

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

SCREENING REPORT

Proposed Variation (No. 4) of Dublin City Development Plan 2022-2028;

To change land-use zoning objective Z9 (opens space/ amenity/green networks) to land use zoning objective Z1 (sustainable residential neighbourhoods) on a site (0.052 ha) at 80 Philipsburgh Avenue, Dublin 3.

1. Preliminary:

The SEA Directive - Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment - was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (**SI No. 436 of 2004**).

Both sets of Regulations became operational on 21st July 2004.

The Regulations have been amended by the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (SI No. 200 of 2011) and the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (**SI No. 201 of 2011**).

Under **S.I. No. 436 of 2004**, as amended under **SI No. 201 of 2011**, screening to determine whether SEA is required is mandatory for:

- (a) Local Area Plans, where the population or the target population of the area is less than 5,000 people, or the area covered by the local area plan is less than 50 square kilometre;
- (b) Development Plans where the population or target population of the area is less than 10,000 persons; or
- (c) **Variation**, amendments or modification of **City** and County **Development Plans** and Planning Schemes in respect of Strategic Development Zones.

This proposal to rezone a parcel of land from Z9 to Z1 is a variation to the Dublin City Development Plan 2022 – 2028 and therefore a Strategic Environmental Assessment (SEA) screening report is mandatory. The conclusion of this SEA screening report will ascertain whether a full SEA is required and such a determination will be made public. An updated set of Section 28 Guidelines on SEA was published in 2022 by the Department of Housing, Local Government and Heritage (DHLGH) entitled *Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities, March 2022*. The Guidelines place an enhanced emphasis on key aspects of SEA including screening for SEA.

2. Purpose of Report:

The purpose of this SEA screening report is to consider whether the proposed draft variation of the Dublin City Development Plan 2022-2028 requires a full Strategic Environmental Assessment. The assessment is based on the criteria set down in Schedule 2A of the Planning and Development Regulations 2001, as amended, the DHLGH SEA Guidelines 2022 (and in particular guidance set out in Appendix B) and Annex II of Directive 2001/42/EC.

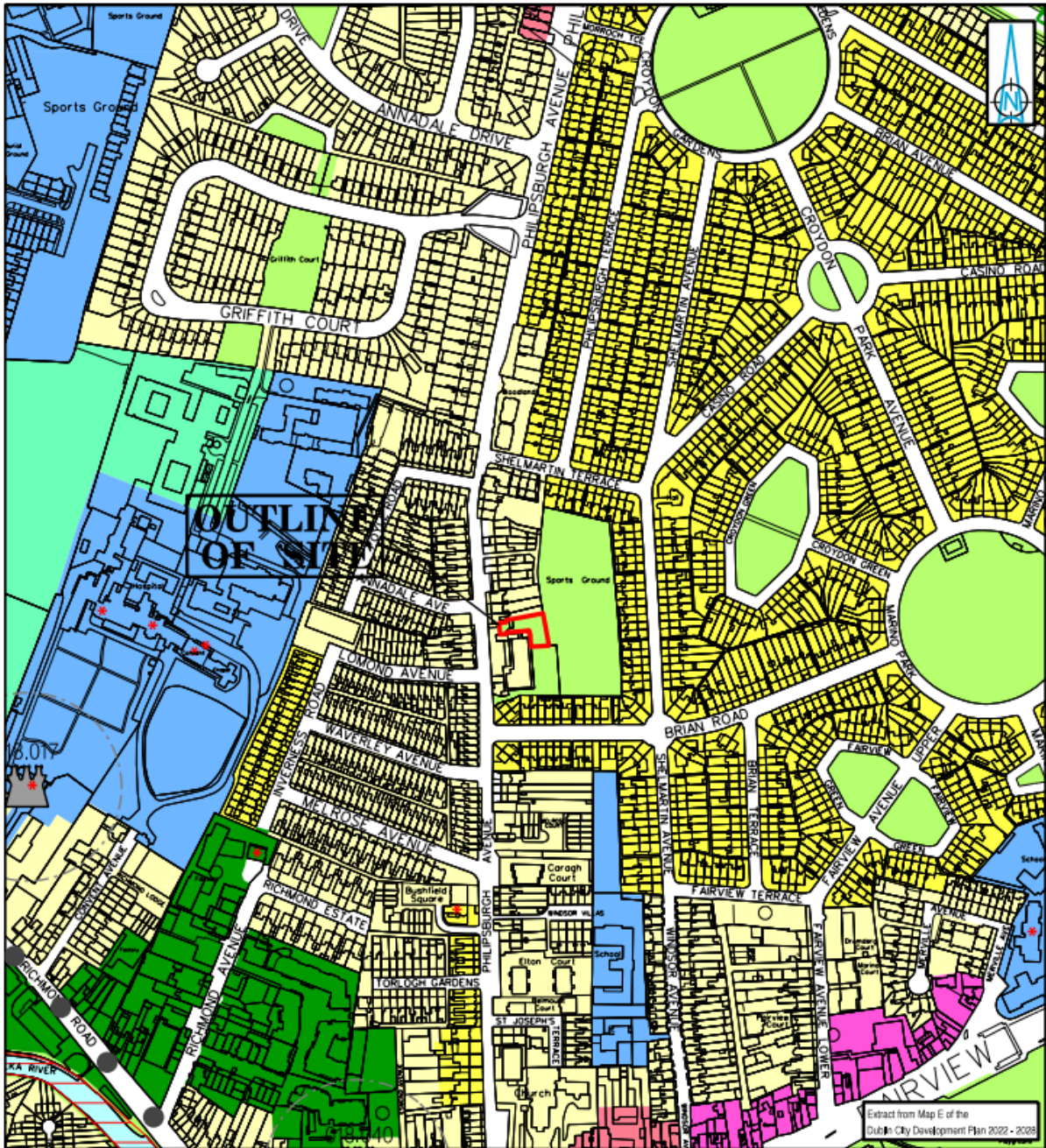
3. Proposal:

