

APPROPRIATE ASSESSMENT (AA) SCREENING

In accordance with the requirements of Article 6(3) of the
EU Habitats Directive (92/43/EEC)

Proposed Review and Amendments To The Scheme of Special Planning Control (SSPC) For Grafton Street And Environs

Section 1.0 – Introduction

Background Context

This is an Appropriate Assessment Screening of the proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

Passed by resolution of Dublin City Council in 2013, the Scheme of Special Planning Control (or SSPC) for Grafton Street and Environs has been in place for over 5 years. It replaced a previous scheme dating from 2007. The purpose of the SSPC is essentially to reinforce Grafton Street's reputation as a major shopping destination, providing a wide range of multiple and independent stores, as well as 'lifestyle stores', flagship stores, niche and specialist retailers.

Under the relevant legislation, Section 86 of the Planning and Development Act 2000 (as amended), a Planning Authority is obliged to review such a scheme every 6 years, and may by resolution 'amend or revoke' the scheme in accordance with stated requirements.

This AA Statement forms part of the documentation to this statutory review process.

Section 84(3) of the Planning and Development Act 2000 (as amended), provides that a scheme, prepared under subsection (1) shall be in writing and shall be consistent with the objectives of the relevant development plan and any local area plan or integrated area plan (within the meaning of the Urban Renewal Act, 1998) in force relating to the area to which the scheme relates.

Section 84(5) of the Planning and Development Act 2000 (as amended), provides that a scheme shall contain information, including information of such class or classes as may be prescribed by the Minister, on the likely significant effects on the environment of implementing the scheme.

It should be noted that a Strategic Environmental Assessment (SEA) Screening Report has been prepared for this Draft 2019 SSPC, as part of the documentation for this review.

The Draft 2019 SSPC

Since the adoption of the scheme in 2013, the context for the area of special planning control has changed significantly. Influential factors include the adoption of a new City Development Plan (2016-2022) inclusive of revised and updated policies relating to retailing, public realm, and conservation.

The broad economic environment has also strengthened, and public realm and public transport have both progressed in the vicinity of Grafton Street.

As such, the main recommendations from the review is to bring the existing Grafton Street SSPC up to date after 6 years, in particular with the current Development Plan 2016-2022 and infrastructural projects including the Luas Cross City and public realm upgrading works under the Grafton Street Quarter Public Realm Plan. The subject site is delineated on the map below.

