

# **ENVIRONMENTAL REPORT**

**Response to the Environmental Issues arising from Submissions  
from the Environmental Authorities and Non Statutory Bodies**

**following**

**the public display of the proposed Variation No. 2 of the South  
Dublin County Development Plan 2010 – 2016,  
Casement Aerodrome, Baldonnell**



**31<sup>st</sup> May 2012  
Planning Department,  
South Dublin County Council**

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## **1. Introduction**

The purpose of this Report is:

- To detail the written submissions received from the Environmental Authorities, other Agencies and the public following the public display of the proposed Variation No. 2 of the South Dublin County Development Plan 2010 – 2016: Casement Aerodrome, the accompanying SEA Screening Report and the Appropriate Assessment screening.
- To set out the SEA Team's response to the issues raised in the submissions from the Environmental Authorities and the environmental issues raised in the non-statutory submissions and;
- To make recommendations on the adoption or otherwise of the Proposed Variation No. 2 Casement Aerodrome.

## 2. Background

At the meeting of South Dublin County Council on 13<sup>th</sup> February 2012, Council Members agreed to the initiation of statutory procedures for the making of variation no. 2 of the South Dublin County Development Plan, 2010-2016 (the second variation to date).

Proposed variation no. 2 relates to Casement Aerodrome, Baldonnell. The variation proposes to insert a protocol into the Plan which would allow the Planning Authority to consider appropriate development of existing zoned land within the Casement Aerodrome security zone, without compromising the security of the Aerodrome.

Proposed variation no. 2 arises from two Development Plan policies as set out below:

Policy EE40, 'Restriction Area at Casement Aerodrome' states

*'It is the policy of the Council to again negotiate with the Department of Defence with the aim of reducing the no development restriction area at Casement Aerodrome, Baldonnell to that of norm at international airports generally, thus allowing some currently zoned lands to be opened up for use'.*

Policy EE41, 'Casement Aerodrome – Security Consultation Zone' states

*'It is the policy of the Council to seek to amend the Security Zone Restriction around Casement Aerodrome so that it becomes a Security Consultation Zone, within which standard security measures will be applied in line with international best practice at military and civilian aerodromes. Furthermore, the said issue shall be brought back to this Council within one year of adoption of this Development Plan to be considered by way of variation of the Development Plan when full technical and legal advice is available to the Members'.*

Since the adoption of the Development Plan in October 2010, the Planning Department engaged in discussions with the Department of Defence in order to pursue the provisions of the above policies.

Arising from this work, Councillors agreed at the meeting of South Dublin County Council on 13<sup>th</sup> February 2012, to the initiation of statutory procedures for the making of variation no. 2 to the Development Plan.

The proposed variation involves the insertion of a protocol into the Development Plan. The effect of this protocol would be to allow the Planning Authority to consider appropriate development of existing zoned

land within the Casement Aerodrome security zone, without compromising the security of the aerodrome.

The proposed amendments to the text of the Development Plan can be summarised as follows:

- Deletion of two policies
- Insertion of one new policy
- Re-numbering of relevant policies accordingly
- Introduction of a new section into Schedule 4
- Other relevant minor amendments to the text.

The changes are set out in full in Appendix 1 of the Manager's Report on the proposed Variation.

### 3. Key Stages in the Proposed Variation No. 2 to the South Dublin County Development Plan 2010- 2016 to date.

The Key SEA stages of the variation process are set out below:-

Date	Stage
13 <sup>th</sup> February 2012	<p>At the County Council meeting on 13th February 2012, it was proposed and agreed to initiate the procedure for the making of a Variation to the South Dublin County Development Plan 2010 – 2016. The reason for the Variation was to insert a protocol into the Plan which would facilitate development to be considered on existing zoned land within the Casement Aerodrome security zone, without compromising the security of the aerodrome.</p>
5 <sup>th</sup> and 9 <sup>th</sup> March 2012	<p>In terms of the provisions of Article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 - 2011(the Regulations), where a planning authority proposes to make a variation of a development plan under Section 13(2) of the Act, it shall (before giving notice under Section 13(2) of the Act) consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account criteria set out in Schedule 2A of the Regulations.</p> <p>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.</p> <p>The Screening Report (5th March 2012) determined that while Development Plan Variation No. 2 for Casement Aerodrome, Baldonnell would be likely to have significant environmental effects, it was considered that the environmental assessment of a variety of motions related to the Security Zone relaxation within the South Dublin County Development Plan 2010 – 2016 Strategic Environmental Assessment process already fulfilled the SEA requirements under National and European Commission legislation. This is because the effects had been considered in relation to the zoning of the land for</p>

