material Alterations to the Draft Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Section 12 (7) (aa) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Plan warrant the undertaking of SEA.

Such a determination takes into account relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended. These criteria are considered in an SEA Screening Report for Proposed Material Alterations that has been prepared to inform this determination.

The SEA Screening Report concludes that most Proposed Material Alterations are determined not to result in likely significant effects. Taking into account the measures that have been already integrated into the Draft Plan that provide for and contribute towards environmental protection, environmental management and sustainable development, the SEA Screening Report identifies that all potential effects arising from most Proposed Alterations: either are present already (beneficial) and will be further contributed towards; or will be mitigated so as not to be significant (adverse). In addition, some alterations merely added clarifications or amended context setting text for Plan provisions and these will not result in significant environmental effects. Consequently, these Proposed Material Alterations do not require SEA.

The Proposed Material Alterations identified below¹ are advised as requiring SEA and consideration in an SEA Environmental Report:

Alteration Ref:
No. 83
No. 84
No. 208
No. 218
No. 265
No. 269
No. 306
No. 314
No. 316
No. 356
No. 357
M911 (Mapping Amendment to Map 9)

¹ For detail please refer to Draft County Development Plan 2022-2028 Proposed Amendments to Draft Plan.

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This determination has been informed by:

- Draft County Development Plan 2022-2028 Proposed Amendments to Draft Plan.;
- Appropriate Assessment (AA) Natura Impact Report (including information on AA Screening) for Proposed Material Alterations to the Draft Dún Laoghaire-Rathdown CDP 2022-2028;
- SEA Environmental Report for the Draft Dún Laoghaire-Rathdown CDP 2022-2028; and
- AA Natura Impact Report for the Draft Dún Laoghaire-Rathdown CDP 2022-2028.

The SEA Environmental Report prepared for the Draft Plan will be finalised in advance of adoption of the Plan. An SEA Statement will be prepared following adoption, which will detail how environmental considerations were integrated into the Plan and how consultations on the SEA and associated Plan-preparation process were taken into account. The Strategic Flood Risk Assessment and the Appropriate Assessment reports will be finalised in a similar manner at adoption, taking into account how environmental considerations were integrated into the Plan and how consultations were taken into account.

Having carefully considered the information referred to above and being in agreement with and adopting the reasoning and conclusion presented above I hereby recommend that that A Strategic Environmental Assessment (SEA) Determination be made pursuant to Section 12 (7)(aa) of the Planning and Development Act 2000, as amended, that SEA is required for the Proposed Material Alterations listed above and that other Proposed Material Alterations do not require SEA.

Date: 9th November 2021

Louise McGauran 9/11/2021
L McGauran
Senior Planner

Order:

Having carefully considered the information and report of the senior planner set out above I agree with the reasoning and conclusion presented and recommend that it is determined pursuant to Section 12 (7)(aa) of the Planning and Development Act 2000, as amended, that SEA is required for the Proposed Material Alterations listed above and that other Proposed Material Alterations do not require SEA.

Date: 9th November 2021 Signed: *Ger Ryan 9/11/21*
Ger Ryan
Approved Officer

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2375, dated 1/11/21, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.