

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)
SCREENING REPORT

Proposed Variation of the Dublin City Development Plan 2022-2028: Site at Basin View, Dublin 8

It is proposed to vary the Dublin City Development Plan 2022-2028 to reorder the land use zoning of the subject lands at Basin View, Dublin 8;

From:

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

and

Zoning Objective Z9 - To preserve, provide and improve recreational amenity, open space and ecosystem services

To:

Zoning Objective Z9 - To preserve, provide and improve recreational amenity, open space and ecosystem services

and

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

The proposed draft variation areas are delineated on the attached map.

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 reorder the land use zoning of the subject lands at Basin View, Dublin 8 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 2022-2028 to reorder the land use zoning of the subject lands at Basin View, Dublin 8;

From:

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

and

Zoning Objective Z9 - To preserve, provide and improve recreational amenity, open space and ecosystem services

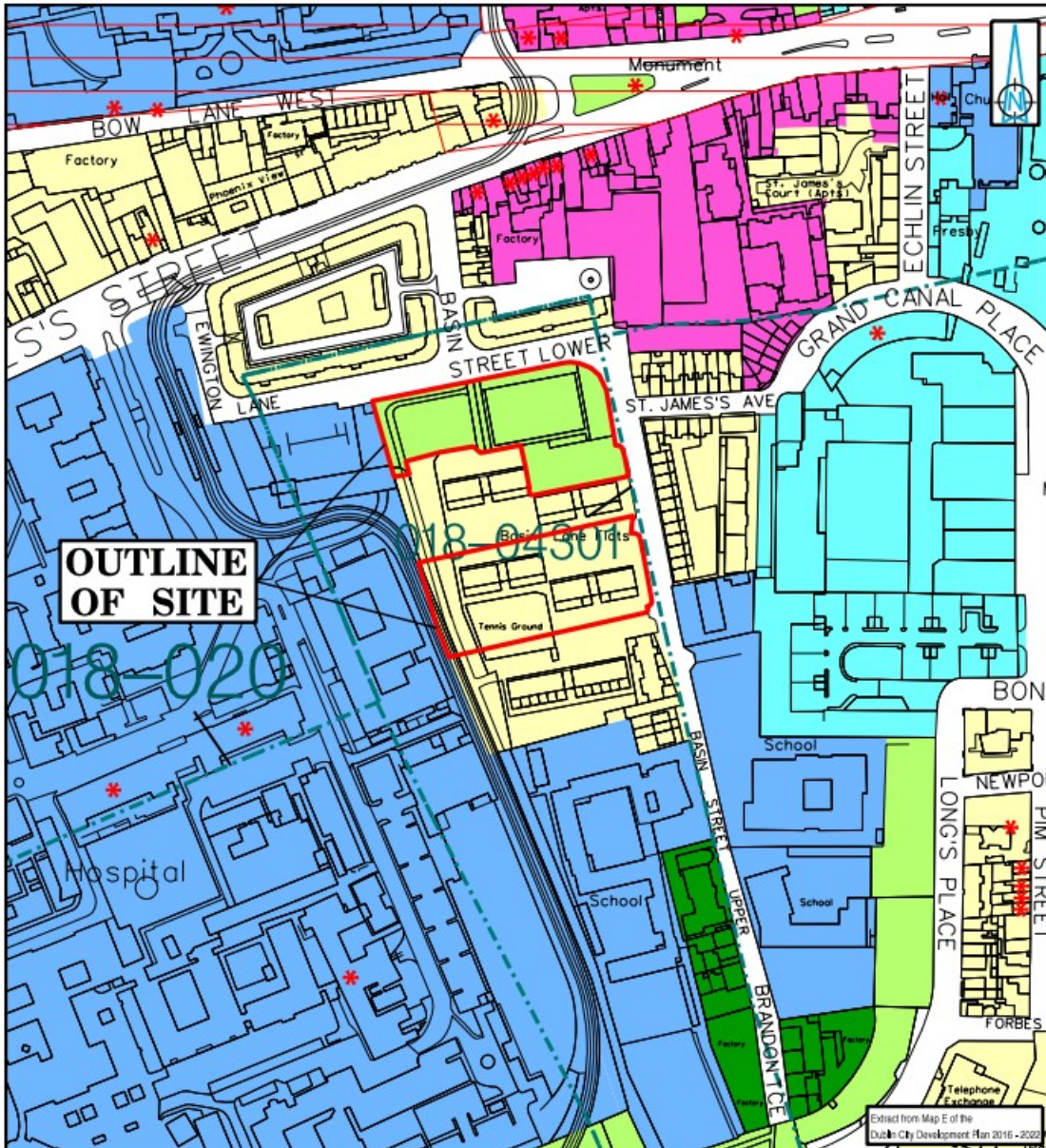
To:

Zoning Objective Z9 - To preserve, provide and improve recreational amenity, open space and ecosystem services

and

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

The proposed draft variation areas are delineated on the attached map.



