

APPROPRIATE ASSESSMENT SCREENING REPORT

CONCERNING THE PROPOSED MINISTERIAL DIRECTION (PROPOSED TO BE MADE IN ACCORDANCE WITH SECTION 31A OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED)

IN RELATION TO THE

**EASTERN & MIDLAND REGIONAL ASSEMBLY REGIONAL SPATIAL AND ECONOMIC STRATEGY
2019 - 2031**

To inform screening for Appropriate Assessment under Article 42(2) of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended.

Date of Notice: 12th December 2019

1.0 Introduction

Appropriate Assessment (AA) is a process required under Article 6(3) of the EU Habitats Directive. It is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011), as amended, and by Part XAB of the Planning and Development Act 2000, as amended.

Any plans and projects that either individually or in combination with other plans, are likely to have a significant effect on any site in the Natura 2000 network (a “European site”), require an appropriate assessment of these effects to determine if they will adversely affect the integrity of these sites.

The screening process scrutinises the plan or project to determine if there are likely significant effects either individually or in combination with other plans, on any European site. These sites include those designated as Special Areas of Conservation or Special Protection Areas.

This AA Screening Report reports the outcome of this analysis of the proposed Ministerial Direction (please refer to the enclosed proposed Direction, dated 9/12/2019). This Report will be taken into consideration before finalisation of the AA screening process and the publication of an AA screening determination by the Minister for Housing, Planning and Local Government pursuant to S.I. 477 of 2011, as amended.

2.0 Overview and purpose of the proposed Ministerial Direction

The elected members of the Eastern and Midland Regional Assembly (EMRA) adopted the Regional Spatial and Economic Strategy 2019-2031 (hereafter referred to as the RSES) on June 28th 2019. This will provide context for planning and development in the region for the next 12 years (with review periods every six years) and beyond. The main statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – the National Planning Framework (hereafter referred to as the NPF), and the economic policies and objectives of the Government by providing a long-term

strategic planning and economic framework for the development of the region. The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy, objective and target responses.

The Draft RSES was screened for the need to undertake AA and it was determined that a full AA would be required. This was done in a two stage process, initially assessing the draft RSES resulting in the publication of a Natura Impact Report, published on 5th November 2018 and subsequently assessing proposed amendments published on 15th March 2019. The NIR evolved with the RSES and was updated to include proposed amendments.

The Department of Housing, Planning and Local Government (DHPLG) made a submission on behalf of the Minister for Housing, Planning and Local Government, dated 12 April 2019, to the Regional Assembly outlining concerns relating to a number of proposed material amendments to the Draft RSES regarding various topics. The Assembly incorporated a number of suggestions made in the Department's submission on the proposed material amendments to the Draft RSES. However, concerns remained in relation to Chapter 5 (Dublin MASP) and Chapter 8 (Connectivity).

The Regional Assembly was specifically requested in the submission made by DHPLG on behalf of the Minister on the 12 April to amend Section 5.6 and Table 8.2 which incorporated additional proposals for rail, metro and LUAS infrastructure projects, to revert to the text included at Draft Plan stage.

Ultimately, the Assembly did not comply with this aspect of the submission and took insufficient account of the submissions made by the Minister on 23 January 2019 and 12 April 2019 respectively.

It is thereby proposed that the Minister will issue the Eastern and Midland Regional Assembly with the proposed Ministerial Direction (enclosed) to take the following steps with regard to the RSES.

- (i) Amend Section 5.6 Integrated Land use and Transportation, page 108 of the adopted RSES, Key transport infrastructure in the metropolitan areas as set out in national policy, by amendment of the text underlined below, as taken from the RSES, which will be replaced by the text set out in the box further below:

“Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and

- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50.”

And amend to the text in the box below. For the purposes of clarity, the new text in the proposed Direction is identified as underlined below.

Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda or further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the SouthEastern Line as far south as Greystones;
- New stations to provide interchanges with bus, LUAS and Metro network including at Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- Reappraisal of the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy, see also Chapter 8 Connectivity;
- Complete construction of Metrolink from Swords to Sandyford and consider underground extensions to other locations from Charlemont;
- LUAS Green Line Capacity Enhancement in advance of Metrolink; and
- Appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg.
- Assessment, and, if appropriate, planning and design of LUAS network expansion to Hazelhatch and Booterstown.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50.”