	<p>development and policies EE40 and EE41 of the Development Plan.</p> <p>The Councils then issued a formal notice on the 9th March 2012 to</p> <ul style="list-style-type: none"> <li>• The Environmental Protection Agency (EPA)</li> <li>• The Department of the Environment, Community and Local Government (DOECLG)</li> <li>• The Department of Arts, Heritage and the Gaeltacht (DOAHG)</li> <li>• The adjoining Local Authorities of Dun Laoghaire Rathdown, Wicklow, Kildare, Fingal and Dublin City</li> </ul> <p>in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 - 2011, providing them with an opportunity to comment on whether or not they consider significant effects on the environment would be likely to arise. The Screening Report accompanied the notice.</p>
Late March 2012	<p>Following the three week statutory consultation period, the Council determined that while the proposed Variation No. 2 would be likely to have significant effects on the environment, it was considered that the environmental assessment of a variety of motions related to the Security Zone relaxation within the South Dublin County Development Plan 2010 – 2016 Strategic Environmental Assessment process already fulfilled the SEA requirements under National and European Commission legislation. This decision was made taking account of relevant criteria set out in Schedule 2A of the SEA Regulations, the previous environmental assessment of the proposal during the South Dublin County Development Plan 2010 – 2016 process and the submissions or observations received in response to the notice.</p> <p>The Screening Report was updated taking account the relevant submissions or observations received in response to the notice. It issued as the Screening Decision, copies of which were made available for public inspection at the offices of the Council during opening hours and on the Council website at <a href="http://www.sdcc.ie">www.sdcc.ie</a>. A copy of the Screening Decision was also be sent to the relevant environmental authorities in accordance with A. 13K (5)(b) the Planning</p>

	and Development (Strategic Environmental Assessment) Regulations 2004 - 2011.
5 <sup>th</sup> April 2012	<p>The Council gave notice on the 5th April 2012 of the intention to vary the South Dublin County Development Plan by means of proposed Variation No. 2 Casement Aerodrome, Baldonnell. The proposed variation, the SEA Screening Report and the Appropriate Assessment screening were on display from the 5<sup>th</sup> April to the 8<sup>th</sup> May 2012</p> <p>Written submissions or observations regarding the preparation of the proposed Variation were invited from the Environmental Authorities, members of the public and other interested parties.</p>
8 <sup>th</sup> May 2012	Submissions were received from the Environmental Authorities, other agencies and the public in relation to the SEA Screening Report.



**4. Submissions from Environmental Authorities, other agencies and the public**

The table below sets out the submissions from the Environmental Authorities, other Agencies and the public in relation to the Proposed Variation No.2, accompanying SEA Screening Report and the Appropriate Assessment Screening. The table also contains a response from the SEA Team pertaining to the item:-

PERSON / GROUP	SUBMISSION SUMMARY	COMMENT
<b>Environmental Protection Agency</b>	Due to the potential for likely significant effects identified, as described within the SEA Screening Report, it is considered the proposed variation would come within the scope of the requirement for an environmental assessment under the SEA Directive and Regulations.	An Environmental Assessment in relation to the lifting of the security constraints and its environmental impact has been carried out as part of the Environment Report of the County Development Plan process in relation to the zoning of the land for development and policies EE40 and EE41 (the detail of the potential impact and the full process are outlined in the Screening Report for the Proposed Variation No. 2 - 3rd April 2012).
	It should be clarified whether the variation involves the re-zoning or de-zoning of lands. Should either re-zoning or de-zoning be proposed, the environmental assessment of the County Development Plan is not likely to have assessed the likely significant effects associated with re-zoning and relevant suitable alternatives.	The variation does not involve either the re-zoning or de-zoning of lands. The lands were zoned for development as part of the County Development Plan 2010 process.
	The requirements of the Flood Risk Management Guidelines should also be fully implemented in the zoning and development of lands.	The County Development Plan 2010 – 2016 contain policies and objectives fully in compliance with the requirements of the Flood Risk Management Guidelines and which when applied, which will mitigate significant flood risk.

