

DUBLIN CITY COUNCIL
ORDER OF THE A/ASSISTANT CHIEF EXECUTIVE
Planning and Property Development Department

Order No. S. 2180

Determination for the Need for Appropriate Assessment (AA) under Section 12 (7) (aa) of the Planning and Development Act 2000, as amended for:

Proposed Material Alterations to the Draft Dublin City Development Plan 2022 – 2028

A determination for the need for Appropriate Assessment (AA) is being made by Dublin City Council in respect of the Proposed Material Alterations to the Draft Dublin City Development Plan 2022 – 2028.

The Proposed Material Alterations have been prepared following a review of the issues raised during the prescribed public consultation period for the Draft Plan from 25th November 2021 to 14th February 2022 and subsequent consideration by the Elected Members of Dublin City Council (Special Council Meeting 5/6/7th July 2022).

A number of these alterations constitute a Material Alteration to the Draft City Development Plan. Accordingly, the Council resolved to place the Material Alterations on public display for public consultation.

Section 12 (7) (aa) of the Act, requires a determination to be made as to whether the Proposed Material Alterations to the Draft Plan require the undertaking of Appropriate Assessment.

The existing Draft Plan has already been informed by a Stage 2 AA and a Natura Impact Report has been prepared. Protective or mitigation measures have been incorporated throughout the plan which will have the effect of avoiding or reducing potential impacts on the Qualifying Interests and Special Conservation Interests of European sites to ensure that their conservation objectives are not undermined and, therefore, adverse effects on the integrity of European sites are avoided.

The Material Alterations proposed to be made to the Draft Plan were examined and assessed for their potential to have significant effects on European sites.

The majority of the Proposed Material Alterations to the Draft Plan pose no risk to European sites, as they are either neutral (i.e. have no relevance or relationship to European sites) or are positive and protective in nature.

The examination of the Proposed Material Alterations, however, has found that a number of Material Alterations have the potential for significant effects on European sites, due to habitat loss, disturbance to key species, changes in key indicators of conservation value, etc. and these Material Alterations, therefore, require the undertaking of Appropriate Assessment. These are listed in Table 1 below:


Table 1

Policies and Objectives: Material Alteration Reference Number	Zoning Amendments: Map Reference
2.11, 2.16 3.6, 3.8, 3.10, 3.11, 3.12, 3.14, 3.15, 3.16, 3.17, 3.19, 3.20; 3.22, 3.23, 3.24, 3.25, 3.28, 3.29, 4.2, 4.3, 4.4, 4.5, 4.7, 4.8, 4.9, 5.2, 5.4, 5.5, 5.8, 5.9, 5.21, 5.22, 5.24, 5.25, 5.26, 5.28, 5.29, 5.31, 6.5, 6.6, 6.7, 7.3, 7.6, 7.7, 7.14, 7.15, 7.16, 7.17, 8.2, 8.4, 8.5, 8.6, 8.8, 8.11, 8.15, 8.16, 8.18, 8.19, 8.20, 8.22, 8.23, 8.24, 8.25, 8.29, 8.30, 8.31, 8.32, 9.5, 9.8, 9.9, 9.10, 9.11, 9.12, 9.13, 10.4, 10.5, 10.7, 10.8, 10.9, 10.10, 10.11, 10.13, 10.16, 10.17, 10.18, 11.6, 11.18, 12.7, 12.8, 12.10, 12.16, 12.19 13.5	B-0004 B-0012 B-0033 B-0042 B-0044 B-0053 F-0012

The Proposed Material Alterations to the Draft Plan will be placed on public display for public consultation and will be accompanied by an NIR providing information in support of the Appropriate Assessment of the plan in accordance with Article 6 of the Habitats Directive (92/43/EEC).

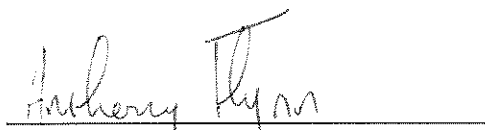
A final AA Determination of the Plan will be undertaken by the Planning Authority at the adoption stage. An AA Conclusion Statement will be prepared following adoption, which will detail the AA process undertaken for the plan.

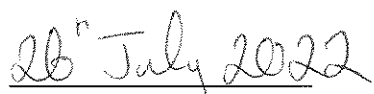
This determination has been made following the examination of the Proposed Material Alterations to the Draft Plan for their potential to have significant effects on European sites including through damage, disturbance or the potential to result in the loss of qualifying habitat or qualifying species/special conservation interests of European sites and to undermine the conservation objectives of the European sites. I hereby recommend that a determination (for the need for Appropriate Assessment) 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 Proposed Material Alterations listed in Table 1 above.



 City Planner 26/7/22
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Order: Having considered the information of the City 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 Proposed Material Alterations listed in Table 1 above.


A/Assistant Chief Executive


Date

To whom the appropriate powers have been delegated by order of the Chief Executive Dublin City Council dated 25th July 2022.