(ii) Amend Table 8.2 Rail projects for the Region, page 190, by amendment of the text underlined below, as taken from the RSES, which will be replaced by the text set out in the box further below:

“Rail;

- DART Expansion Programme - new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda and further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to provide DART services on the South-Eastern Line as far south as Greystones;
- Provide for an appropriate level of commuter rail service in the Midlands and South-East;
- Complete the construction of the National Train Control Centre;

- New stations to provide interchange with bus, LUAS and Metro network at including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook;
- A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out;
- Implement the extension of the Dunboyne/M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy;
- Complete construction of Metrolink from Swords to Sandyford, including underground extensions to UCD and Knocklyon from Charlemont.
- LUAS Green Line Capacity Enhancement in advance of Metrolink
- Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg, Hazelhatch, Booterstown and Blessington.
- In principle there is a need to carry out an evaluation of underground metro routes within the M50”

And amend to the text in the box below. For the purposes of clarity, the new text in the proposed Direction is identified as underlined below:

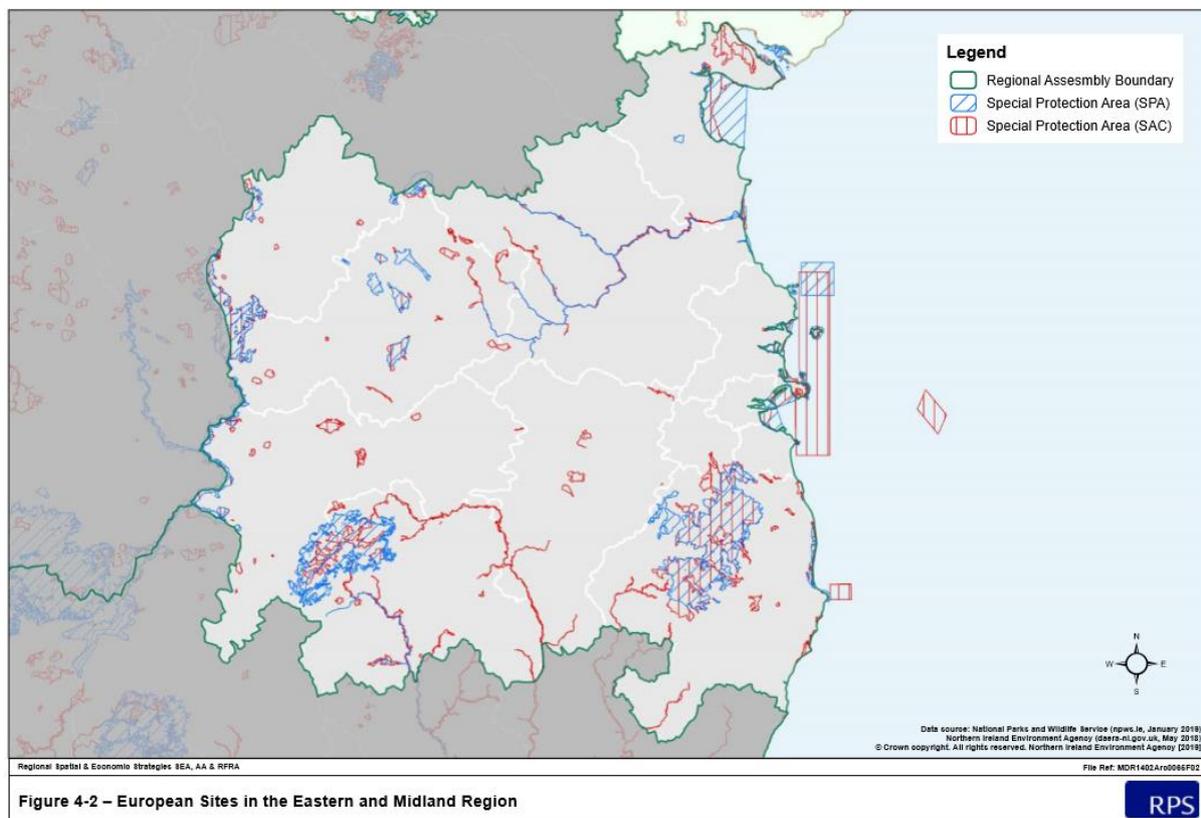
Table 8.2 Rail projects for the Region
<ul style="list-style-type: none"> • DART Expansion Programme – new infrastructure and electrification of existing lines, including provision of electrified services to Drogheda <u>or</u> further north on the Northern Line, Celbridge-Hazelhatch or further south on the Kildare Line, Maynooth and M3 Parkway on the Maynooth/Sligo Line, while continuing to improve DART services on the South-Eastern Line as far south as Greystones. • Provide for an appropriate level of commuter rail service in the Midlands and South-East. • Complete the construction of the National Train Control Centre. • New stations to provide interchange with bus, LUAS and Metro network including Kishoge, Heuston West, Cabra, Glasnevin, Pelletstown and Woodbrook. • A feasibility study of high-speed rail between Dublin Belfast, Dublin Limerick Junction/Cork will be carried out. • <u>Reappraisal</u> of the extension of the Dunboyne/ M3 Parkway line to Navan during the Mid Term Review of the GDA Transport Strategy. • Complete construction of Metrolink from Swords to Sandyford and <u>consider underground extensions to other locations from Charlemont;</u> • LUAS Green Line Capacity Enhancement in advance of Metrolink • <u>Undertake appraisal, planning and design of LUAS network expansion to Bray, Finglas, Lucan, Poolbeg.</u> • Undertake assessment, and, if appropriate, planning and design of LUAS network expansion to Hazelhatch and Booterstown. • In principle there is a need to carry out an evaluation of underground metro routes within the M50

