

# Dun Laoghaire Harbour Master Plan Strategic Environmental Assessment

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## Screening Report

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**M A C C A B E D U R N E Y B A R N E S**

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## 1 Introduction

Under Directive 2001/42/EC - Assessment of Effects of Certain Plans and Programmes on the Environment, certain plans and programmes require an environmental assessment. This is known as the Strategic Environmental Assessment (SEA) Directive. Dun Laoghaire Harbour Company has commissioned a Master Plan for the Dun Laoghaire Harbour area. This report is a screening exercise to consider the application of the SEA Directive and whether this particular plan is likely to have a significant impact upon the environment, thereby requiring a full SEA of the Master Plan.

The SEA process for this Master Plan includes: -

1. Screening: To determine which plans and programmes are likely to have a significant impact on the environment (current stage).
2. Scoping: to liaise with statutory consultees to identify key issues of concern that should be addressed in the environmental assessment of the Plan.
3. Draft Environmental Report: Where the likely significant environmental effects of implementing the Master Plan are identified and evaluated.
4. Consultation: Consulting the public, statutory and public authorities, on the draft environmental report and draft Master Plan, giving adequate time for the receipt of submissions.
5. Final Environmental Report: Taking account of the findings of the draft report and the outcome of consultations in deciding whether to adopt or modify the draft Master Plan.
6. SEA Statement: Make known on adoption of the plan how SEA process influenced the outcome. Identify how environmental considerations have been integrated into the final Plan.

In addition to the Directive itself, regard has been had to the following:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I 435 of 2004).
- Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes – Guidelines for Regional Authorities and Planning Authorities.
- Dun Laoghaire Rathdown County Development Plan 2010-2016.
- Dun Laoghaire Harbour Company Master Plan Brief.

## 2 Proposed Master Plan

### 2.1 Master Plan Area

The area of the Master Plan includes the entire harbour area defined by the East and West Piers. In addition, it also contains "The Gut" which lies outside the West Pier, but which falls under the statutory remit of the Dun Laoghaire Harbour Company. The area of the Master Plan is outlined in Appendix I of this report.

## 2.2 Objectives for the Master Plan (as per Dun Laoghaire Rathdown County Development Plan 2010-2016)

An Urban Framework Plan (UFP) for the entire of Dun Laoghaire Town Centre, which will be converted into a statutory Local Area Plan (LAP) by 2016 applies to the wider area. The objectives for the proposed Master Plan the Dun Laoghaire Harbour area, will have due regard to the following Development Plan objectives for the Urban Framework Plan (UFP):

- 13 To facilitate the continued development of the Harbour in accordance with a Harbour Master Plan to be prepared by Dún Laoghaire Harbour Board in close conjunction with the Planning Authority. Any approved Master Plan must adhere to the overall zonings, policies and objectives of the Development Plan.
- 14 To encourage the redevelopment of 'The Gut' adjacent to the West Pier to include improved access to the area.
- 15 Coal Quay Bridge. To improve/upgrade access to Dún Laoghaire Harbour and lands adjacent to the West Pier.
- 16 To retain the Carlisle Pier structure and to encourage redevelopment on it that will incorporate uses that will bring significant cultural, social, recreational and economic benefits to Dún Laoghaire-Rathdown and must provide for a high degree of public accessibility and permeability, with walkways, viewing areas and public spaces throughout. The redevelopment should integrate with the immediate built environment, should provide improved accessibility between the development and Dún Laoghaire town centre and should commemorate the unique heritage and history of the Pier as a gateway for the Irish Diaspora.
- 21 To develop an enhancement scheme for the area between the East Pier and Sandycove. This scheme will include proposals for the upgrading and development of the Dún Laoghaire Baths site and facilitate improved pedestrian linkage to the East Pier in accordance with the recommendations of the Dún Laoghaire Baths Sub-Committee. This objective will require any scheme to also provide adequate sea defences and take into consideration that the area between the East Pier and Sandycove is a pNHA.
- 84 To protect and conserve South Dublin Bay and proposed candidate Special Area of Conservation.
- 93 To promote the development of the Sutton to Sandycove (S2S) Promenade and Cycleway. (It should be noted the alignment shown on Maps 2, 3 and 4 is not absolute but indicative only). The necessary EIS will commence during the term of the Plan. (It can be noted that the National Parks and Wildlife Service (NPWS) has raised concerns about the potential impacts of this project).
- 94 To provide a Youth and Community Centre for Dún Laoghaire.
- 95 To promote Water Leisure Facilities for public use at the coastal fringe of the Gut and rear of the West Pier, subject to the appropriate environmental assessments including any assessment required under the Habitats Directive in co-operation with the relevant agencies.

### 3 Strategic Environmental Assessment (SEA) Directive

#### 3.1 Relevant Provisions

Article 2 of the SEA Directive indicates that *“plans and programmes”*, which are

- subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
- which are required by legislative, regulatory or administrative provisions

are subject to the provisions of the Directive.

In addition, Article 3(1) of the Directive indicates that an environmental assessment must be carried out for all plans and programmes:

- (a) which are prepared for certain specified sectors (including land use planning and transport), and which set the framework for future development consent of projects listed in Annex I or Annex II of the EIA Directive; or
- (b) which, in view of the likely effect on protected sites, have been determined to require an assessment under the Habitats Directive.

In deciding whether a particular plan is likely to have significant environmental effects, regard must be had to the criteria set out in Annex II of the SEA Directive - which is reproduced in new Schedule 1 to the EC (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I 435 of 2004). The prescribed Environmental Authorities must be consulted during screening.