OUTLINE OF SITE

018-020

018-04301



PROPOSED VARIATION (No.1) OF THE DUBLIN CITY DEVELOPMENT PLAN 2022 - 2028

Site at Basin View, Dublin 8

AREA HIGHLIGHTED REZONED FROM
 Z1: To protect, provide and improve residential amenities
 and
 Z9: To preserve, provide and improve recreational amenity and open space and ecosystem services
 TO
 Z9: To preserve, provide and improve recreational amenity and open space and ecosystem services
 and
 Z1: To protect, provide and improve residential amenities

4 Further Detail on the Proposal:

The Planning Authority is proposing to reorder the land use zoning of the subject lands at Basin View, Dublin 8 from Z1 (Sustainable Residential Neighbourhoods) and Z9 (Amenity/Open Space Lands/Green Network) to Z9 (Amenity/Open Space Lands/Green Network) and Z1 (Sustainable Residential Neighbourhoods).

A site description and rationale for the proposed variation are provided below and the proposed variation area is delineated on Figure 1.

4.1 Site Location, Description and Planning Context

The lands are located at Basin View, Dublin 8 and comprise Oisín Kelly Park adjoining Basin Street Lower to the north and the site of the two central blocks of Basin Street Flats.

Oisín Kelly Park is 0.422ha in area and accommodates a small hardstanding playing area and a grassed playground. The park is currently underutilised by the general public and the playground equipment and hardstanding playing area have been the subject of anti-social behaviour. It is proposed to change the land use zoning of Oisín Kelly Park which is currently zoned Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods).

The site of the two central blocks of Basin Street Flats is 0.422ha in area and is located between Basin View and the Luas Red line which runs to the west of the site. It is proposed to change the land use zoning of this part of the site which is currently zoned Z1 (Sustainable Residential Neighbourhoods) to Z9 (Amenity/Open Space Lands/Green Network).

There is no recent relevant planning history pertaining to the lands. A brief planning profile of the proposed variation site is as follows:

There are;

- no Natura 2000 sites 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) suitable for a vulnerable use such as housing without the need for a justification test, all as per the Section 28 Guidelines on Flooding 2009, as amended.

The site is located within a zone of archaeological interest associated with St. James's Walk Watercourse (DU018-04301).

5 Rationale and Planning Justification for Variation Proposal

The Planning Authority considers that it is appropriate to reorganise the land use zoning of the lands at Basin View, Dublin 8 from Z1 (Sustainable Residential Neighbourhoods) and Z9 (Amenity/Open Space Lands/Green Network) to Z9 (Amenity/Open Space Lands/Green Network) and Z1 (Sustainable Residential Neighbourhoods) on foot of a request from the Housing Department of the Council.

The Basin Street Flats site was selected for inclusion in the Social Housing Public Private Partnership (PPP) Programme, which is a partnership between the Department of Housing, Local Government and Heritage (DoHLGH), local authorities, the National Development Finance Agency and a specially formed Project Company to deliver new social housing units. The DoHLGH have approved in principle the site at Basin View, which is the first site to be regenerated under this programme and where 100-170 units are to be constructed.

The area encompassing the two variation sites will be the subject of a significant scale regeneration project, providing high quality new housing and a new public park. The purpose of the variation is to allow a new design and footprint for the housing, and a re-positioning of Oisín Kelly Park so that it serves better the residents of the regenerated housing and the wider public within the community. This re-positioning will also allow for a less disruptive approach to the regeneration of the site, by facilitating construction in a phased manner. The size of both plots are almost identical; and this proposed change will not result in the loss of any Z9 lands to this area. It will however, ensure that the open space provided in this street block is significantly upgraded and will provide a high quality amenity space for the community.

Allowing the reordering the zoning on this site will facilitate the successful delivery of the overall development, comprising of a new mixed tenure housing development; improved permeability east to west and north to south; a new Oisín Kelly Park in line with the Dublin City Council Parks Strategy 2019 and overall enrichments to the public realm.

The lands are located within the St. James Harbour Character Area of SDRA 15 Liberties and Newmarket Square, an area which has considerable regeneration potential with both private and public land holdings of considerable scale. Connectivity and green infrastructure initiatives are identified in the SDRA, including improved public open space at Oisín Kelly Park and new east-west permeability interventions between the St. James' Hospital grounds and Basin View, which are required in order to improve the amenity for existing and future residents and to better integrate the area with its adjoining institutions and neighbourhoods.