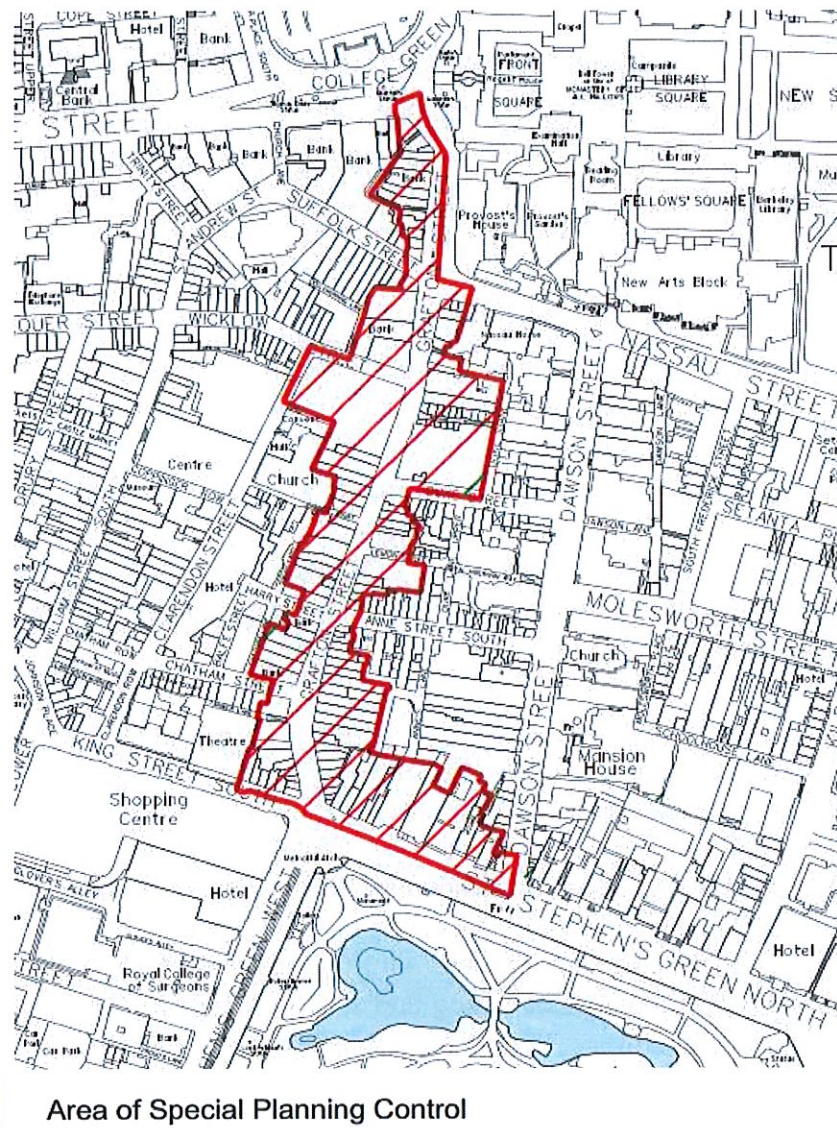


Fig. 1: Location of the Scheme of Special Planning Control for Grafton Street and Environs

In the interests of clarity, there is no change to the redline boundary delineated in Figure 1 above, depicting the Scheme of Special Planning Control for Grafton Street and Environs. The geographic area remains the same. The Draft 2019 SSPC includes approximately 16 number text changes to the scheme.

The Draft 2019 SSPC has been assessed to ascertain if it is required to be subject to an 'Appropriate Assessment' under the EU Habitats Directive. Based on the 'Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC', a 'Screening Matrix' and a Finding of No Significant Effects Matrix' have been completed. The principal trigger for undertaking an 'Appropriate

Assessment' would be if the Draft 2019 SSPC was likely to have significant effects on a Natura 2000 site.

For the purposes of Article 6 assessments, Natura 2000 sites are those identified as Sites of Community Importance under the Habitats Directive (normally called Special Areas of Conservation [SACs]) or classified as Special Protection Areas [SPAs] under the Birds Directive (79/409/EEC or candidates sites under either).

There are no Natura 2000 sites directly linked to the area of the proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs. The nearest Natura 2000 site is c.2.6km to the east of the subject site, within Dublin Bay.

The Natura 2000 sites within the wider vicinity of the Scheme of Special Planning Control for Grafton Street and Environs area and within the Dublin region are as follows:

North Dublin Bay cSAC (IE000206)

South Dublin Bay cSAC (IE000210)

Bull Island SPA (IE00406)

South Dublin Bay & River Tolka Estuary SPA (IE004024)

Baldoyle Bay SPA (IE004016)

Baldoyle Bay cSAC (IE000199)

Howth Head cSAC (IE000202)

Howth Head Coast SPA (IE004113)

Irelands Eye cSAC (IE002193)

Irelands Eye SPA (IE004117)

Malahide Estuary cSAC (IE000205)

Malahide Estuary SPA (IE004025) 13,

Rogerstown Estuary SPA (IE004015)

Rogerstown Estuary SAC (IE000208)

Rockabill to Dalkey Islands cSAC (IE003000)

Dalkey Islands SPA (IE004172)

Circular Letter SEA 1/08 & NPWS 1/08 issued by the Department of Environment, Heritage and Local Government requires that, as a result of European Court of Justice Case 418/04 EC Commission v Ireland, any draft land use plan (or amendments or variations) proposed under the Planning & Development Act 2000 (as amended) must be screened for any potential impact on areas designated as Natura 2000 sites. The results of the screening should be recorded and made available to the public.