It is proposed to vary the Dublin City Development Plan (CDP) 2022-2028, by changing the land use zoning of the subject site (0.052ha) at 80 Philipsburgh Avenue, Dublin 3

From: Zoning Objective Z9 – To preserve, provide and improve recreational amenity, open space and ecosystem services

To: Zoning Objective Z1 - To protect, provide and improve residential amenities.

This proposed draft variation is delineated on the attached map, Figure 1, an extract from Map E, Volume 3 of the Dublin City Development Plan 2022 – 2028.




 Comhairle Cathrach
 Bhaile Átha Cliath
 Dublin City Council

PROPOSED VARIATION OF THE DUBLIN CITY DEVELOPMENT PLAN 2022 - 2028

Site at 80 Philipsburgh Ave, Dublin 3

AREA HIGHLIGHTED REZONED FROM
 Z9: Amenity / Open Space Lands / Green Network
 TO
 Z1: Sustainable Residential Neighbourhoods

Figure 1: Location of Proposed Variation (No. 4) to the Dublin City Development Plan 2022-2028 at 80 Philipsburgh Avenue, Dublin 3.

4 Further Detail on the Proposal:

The Planning Authority is proposing to change the zoning of the subject lands from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods). A site description and rationale for the proposed variation are provided below and the purpose and rationale of this proposed variation is set out below and the proposed variation area is delineated on Figure 1.

4.1 Site Location, Description and Planning Context

The subject lands are located at Philipsburgh Avenue in Dublin 3 in a well established residential area of Fairview. The subject lands (0.052ha) are within the Fairview pitch and putt course, an 18 no. hole course which is located to the rear of property on Philipsburgh Avenue, Shelmartin Terrace and Brian Road and which is accessed from Philipsburgh Avenue.

The subject lands comprise a small part of the pitch and putt course (two tee boxes) and there is a portocabin located on the lands.

The subject lands are located to the north / north east of a two storey brick building (former CYMC building) and car parking area which fronts onto and is accessed from Philipsburgh Avenue. The lands lie to the south of residential property, specifically a single storey house and its rear garden.

The area is well served by the Dublin Bus network and Clontarf train station is located within 1km of the lands.