The unaltered text in the boxes above has been subject to AA during the preparation of the Draft RSES and/or the consideration of the material amendments. Therefore, it is not necessary to consider the unchanged text as part of the screening for AA, except where there may be interactions or relationships with the proposed changes.

3.0 Identification of European Sites within the potential zone of influence of development associated with the draft Regulations.

Figure 1 shows the location of European sites within the EMRA administrative area.

Figure 1: European Sites in EMRA administrative area.- (reproduced with permission from the Eastern and Midland Regional Assembly)



Each of the European sites identified above are designated on the basis of the presence of specific habitats and/or species. These are listed in Appendix A. These “qualifying interests” and “special conservation interests” are accompanied by specific conservation objectives that aim to define “favourable conservation” condition for a particular habitat or species at that site.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and

- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The process of screening for appropriate assessment focused on any interaction between the conservation objectives and the effects of implementing the proposed Direction. The following section describes the effects and discusses the likelihood of any significant effects.

The European sites shown in Figure 1 are listed in Appendix A. Conservation objectives for these sites have been analysed as part of the screening process but for the purposes of brevity these have not been reproduced. Please refer to www.npws.ie for the conservation objectives for all European sites.

4.0 Consideration of any likely significant effects on European sites.

The proposed changes to the adopted RSES can be summarised as follows:

- Change of approach regarding the extension of the Dunboyne/M3 Parkway line to Navan from “*implement*” to “*reappraisal of*”.
- Reduction of specificity of proposed construction of the Metrolink to remove specific reference to UCD and Knocklyon and replace it with a more strategic propose to “*consider*” underground extensions to “*other locations*” from Charlemont.
- Removal of specific locations regarding the appraisal, planning and design of the expansion of the LUAS network, including Hazelhatch, Booterstown and Blessington. However, two of these settlements are referred to in new text below.
- Additional commitment to carry out assessment, and it appropriate, planning and design of the LUAS network expansion to Hazelhatch and Booterstown.

Guidance from Ireland¹ and the European Commission² has suggested that the following criteria treating to the nature of the proposal may be used in helping to determine if a proposal is likely to have significant effects. These include:

¹ Department of the Environment, Heritage and Local Government (DEHLG) (2010) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.

https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

² European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

European Commission (2019) Managing Natura 2000 sites: The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC.

- size and scale; disturbance).
- land-take;
- distance from the Natura 2000 site or key features of the site;
- resource requirements (water abstraction etc.);
- emissions (disposal to land, water or air);
- excavation requirements; (potential loss of area).
- transportation requirements;
- duration of construction, operation, decommissioning, etc.;
- Other.

Irish guidance (DEHLG, 2010) gives examples of effects that are likely to be significant include the following:

- Any impact on an Annex I habitat
- Causing reduction in the area of the habitat or Natura 2000 site
- Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
- Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
- Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
- Interfering with mitigation measures put in place for other plans or projects

These criteria are particularly suited to projects, as such details will be available for analyses. However, in the current case of the proposed Direction, it is not possible to predict if such impacts will occur due to the lack of specificity about the projects that are referred to.

Whilst all of the changes to the adopted RSES proposed by the Ministerial Direction relate to specific projects (rail, Metrolink, LUAS), none of them would be used to provide a framework for the consent of individual projects. Commitments to a) reappraise the rail extension to Navan, b) consider Metrolink extensions beyond Charlemont and c) to assess the LUAS expansion to Hazelhatch and Booterstown, are not proposals to give *consent* to these projects. All of the changes represent a strategic intent to *consider* these projects.