Figure 2 below illustrates all of the designated sites in the wider vicinity of the area of Scheme of Special Planning Control Scheme for Grafton Street and Environs.

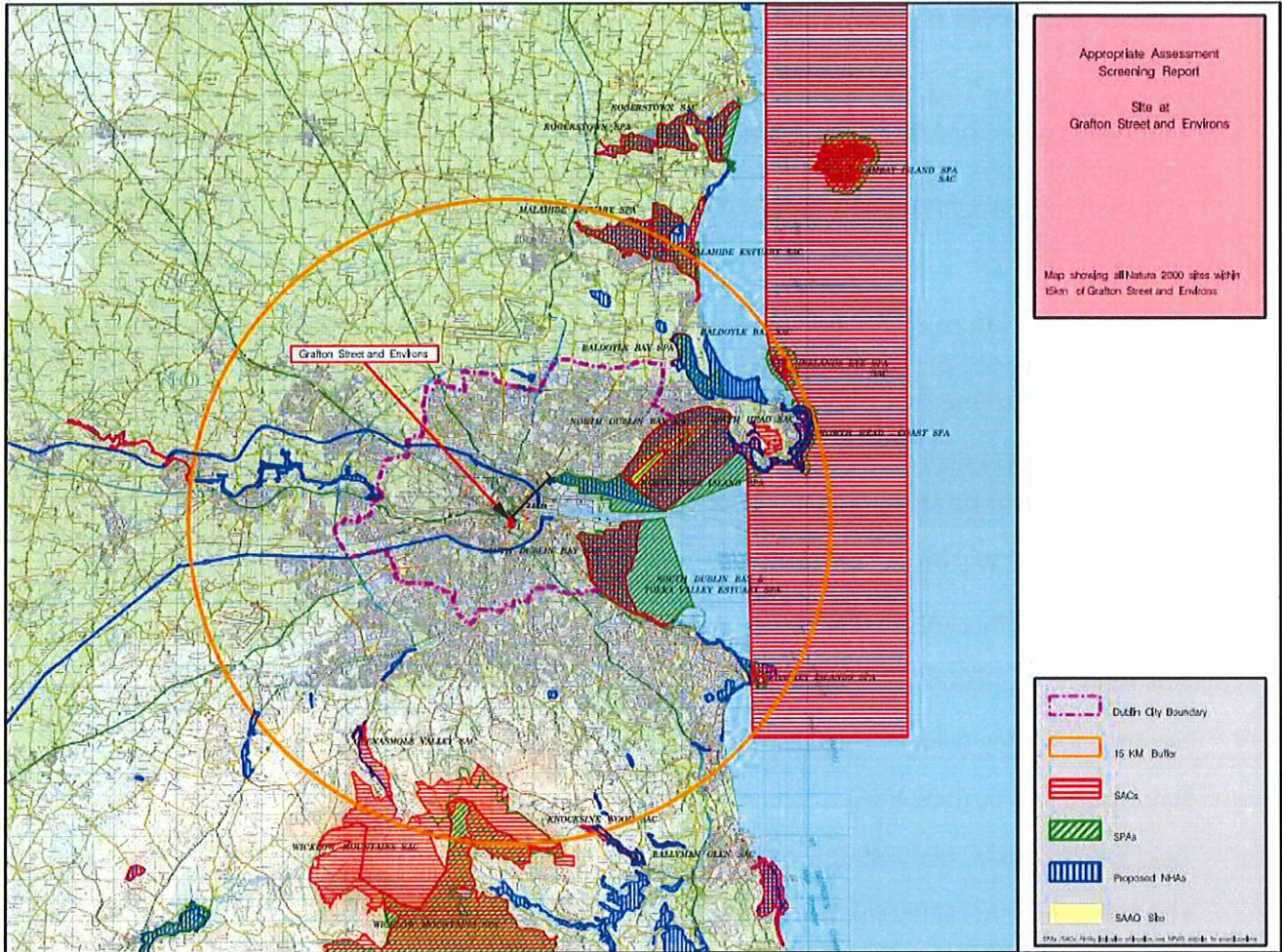


Fig 2: Subject site in the context of the Natura sites

Section 2.0: Screening Matrix

<p>BRIEF DESCRIPTION OF PROJECT OR PLAN</p>	<p>The Proposed Review and Amendments to the Special Planning Control Scheme for Grafton Street and Environs responds to Section 86 of the Planning and Development Act 2000 (as amended), where a Planning Authority is obliged to review a Special Planning Control Scheme every 6 years, and may by resolution 'amend or revoke' the scheme in accordance with stated requirements.</p> <p>There are approximately 16 number text changes that form the amendments to the proposed review and amendments to the Special Planning Control Scheme for Grafton Street and Environs. It is considered that these changes would be in accordance with the proper planning and sustainable development of the area.</p>
<p>BRIEF DESCRIPTION OF THE NATURA 2000 SITES</p>	<p>The subject site does not directly affect any Natura 2000 sites. The closest Natura 2000 sites are located within Dublin Bay and include a wide variety of inter-tidal marine and coastal zoned habitats supporting a range of species including Annex 1 bird species.</p>
<p>ASSESSMENT CRITERIA</p>	<p>There is no Natura 2000 site located in the subject site. There are no likely cumulative, direct or indirect impacts on any Natura 2000 sites as a result of the proposed text changes to the Scheme of Special Planning Control Scheme for Grafton Street and Environs, given the nature of the designation and the separation distances involved.</p> <p>In both 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 Draft 2019 SSPC 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.</p> <p>An Appropriate Assessment was carried out at all stages of the Development Plan 2016-2022 in order to ensure that its policies and objectives do not result in</p>