The existing two storey former CYMC building is set back off Philipsburgh Avenue and is zoned for residential purposes - Z1 (Sustainable Residential Neighbourhoods). The area to the rear, that incorporates the pitch and putt course and which includes the subject lands is zoned Z9 (open space/amenity/ green networks). The rear car park of the former CYMC building is also zoned Z9 (open space/amenity/green networks).

Dublin City Council issued a notice to grant planning permission to Cabhru Housing Association in early 2023 for 42 residential apartments for independent living for older residents (60 years plus) on lands comprising the former CYMC building, its car park and the lands the subject of this proposed draft variation under Reg. Ref. 5176/22. This decision is currently under appeal. All buildings on the site are proposed to be demolished.

5 Purpose of the Variation

The subject lands were zoned for residential purposes - Z1 (residential) - under the 2016 – 2022 Dublin City Development Plan. The lands were rezoned to Z9 (Amenity/Open Space Lands/Green Network) under the 2022 – 2028 Dublin City Development Plan which came into effect in December 2022.

The purpose of the proposed draft Variation is to rezone the subject lands from Z9 (Amenity/Open Space Lands/ Green Network) to Z1 (Sustainable Residential Neighbourhoods) to facilitate the development of lands for residential purposes, in conjunction with the adjoining residential lands (former CYMC building and car park), at Philipsburgh Avenue.

Cabhrú Housing Association, who propose to develop the lands under Reg. Ref. 5176/22, is seeking that the lands be rezoned back to a residential land use zoning to facilitate the development of lands. .

In a letter to the City Planning Officer on 22nd December 2022, Cabhrú Housing Association advised that agreement has been reached with the Pitch and Putt Club on the relocation of the two tee boxes to the satisfaction of the Pitch and Putt club that resolves the risk from redevelopment having a negative impact on the course. Cabhrú Housing Association have requested that consideration be given to initiating a Variation process to the Development Plan to re-instate the Z1 zoning to the relevant portion of lands.

The Planning Authority agrees with this request on the grounds that a more compact and consolidated form of housing development can be provided on the wider lands without detriment to the existing Fairview pitch and putt course (subject to a written agreed reconfiguration of the course to ensure the continued effective functioning of the pitch and putt course).

6 Requirements

In terms of the Regulations, it is mandatory to undertake the screening process to determine whether or not to carry out a strategic environmental assessment as set out in Article 13K of the Regulations. An assessment of the proposed variation in terms of the criteria set out in Schedule 2A of the Regulations is set out below under Section 7.

7 Assessment in terms of Schedule 2A of the Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011

The assessment below has had regard to the advice notes/guidance contained in *Appendix B - Guidance on applying criteria for determining whether a Draft Plan is likely to have significant effects on the environment (as per Schedule 2 of the Planning and Development Regulations 2001, as amended)* - of the recently revised and updated Section 28 Guidelines on SEA, March 2022, published by DHLGH.

THE CHARACTERISTICS OF THE PLAN HAVING REGARD IN PARTICULAR TO:

The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions, or by allocating resources;

This proposed variation to Dublin City Development Plan 2022-2028 is to change the zoning of the subject lands from Z1 to Z9.

Zoning objectives are mandatory objectives to be included within a development plan as required under the Planning and Development Acts 2000, as amended. The purpose of a zoning objective is to set a framework for projects and other activities, as

part of an overall assessment of development proposals, submitted to the planning authority on zoned lands.

The subject site has an existing zoning objective, Z9, establishing the principle of a framework in place to guide development. This proposed variation seeks to change the zoning objective to Z1 thereby maintaining the framework established but replacing the zoning objective to Z1.

The degree to which the plan influences other plans, including those in a hierarchy.

As a variation to the City Development Plan, the variation is compatible and complementary with the strategies, policies and objectives of the development plan relating to the delivery of housing and sustainable residential development.

The relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development.

As a variation to the Dublin City Development Plan 2022 - 2028, the draft variation is being prepared under the Planning and Development Act 2000 (as amended) and therefore must adhere to the principles of proper planning and sustainable development. This site sits within an area that has similar zoning as that being proposed under this variation, i.e. Z1.