	<p>Consideration should also be given to assessing the potential for likely cumulative effects, particularly in the context of adjacent on-going local area plans (LAPs), including the proposed Newcastle LAP.</p> <p>It is a matter for South Dublin County Council to determine whether or not any future proposed amendments/variations would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) and should be subject to the same method of assessment as undertaken in the 'environmental assessment' of the Plan.</p> <p>In proposing the variation, and any related amendments, variations etc. of the Plan, and in implementing the variation, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the particular variation.</p> <p>South Dublin County Council (SDCC) is referred to the requirements of Article 6 of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Habitats Directive. Appropriate Assessment, in accordance with the Directive, is required for:</p> <p><i>“Any <u>plan or project</u> not directly connected with or necessary to the management of the site (Natura 2000 sites) but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site’s conservation Objectives...”</i></p> <p>SDCC should consult with the National Parks and Wildlife Service (NPWS) with regard to screening of</p>	<p>The assessment of Cumulative impact is dealt with in Section 2.2 of the Screening Report (Assessment In Terms Of Schedule 2A Of The SEA Regulations 2004 – 2011).</p> <p>Noted. The assessment has been carried out in accordance with the criteria of Schedule 2A of the SEA Regulations (S.I. No. 436 of 2004).</p> <p>Noted.</p> <p>South Dublin County Council has concluded that following Appropriate Assessment (AA) Screening of the proposed variation under Article 6(3) of the Habitats Directive, Stage two assessment is not necessary, as implementation of the variation would not be likely to have significant effects on the Natura 2000 network of sites. This Screening Report was submitted to all statutory persons/bodies/agencies as required, including the Department of Environment, Community and Local Government.</p>
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	<p>the variation for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Plan, as appropriate.</p> <p>SDCC is referred to its responsibilities and obligations in accordance with all national and EU environmental legislation.</p> <p>The attention of SDCC is brought to the new SEA Regulations, which should be referenced and integrated into the Plan and SEA process. Two amending SEA Regulations were signed into Irish law on the 3<sup>rd</sup> May 2011, amending the original SEA Regulations.</p> <p>SDCC is also referred to the recent DoECLG Circular (PSSP 6/2011) issued on the 26<sup>th</sup> July 2011 to each County/City Manager, Director of Services and Town Clerk in relation to '<i>Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)</i>' which should also be referred to and integrated into the variation.</p> <p>SDCC is also referred to the requirements of the recent European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), which should be taken into account in implementing the Plan.</p> <p>SDCC is reminded of the requirement, where appropriate under the SEA Regulations, and as amended by S.I. No. 201 of 2011, to give notice to the persons/bodies/agencies as set out.</p> <p>A copy of SDCC's decision regarding the determination should be made available for public inspection at Council offices, on the local authority website and should also be notified to any Environmental Authorities already consulted.</p>	<p>Noted</p> <p>The new SEA Regulations have been fully integrated into the proposed variation of the Plan and the accompanying SEA process.</p> <p>The content of the circular has been fully integrated into the proposed variation of the Plan and the accompanying SEA process.</p> <p>The recent Birds and Habitats Regulations (S.I. No. 477 of 2011) have been noted and will be adhered to in the implementation of the plan.</p> <p>Notice of the proposed variation and the accompanying SEA Screening Report has been issued to all persons/bodies/agencies as required.</p> <p>Following the determination concerning the need for continuing the SEA process, a copy of SDCC's decision was made available for public inspection at the Council offices and on the Council's website. The Environmental Authorities were also notified.</p>
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<p><b>Rathcoole Community Council</b></p>	<p>The proposed variation is opposed. The reasons are as follows:</p> <p>The development of excess industrial land would compromise the integrity and character of the village, contrary to the Council's policy to protect the rural character and streetscape of Rathcoole and features of local heritage importance.</p> <p>The rezoning of these lands for industrial use is in contradiction to the development strategy outlined in the environmental report. Rathcoole is primarily a residential area and ordered development which must include provision of adequate amenity and recreational space is welcome. The SEA clearly states that this would facilitate the sprawl of industrial development. Currently there is a surplus of zoned industrial land and vacant industrial units. The development of additional industrial land would compromise existing industrial interests.</p> <p>The development of these industrial lands compromises the biodiversity of the locality as outlined in the SEA. It is also in direct contrast to the Council's own policy in relation to Green Structures.</p> <p>Water quality of the local river, the Camac will be compromised, as outlined in the SEA. Intensification of further industrial development will only further increase the amount of wastewater and industrial discharges and will retard the objective within the programs and measures</p>	<p>The reasons advanced to oppose the proposed Variation No. 2 by the Rathcoole Community Council reiterate to varying degrees the environmental assessment contained in the SEA Screening Report and the assessment of the policy as originally advanced in the Environmental Report of the County Development Plan. Where there is additional input by the RCC, this is commented on.</p> <p>The removal of the security constraints will facilitate the development of the land (already zoned EP2 in the County Development Plan). It has the potential to reduce the extent of Greenfield land in the vicinity of Rathcoole</p> <p>The rezoning of land has already occurred during the adoption of the County Development Plan and further zoning or dezoning is not being proposed as part of the current proposed variation.</p> <p>The County Development Plan contains policies and objectives will assist in the mitigation of the negative environmental effects.</p> <p>The County Development Plan contains policies and objectives that will assist in the mitigation of the negative environmental effects.</p>
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	<p>contained within the river basin management plan to achieve good water status by 2027. Furthermore the proposed plan for this development as shown to Rathcoole Community Council contained no reference to treatment of attenuated water.</p> <p>Rathcoole Community Council contend that a flood risk has been identified in this area and that it is incumbent on the council to maintain the flood relief area of the Camac and the rural lands surrounding Baldonnell to alleviate and attenuate the flood events that recently occurred in Rathcoole in 2011 with serious consequences to residential and commercial property.</p> <p>The park proposed by SIAC around the Camac is incidental – it cannot be accessed by the public and therefore provides no amenity value to the local community. In reality the proposed development restricts and hinders the further development of sporting facilities in the locality, notably Commercial Hurling Club which will be enclosed by this proposed development.</p>	<p>The OPW Preliminary Flood Risk Assessment (FRRA) maps indicate potential flood areas. A potential Flood Risk area has been identified in the lands adjoining the Griffeen River as indicated in the SEA Screening Report. In addition to this, the OPW has determined (March 2012) that an area in Baldonnell where the risks associated with flooding might be significant (referred to as Areas for Further Assessment, or 'AFAs'). The 'AFAs' are where more detailed assessment will be undertaken to more accurately assess the extent and degree of flood risk, and, where the significance of the risk is confirmed, to develop where possible measures to manage and reduce the risk. The more detailed assessment, which will focus on the AFAs, will be undertaken through Catchment Flood Risk Assessment and Management ('CFRAM') Studies. The County Development Plan contains policies and objectives that will assist in mitigating the negative environmental effects of proposed development within these areas.</p> <p>Noted. The present process relates solely to the lifting or otherwise of the Security Zone development constraints.</p>
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	<p>The following is noted from the SEA in relation to road access.</p> <p><i>'The site, although located in close proximity to the N7, is not accessible by public transport and is not located along a public transport corridor'.</i></p> <p>Furthermore it is the policy of the NRA to deny access onto a primary road and we refer the Council to the decision made by An Bord Pleanala (Ref SD 11A/0271) in relation to a proposed incinerator at a site near the proposed development. This variation must be refused for the same reasons as previously refused by An Bord Pleanala (additional traffic directly onto a national primary Route; and traffic hazard due to intensification of traffic movements onto/off a national primary route). The proposal contains no reference to adequate transport links or provision of same. The connection from City West bridge is not under the control of the developers and access is unlikely to be ceded to a speculative proposal i.e. a proposal such as this would not have the funding to construct an access road as indicated.</p> <p>It is noted with concern that the conclusion of the screening decision of the SEA unequivocally states the significant residual negative impacts of the speculative development. We would question the use of public money being spent on the professional report outlined in the SEA if the resulting findings are ignored. We contend that our public representatives should equally represent the local community as well as vested interests.</p>	<p>Noted.</p> <p>As outlined above, the SEA process is a statutory requirement. The SEA process has significantly influenced consideration of the current County Development Plan and subsequent variations through avoidance, mitigation and other measures. SEA is an important part of the decision making process and is balanced with a range of other considerations by decision makers in exercising their statutory function.</p>
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## **5. Next Steps**