	<p>significant adverse impacts on the integrity of any of the identified Natura 2000 sites.</p> <p>The proposed text changes to this proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs do not change the policies or objectives of the Development Plan 2016-2022.</p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:</p>	
<ul style="list-style-type: none"> • <i>Scale and size</i> 	<p>Any relevant future new development will be integrated into the established urban pattern and is not predicted to have any likely impact on the conservation function of any Natura 2000 site in respect to size or scale.</p>
<ul style="list-style-type: none"> • <i>Land-take</i> 	<p>Not applicable.</p>
<ul style="list-style-type: none"> • <i>Distance from Natura 2000 site or key features of the site</i> 	<p>The site of the Draft 2019 SSPC is c2.6km from the nearest Natura 2000 sites, the South Dublin Bay and River Tolka Estuary SPA (IE004024). The Draft 2019 SSPC is not predicted to have any likely impact on the key features or the conservation function of any Natura 2000 sites.</p>
<ul style="list-style-type: none"> • <i>Resource requirements (water abstraction etc.)</i> 	<p>Resource supply, including potable water, will be provided from existing municipal infrastructure. Any potential indirect or secondary impact on the conservation function of any Natura 2000 site as a result of any increased population equivalent (P.E) demand for potable water supply will be subject to a separate higher level Appropriate Assessment/ Strategic Environmental Assessment (SEA) at regional level.</p>
<p><i>Emission (disposal to land, water or air);</i></p>	<p>No predicted likely direct impact on the conservation function of any Natura 2000 site is predicted as a result of the implementation of the draft 2019 SSPC. The most likely potential indirect or secondary impact on a Natura 2000 site is by way of effluent discharge from the Ringsend waste water treatment plant which serves the entire Dublin region to Dublin Bay.</p> <p>Any future planning permission will be subject to conditions to ensure disposal to land, water and air has no impact on any Natura 2000 site. In addition,</p>