Therefore, developing a serviceable site, within a built up area, that can connect into existing utility services accords with the principles of sustainable development and under the National Planning Framework is the type of development that has been explicitly sought after to ensure an intensification of use on sites that can absorb a greater density of development to optimise benefits from recycling sites for greater intensity of use subject to all the safeguards that will be required at any future planning application stage, all within the existing footprint of the city.

Any future development on this site, where planning permission is required, must be in accordance with the proper planning and sustainable development of the area. The Dublin City Development Plan sets out policies and objectives and in particular specific development standards guidance, all promoting sustainable development, to direct future planning applicants in the requirements sought by the council to ensure a compliant planning application that will accord with promoting sustainable development.

Environmental problems relevant to the plan.

No environmental issue of concern has been associated to date with the site.

The SFRA statement, that accompanies this draft variation documentation, has

classified the site as Flood Zone C (a low probability of flooding) suitable for a highly vulnerable use, housing, a use the zoning change sought, Z1, permits in principle) without the need for a Justification Test.

The relevance of the plan for the implementation of European Union legislation on the environment (e.g. plans linked to waste management or water protection).

Relevant European Union legislation is captured within the City Development Plan 2022-2028 with any relevant implementation at planning application stage, i.e. a local development management level.

CHARACTERISTICS OF THE EFFECTS AND OF THE AREA LIKELY TO BE AFFECTED, HAVING REGARD, IN PARTICULAR, TO:

The probability, duration, frequency and reversibility of the effects.

It is considered that the characteristics of the effects of the proposed variation will be minimal insofar that the site is currently adjacent to existing Z1 lands that have been built out and/ or may be redeveloped for similar residential uses located in a predominantly residential neighbourhood with pockets of Z9 zoned lands interspersed. The small loss in Z9 lands will not change the continued recreational use enjoyed at the local (zoned Z9) pitch and putt grounds owing to an agreement to reconfigure the existing pitch and putt course that will also maintain access off Philipsburgh Avenue.

The cumulative nature of the effects.

None

The transboundary nature of the effects.

The variation site is located entirely within the administrative are of Dublin City Council. The proposed variation to the Dublin City Development Plan 2022 – 2028 will have no national, regional or inter-county transboundary effects.

The risks to human health or the environment (e.g. due to accidents).

The proposed variation, by itself, to change a Z9 zoning to a Z1 zoning will not result in any risks to human health or the environment.

The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected).

The site is restricted to a limited area of 0.052ha and the effects of the variation on the subject site and in the wider environs will be minimal.

The value, and vulnerability of the area likely to be affected due to:

(a) special natural characteristics or cultural heritage;

There are -

- no statutory designations (e.g. a protected structure or Architectural Conservation Area [ACA] etc.),
- no specific objectives attaching (e.g. red hatch conservation area, site or area of archaeological interest etc.)
- no Natura 2000 site designations on or beside the variation site
- no NHA (Natural Heritage Area) or a proposed NHA on or beside the variation site and,
- no significant flooding issues as identified in the accompanying SFRA statement to this variation documentation, which classifies the site as Flood Zone C (with a low probability of flooding).

The proposed Variation will have no impact on any special natural characteristics or cultural heritage.

(b) exceeded environmental quality standards or limit values;

It is not expected that any environmental quality standards will be exceeded or that the value of vulnerable areas limited as a result of the proposed variation.

(c) intensive land use

The future intended land use, residential, is not considered to be of such an intensity to be detrimental to the surrounding area, which to the existing Z1 zoned and built out areas will likely match existing intensity and to the existing Z9 lands is not deemed to be detrimental to the pitch and putt course, which is currently surrounded (and framed) by existing built out Z1 zoned residential lands generally to the north, south, east and partially west, the location of the variation site along Philipsburgh Avenue.

The effects on areas or landscapes which have a recognised national, European Union or international protection status.

The location of the proposed rezoning is not located on or beside areas or landscapes of any national, European Union or International protected sites.

The closest **national designations** to the subject site are the proposed Natural Heritage Area (pNHA), attaching to North Dublin Bay (site code 000206) located to the south east of the variation lands and located to the south west is the proposed Natural Heritage Area (pNHA), attaching to the Royal Canal (site code 002103).