Therefore, environmental considerations associated with the consent of these projects would be expected to be included during the aforementioned appraisals and assessments. The proposed changes were also considered in the background of the other objectives in the RSES which will remain unchanged after the Direction comes into effect. Whilst the requirement for environmental impact assessment, appropriate assessment and strategic flood risk assessment are stated in law, it is reiterated in RPO 8.8 in the adopted RSES that the “*RSES supports delivery of the rail projects set out in Table 8.2, subject to the outcome of appropriate environmental assessment and the planning process*”.

The adopted RSES will be implemented via County Development Plans and other strategies in the statutory land use planning hierarchy. These will carry out these further analyses of the rail, Metrolink

and LUAS) project and will take environmental issues into consideration. It is at this scale (County and local scales) that it may not be possible to rule out likely significant effects once elements of the projects are considered and they may be analysed during a full appropriate assessment of the plan.

Therefore, taking into account the lack of specificity provided about the implications of the proposed changes, there is no possibility of any likely significant effects resulting from the proposed Direction.

5.0 Considered of in-combination effects.

The RSES will be implemented by other land use plans in the counties in the EMRA administrative area, which includes Counties Dublin, Wicklow, Fingal, Dun Laoghaire-Rathdown, South Dublin, Louth, Meath, Kildare, Longford, Westmeath, Kildare, Offaly and Laois. Future County development plans will not only undergo their own appropriate assessment but will also have to be consistent with the adopted RSES (including the proposed changes) and therefore it is reasonable to assume that there will be no likelihood of in-combination effects as all policies and objectives will have been tested by the AA process. The Natura Impact Report for the draft RSES states that the following strategies had potential to act in combination with the RSES:

- National Planning Framework
- National Development Plan
- Southern RSES Northern and Western RSES
- National Climate Mitigation Plan
- National Climate Change Adaptation Framework
- Bioenergy Plan
- Renewable Electricity Plan
- Water Services Strategic Plan
- National Water Resources Plan
- Lead in Drinking Water Mitigation Plan
- National Wastewater Sludge Management Plan
- Seafood Operation Programme
- Aquaculture Plan
- The National Biodiversity Plan
- Regional Waste Management Plans
- Construction 2020
- National Landscape Strategy for Ireland
- NPWS Conservation Plans and/or Conservation Objectives for SACs and SPAs
- Rural Development Programme
- Forestry Programme
- Foodwise 2025
- National Renewable Energy Action Plan (NREAP)
- Strategy for Renewable Energy
- Smarter Travel 'A New Transport Policy for Ireland'
- Offshore Renewable Energy Development Plan
- National Cycle Policy Framework
- National Ports Policy
- National Aviation Policy

- Greater Dublin Area (GDA) Transport Strategy
- Social Housing Strategy

The proposed changes to the RSES in the proposed Ministerial Direction represent an adjustment in the level of commitment to specific rail projects compared to the adopted RSES. All of the adjustments represent a more measured approach to delivering the projects and incorporate references to “reappraisal” and “assessment” at other stages in the planning process. There is no risk of any combination with any of the strategies listed above due to the nature of the proposed changes, that themselves offer no likelihood of significant effects on European sites.

6.0 Conclusions

The purpose of this Report is to present the results of the AA screening of the proposed Section 31(A) Ministerial Direction in relation to the Eastern & Midland Regional Assembly Regional Spatial and Economic Strategy 2019 - 2031. The objective of screening is to determine if the draft Direction is likely to have significant effects on European sites

Following an analysis and evaluation of the relevant information, including in particular, the nature of the proposed changes and their potential relationship with European sites that could result from the implementation of the draft Direction, as well as considering other plans and projects, and applying the precautionary principle, this report recommends that there is no possibility that the proposed Direction would be likely to have any significant effects on any European sites.

The main reasons leading to this conclusion was that the changes proposed in the Direction all represent a change in the level of commitments to specific rail projects compared to the adopted RSES. These include a) “reappraise” the rail extension to Navan, b) “consider” Metrolink extensions “beyond Charlemont” and c) to “assess” the LUAS expansion to Hazelhatch and Booterstown, prior to any decision to plan or design any proposal. These are not proposals to give consent to these projects or to provide a framework whereby they may be given consent. All of the changes represent a strategic intent to consider these projects. All risk of likely significant effects on European sites associated with the consent of these projects would be expected to be included during the aforementioned appraisals and assessments. There is also an existing requirement (which re-states a requirement in law) in objective RPO8.8 in the adopted to RSES to ensure that any support for these rail projects is “*subject to the outcome of appropriate environmental assessment and the planning process*”.