It is therefore considered appropriate to seek to reorder the land use zoning of the subject lands at Basin View, Dublin 8 to Z1 (Sustainable Residential Neighbourhoods) and Z9 (Amenity/Open Space Lands/Green Network) for the following reasons:

- Oisín Kelly Public Park is currently underutilised by the general public with anti-social behaviour along the access streets Basin Street Lower and Basin View;
- Improved permeability along the public park to facilitate desirable connections with the surrounding area and provide clear, safe public streets;
- The area of park will open up a north-south connection alongside the Luas line and Basin Street Lower to cater for pedestrians;
- Improved permeability also opens up an east-west connection that allows St. James's hospital usage of the public park and connection through the new Basin View development to Grand Canal Harbour and Bond Street;
- Clearly defines the flow and separation of the spaces between public; semi-public and private areas.
- Provides housing within enclosed urban blocks, making defensible amenity courtyard spaces thus enabling passive supervision of public open spaces and prevention of anti-social behaviour.
- Use of the redevelopment as an opportunity to improve public realm and surrounding streets to better integrate the scheme with its neighbourhood and support the Council's wider regeneration strategies.
- The reordering of the zoning will provide a simpler phasing strategy, lower overall development costs and provides a feasible scheme that will regenerate this area of the city.
- Extension of amenity/recreational spaces in association with the linear park along St James Hospital.
- Existing area of Z9 land zoning (0.422 ha) is equal to the proposed Z9 land zoning (0.422 ha).

It is noted that there also have been significant improvements made and planned in the delivery of new public open space and upgraded open space in the wider area in the recent past, including Weaver Park, Bridgefoot Street, St Luke's, St. Audeon's Park, St Teresa's Gardens and St. James's Linear Park.

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 reorganise the land use zoning of the lands at Basin View, Dublin 8 from Z1 (Sustainable Residential Neighbourhoods) and Z9 (Amenity/Open Space Lands/Green Network) to Z9 (Amenity/Open Space Lands/Green Network) and Z1 (Sustainable Residential Neighbourhoods)

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 lands have existing zoning objectives, Z1 and Z9, establishing the principle of a framework in place to guide development. This proposed variation seeks to reorganise the zoning objective of the lands to Z9 and Z1 thereby maintaining the framework established but replacing the zoning objectives to Z9 and 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.

The central ethos of the Plan is to provide for sustainable development including sustainable residential development in well connected locations.

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 seeks, 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:

<p>The probability, duration, frequency and reversibility of the effects.</p> <p>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, Z9 and Z15 zoned lands that have been built out and/ or may be redeveloped for residential, open space/amenity and community and social infrastructure uses.</p>
<p>The cumulative nature of the effects.</p> <p>None</p>
<p>The transboundary nature of the effects.</p> <p>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.</p>
<p>The risks to human health or the environment (e.g. due to accidents).</p> <p>The proposed variation will not result in any risks to human health or the environment.</p>
<p>The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected).</p> <p>The site lands are restricted to a limited area of 0.422ha each and the effects of the variation on the subject site and in the wider environs will be minimal.</p>
<p>The value, and vulnerability of the area likely to be affected due to:</p> <p>(a) special natural characteristics or cultural heritage;</p> <p>There are -</p> <ul style="list-style-type: none"> • 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). <p>The site is located within a zone of archaeological interest associated with St. James’s Walk Watercourse (DU018-04301). Policy BHA26 and the Development Standards of</p>

the Development Plan require that zones of archaeological interest will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.

(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 uses, residential and open space/amenity lands, is not considered to be of such an intensity to be detrimental to the surrounding area, which to the existing Z1 and Z15 zoned and built out areas will likely match the existing intensity. The provision of residential and open space/amenity uses will take account of the policies and objectives of the Dublin City Development Plan 2022-2028.

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 designation to the subject site is the proposed Natural Heritage Area (pNHA), attaching to the Grand Canal (site code 0002104) located to the south west of the variation lands.

The closest European Union site is located 4.4km 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.

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 Determination In Terms Of Article 13k

This proposal has been examined in light of the criteria detailed in Schedule 2A and the City Council is of the view that the proposal does not require SEA. This decision is based on the area of lands directly affected by the proposed variation and on the magnitude and spatial extent of the likely impact of the proposed variation, which are

deemed not to be significant. No submissions or observations were received from the environmental authorities during the consultation period.

The Planning Authority has determined that an SEA is not required for the proposed variation to the Dublin City Development Plan 2022-2028.

Recommendation:

SEA procedure is not necessary for this proposed Variation no. 1 of the Dublin City Development Plan 2022 – 2028.

ADDENDUM

The proposed variation was on public display from 15th June to 14th July 2023, together with the Strategic Environmental Assessment and Appropriate Assessment Screening Reports and SEA and AA Determination / Conclusion. Members of the public were invited to make submissions regarding the Proposed Variation.

Following the review of the submissions received, the Chief Executive's report did not propose amendments to the proposed variation.

In accordance with Section 13 of the Planning and Development Act 2000 (as amended), on the 4th September 2023 Dublin City Council resolved to make the variation to the Dublin City Development Plan 2022 – 2028 without modification.

As the variation was made without modification, the findings of the original SEA Determination and AA Conclusion stand.