The closest **European Union** site is located 0.8km to the east of the site in the Irish sea, a Special Protection Area (SPA), South Dublin Bay and River Tolka Estuary SPA, site code 004024. There is no direct watercourse running through the subject site connecting to this protected Natura 2000 site, a European designated site under European Union protection. See AA screening report that accompanies this draft variation documentation for more detail.

Stage 1 Appropriate Assessment Screening indicates that the proposed variation 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.

The closest **international site** is the Dublin Bay Biosphere, a UNESCO recognised site. As above there is no direct water course link/ connection from the subject site of the variation to the area of protection.

8 Statutory Consultation

In line with SI 436 of 2004/2011, as amended, a SEA Screening Report and proposed determination was issued to the specified environmental authorities listed below for consultation over a three week period.

- Environmental Protection Agency;
- Minister for Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications; and
- Minister for Agriculture, Food and the Marine.
- Adjacent Local Authorities

Table 1 below summarises the submissions and responses to same.

Table 1 Submissions from Environmental Authorities and Response

Environmenta l Authority	Submission	Comment
EPA Submission received 20 th March 2023	Submission notes the role of the EPA as one of the Environmental Authorities and it provides a list of recommended guidance and resource material. Particular reference is made to the following tools	Guidelines & resources, where

	<p>and resources:</p> <ul style="list-style-type: none"> ▪ Environmental Sensitivity Mapping (ESM) Webtool. Available at: www.enviromap.ie ▪ EPA SEA Web GIS Tool. Available at: https://gis.epa.ie/EPAMaps/SEA ▪ EPA WFD Application. Available at: https://wfd.edenireland.ie/ and www.catchments.ie ▪ EPA AA Geo Tool. Available at: http://www.epa.ie/terminalfour/AppropAssess/index.jsp and https://gis.epa.ie/EPAMaps/AAGeoTool ▪ SEA of Local Authority Land Use Plans - EPA Recommendations and Resources'. 2022 Version 1.18. <p>Future amendments to the plan should be screened and the final SEA determination should be put on public display and sent to the environmental authorities.</p>	<p>relevant are considered within the assessment</p> <p>.</p> <p>Noted.</p>
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9 Conclusion

The proposed variation No. 4 to the Dublin City Development Plan 2022 – 2028 has been examined in light of the criteria detailed in Schedule 2A of the Planning and Development Regulations 2001, as amended and it is considered that the proposed variation is not likely to have significant effects on the environment for the reasons outlined above. In this regard it is determined that a strategic environmental assessment is not required.

SEA Determination

Strategic Environmental Assessment (SEA) Screening Determination

Under:

SEA Directive 2001/42/EC and
Planning and Development (Strategic Environmental Assessment)
Regulations 2004 (SI No.436 of 2004), as amended by
the Planning and Development (Strategic Environmental
Assessment) (Amendment) Regulations 2011 (SI No. 201 of 2011)

For:

PROPOSED VARIATION NO. 4 OF THE DUBLIN CITY DEVELOPMENT PLAN 2022 – 2028 AT LANDS AT 80 PHILIPSBURGH AVENUE, DUBLIN 3

This determination has been made by Dublin City Council relating to the potential for Proposed Variation No. 4 to have likely significant effects on the environment.

This determination has been made following consideration of proposed Variation No. 4, the information contained in the SEA Screening Report, criteria set out in Schedule 2A of the Planning and Development Regulations 2001, as amended, consideration of the Appropriate Assessment (AA) Screening Conclusion (see separate AA Screening Report) and to the consultation response received from the Environmental Protection Agency.

Following an analysis and evaluation of the relevant information, including the nature of the proposed variation and its potential for effects on the environment that could result from the implementation of the variation, it is considered that that the proposed variation would not be likely to have significant effects on the environment.

I hereby recommend that a determination for the need for a Strategic Environmental Assessment be made for the purposes of the SEA Directive 2001/42/EC and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 /2011, that SEA is not required for the Proposed Variation No. 4 of the Dublin City Development Plan 2022 - 2028.



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City Planner

12/09/23

Date