Council Members will determine the resolution on the proposed Variation No. 2 at the July Council meeting.

Article 13P of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 details the statutory requirements in relation to decision-making on variations to Development Plans as follows

*The planning authority shall take account of*

*(a) the environmental report,*

*(b) any submission or observation made to the planning authority in response to a notice under section 13(2) of the Act during the making of the variation, and before its adoption.*

## **6. Recommendation**

The purpose of the proposed variation is in the context of policies EE40 and EE41 of the County Development Plan that were put in place to enable a Development Plan post-adoption process in relation to the Baldonnell security zone. When combined with the fact that part of the subject lands are zoned for development, and that policies EE40 and EE41 and the zoning of the lands have already been subject to strategic environmental assessment as part of the Development Plan process, it is apparent that the Development Plan stage recommendations not to proceed in relation to the likely environmental effects of zoning the subject lands for development were considered and not agreed. Notwithstanding this, the Strategic Environmental Assessment process at Development Plan stage fulfilled National and European legislative requirements.

Variation No.2 is therefore the latest stage of a process that was enabled by adoption of the County Development Plan in September 2010. The current recommendation remains consistent with that set out at the previous Development Plan stage. However, it is acknowledged that SEA, although part of the decision making process, is balanced with a range of other considerations by decision makers in exercising their statutory function.