The Minister for Housing, Planning and Local Government will rely on this report and its recommendation (as well as any other relevant information) to determine if AA is required or not, in terms of whether the proposed Direction, individually or in combination with other plans or projects, will have a significant effect on any European sites.

This report, as well as the AA screening determination by the Minister, will be published on the Department’s website together with an associated SEA screening determination by the Minister.

Appendix A: List of Qualifying interests for European Sites in the EMRA administrative area

All Saints Bog and Esker SAC
All Saints Bog SPA
Ardagullion Bog SAC
Baldoyle Bay SAC
Baldoyle Bay SPA
Ballykenny-Fisherstown Bog SPA
Ballyman Glen SAC
Ballymore Fen SAC
Ballynafagh Bog SAC
Ballyprior Grassland SAC
Blackwater Bank SAC
Boyne Coast and Estuary SAC
Boyne Estuary SPA
Bray Head SAC
Brown Bog SAC
Buckronev-Brittis Dunes and Fen SAC
Carlingford Lough SPA
Carlingford Mountain SAC
Carlingford Shore SAC
Carn Park Bog SAC
Carnsore Point SAC
Carriggower Bog SAC
Charleville Wood SAC
Clara Bog SAC
Clogher Head SAC
Clonaslee Eskers and Derry Bog SAC
Clooneen Bog SAC
Coolrain Bog SAC
Crosswood Bog SAC
Deputy's Pass Nature Reserve SAC
Derragh Bog SAC
Dovegrove Callows SPA
Dundalk Bay SAC
Dundalk Bay SPA
Ferbane Bog SAC
Fin Lough (Offaly) SAC
Fortwilliam Turlough SAC
Garriskil Bog SAC
Garriskil Bog SPA
Girley (Drewstown) Bog SAC

Glen Lough SPA
Glen of the Downs SAC
Glenasmole Valley SAC
Holdenstown Bog SAC
Howth Head Coast SPA
Howth Head SAC
Ireland's Eye SAC
Ireland's Eye SPA
Island Fen SAC
Killyconny Bog (Cloghbally) SAC
Kilpatrick Sandhills SAC
Knockacoller Bog SAC
Knocksink Wood SAC
Lady's Island Lake SAC
Lisbigney Bog SAC
Lisduff Fen SAC
Long Bank SAC
Lough Bane and Lough Glass SAC
Lough Derravarragh SPA
Lough Ennell SAC
Lough Ennell SPA
Lough Forbes Complex SAC
Lough Iron SPA
Lough Kinale and Derragh Lough SPA
Lough Lene SAC
Lough Owel SAC
Lough Owel SPA
Lough Ree SAC
Lough Ree SPA
Lough Sheelin SPA
Lower River Suir SAC
Magherabeg Dunes SAC
Malahide Estuary SAC
Malahide Estuary SPA
Middle Shannon Callows SPA
Moneybeg and Clareisland Bogs SAC
Mongan Bog SAC
Mouds Bog SAC
Mount Hevey Bog SAC
Mountmellick SAC
Moyclare Bog SAC
North Bull Island SPA
North Dublin Bay SAC
Pilgrim's Road Esker SAC
Pollardstown Fen SAC

Poulaphouca Reservoir SPA
Raheenmore Bog SAC
Red Bog, Kildare SAC
Ridge Road, SW of Rapemills SAC
River Barrow and River Nore SAC
River Boyne and River Blackwater SAC
River Boyne and River Blackwater SPA
River Little Brosna Callows SPA
River Nanny Estuary and Shore SPA
River Nore SPA
River Shannon Callows SAC
Rockabill to Dalkey Island SAC
Rye Water Valley/Carton SAC
Scragh Bog SAC
Sharavogue Bog SAC
Slaney River Valley SAC
Slieve Bloom Mountains SAC
Slieve Bloom Mountains SPA
South Dublin Bay and River Tolka Estuary SPA
South Dublin Bay SAC
Split Hills and Long Hill Esker SAC
The Long Derries, Edenderry SAC
The Murrough SPA
The Murrough Wetlands SAC
Vale of Clara (Rathdrum Wood) SAC
White Lough, Ben Loughs and Lough Doo SAC
Wicklow Head SPA
Wicklow Mountains SAC
Wicklow Mountains SPA
Wicklow Reef SAC
Wooddown Bog SAC