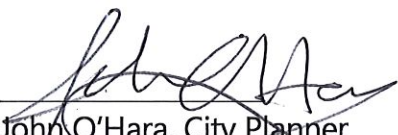
	<p>there is a commitment under the Dublin City Development Plan 2016—2022 to "support and facilitate Irish Water to ensure the upgrading of wastewater infrastructure, in particular the upgrading of the Ringsend Wastewater Treatment Plant" (objective SI02).</p> <p>In accordance with the Water Framework Directive (WFD), the Government has published the River Basin Management Plan for Ireland 2018-2021. The Plan sets out the actions that Ireland will take to improve water quality and achieve 'good' ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2027. This includes the River Liffey.</p>
<i>Excavation requirements;</i>	Not applicable.
<i>Transportation requirements;</i>	Not applicable.
<i>Duration of construction, operation, decommissioning, etc;</i>	Not applicable.
<i>Other</i>	None
Describe any likely changes to the site arising as a result of:	
<i>Reduction of habitat area:</i>	Not applicable.
<i>Disturbance to key species;</i>	Not applicable.
<i>Habitat or species fragmentation;</i>	Not applicable.
<i>Reduction in species density;</i>	Not applicable.
<i>Changes in key indicators of conservation value</i>	Not applicable.
<i>Climate change:</i>	Not applicable.
Describe any likely impacts on the Natura 2000 site as a whole in terms of:	
<i>Interference with the key relationships that define the structure of the site</i>	No predicted likely impact on the structure of any Natura 2000 sites.
<i>Interference with key relationships that define the function of the site</i>	No predicted likely impact on the conservation function of any Natura 2000 sites.
Provide indicators of significance as a result of the identification of effects set out above in terms of	
<i>Loss</i>	Not applicable.
<i>Fragmentation</i>	Not applicable.
<i>Disruption</i>	Not applicable.
<i>Disturbance</i>	Not applicable.

<i>Change to key elements of the site (e.g. water quality etc.)</i>	Not applicable.
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.	
No predicted likely impact on the conservation function of any Natura 2000 sites.	

Section 3.0: Finding of No Significant Effects Matrix

Name of project or plan	The Proposed Review and Amendments to the Scheme of Special Planning Control for Grafton Street and Environs.
Name and location of Natura 2000 sites:	Natura 2000 sites in the wider vicinity of the area to the Draft 2019 SSPC are provided in Section 1, Introduction, above.
Description of the project or plan	As provided in the Section 2, Screening Matrix above.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No. The site is c. 2.6 km from the nearest Natura site (IE004024).
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	The Draft 2019 SSPC adheres to the Dublin City Development Plan 2016-2022 which is compliant with the Habitats. It is not predicted that the Draft 2019 SSPC will have any impact on the conservation function of any Natura 2000 site.
THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:	There are no predicted likely impacts on the conservation function of any Natura 2000 sites.
Explain why these effects considered significant:	It is not predicted that the Draft 2019 SSPC will have any impact on the conservation function of any Natura 2000 site.
Response to Consultation	

DATA COLLECTED TO CARRY OUT THE ASSESSMENT	
Who carried out the Assessment?	Planning and Property Development Department Dublin City Council.
Sources of Data	<p>Existing data</p> <p>As part of the Appropriate Assessment screening process for the Draft 2019 SSPC, particular reference has been made to the following documents:</p> <p style="padding-left: 40px;">Managing Natura 2000 sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC.</p> <p style="padding-left: 40px;">Circular letter SEA 1/08 and NPVVS 1/08. (February 2008) Department of the Environment Heritage and Local Government (DoEHLG) Department of the Environment Heritage and Local Government (DoEHLG) Circular letter NPWS 1/10 and PSSP 2/10 (March 2010)</p> <p style="padding-left: 40px;">Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities. Department of Environment, Heritage and Local Government (2010) DoEHLG.</p> <p>Natura Impact Report (NIR) of the Dublin City Development Plan 2016-2022.</p> <p>Existing NPWS Data.</p> <p>Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. (2002) European Commission.</p>
Level of Assessment Completed	Desktop study.
Where can the full results of assessment the assessment be accessed and viewed	This document contains the full results of the Appropriate Assessment Screening exercise and will be placed on display with the public display documentation for this Draft 2019 SSPC.
Overall Conclusion	Stage 1 screening indicates that the Draft 2019 SSPC will not have any significant cumulative, direct or indirect impacts upon any of the Natura 2000 sites. Therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

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