#### 3.2 Application of the Directive

Under Article 2 of the Directive the plan or programme to be prepared must be by *“...an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government...”*. Dun Laoghaire Harbour Company is a semi-state company, which has not specifically been covered by the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I 436 of 2004). The SEA Guidelines referred to in Section 1 above are specifically for regional authorities and local planning authorities. Irrespective of this, consideration has to be given to whether the Harbour Company falls within the definition of an *“authority at national, regional or local level”* under the Directive. Such authorities would include government departments, regional authorities and local planning authorities. The subject Master Plan is not covered by legislative procedures of the Oireachtas and is not specifically *“...required by legislative, regulatory or administrative provisions.”* However, the Master Plan will form an input into the local area plan (LAP) to be prepared by Dun Laoghaire Rathdown County Council and this LAP, which will form the framework for future development consents, will be covered by the SEA Directive. The Master Plan may also form the framework for development consents issued under the Strategic Infrastructure Act 2006. As such the Dun Laoghaire Harbour Company can be defined as a *“competent authority”* under the SEA Directive and the EC (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I 435 of 2004).

## 4 Criteria for Determining the Likely Significant Effects on the Environment

### 4.1 The characteristics of the plan, having regard, in particular, to

- i) *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*

The plan will set a framework to guide the physical, social and economic development of the Harbour area. Due regard will be had to the statutory Development Plan objectives as outlined in the Section 2.2 above. The exact nature and extent of the land uses accommodated within the Master Plan area will be generally in accordance with the land use zoning provisions of the Development Plan, where the objective is "w": *"To provide for waterfront development and harbour related uses"*.

The uses are likely to include:

- Commercial
- Hotel
- Retail
- Cultural
- Harbour operational uses
- Residential
- Public amenity uses
- Leisure activities, including marine leisure uses

- ii) *The degree to which the plan influences other plans and programmes including those in a hierarchy*

A full SEA has been undertaken as part of the higher level Dun Laoghaire Rathdown County Development Plan 2010-2016. It is intended that the Master Plan will constitute an input into the statutory LAP plan which is to be prepared during the course of the County Development Plan 2010-2016. The statutory LAP covers a wider area than the area of the Master Plan and will be governed by the provisions of the SEA Directive.

- iii) *The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development*

The policies and objectives of the Master Plan will be informed by the principles of sustainable development. As such, the Plan will seek to achieve development in a sustainable manner through the protection and enhancement of its natural, archaeological, social, economic and built heritage.

Through the policies and objectives of the Master Plan there are opportunities to conserve and protect the key environmental features of the Harbour. These opportunities will:

- Effectively integrate the Harbour with the remainder of the town centre.
- Promote a balanced land use strategy for the area.
- Enhance public access to the waterfront and pedestrian/cycle permeability.
- Enhance the public realm and landscaping
- Provide an high quality urban design framework

- Promote sustainable transport with appropriate traffic management measures, parking, cycling and walking.
- Safeguard the architectural heritage of the harbour area, including protected structures and the proposed Architectural Conservation Area.
- Protect the adjoining designated habitats in Dublin Bay.

iv) Environmental problems relevant to the plan

Biodiversity and Designated Habitats

The Department of the Environment, Heritage and Local Government's (DoEHLG) Circular letter SEA 1/08 and the National Parks & Wildlife Service's (NPWS) Circular 1/08, both dated 15th February 2008, state that any draft land use plan (Development Plans, Local Area Plans, Regional Planning Guidelines, schemes for Strategic Development Zones) or amendment/variation to a plan, proposed under the Planning and Development Acts 2000-2006 must be screened for any potential impact on areas designated as Natura 2000 sites (being SACs, NHAs or SPAs). The subject Master Plan does not fall within the definition of any of the draft land use plans referred to in the aforementioned letter, although it will be taken into consideration in the formulation of the Dun Laoghaire LAP.

South Dublin Bay (up to Dún Laoghaire's West Pier) is a candidate Special Area of Conservation (cSAC) (Site Code 001398), proposed Special Protection Area (pSPA) (Site Code 0040424) and a proposed Natural Heritage Area (pNHA). Thus the water and foreshore to the west of the West Pier are covered by environmental designations, although it should be noted that the water within the harbour is not the subject of any designation.

The *Dún Laoghaire Rathdown County Development Plan, 2010-2016* explains the significance of the Special Protection Area on the potential development of the West Pier area:

*"...Generally an Environmental Impact Assessment and/or Appropriate Assessment of the proposed impact of the development on the SPA will be required in order to demonstrate that the development will not have a significant impact on the SPA." (pg. 95.)*

The Western Pier and the Gut area are therefore particularly sensitive to development proposals. Local Objective 14 of the Development Plan is to secure the redevelopment of the Gut.

Water Quality

The Water Framework Directive 2000/60/EC (WFD) requires that all Member States implement the necessary measures to prevent deterioration of the status of all waters - surface, ground, estuarine and coastal - and protect, enhance and restore all waters with the aim of achieving good status by 2015. All public bodies are also required to coordinate their policies and operations so as to maintain the good status of water bodies which are currently unpolluted and improve polluted water bodies to good status by 2015. The WFD risk assessment for the coastal waters located off Dún Laoghaire- Rathdown indicate that the waters of Dublin Bay which extend down to Dalkey Island are classified as being *(1a) at significant risk of not achieving good status by 2015.*

The Environmental Report for the *Dun Laoghaire Rathdown Development Plan 2010-2016* indicates that the reasons for this classification include:

- Morphological pressures such as built structures - port tonnage and an urban or industrial shoreline and coastal defences have lead to this classification; and
- Point sources such as combined sewer and treatment plant overflows and waste water treatment plants.

#### Ground Water

The WFD Risk assessment of groundwater indicates that the groundwater underlying the northern half of the Plan area is classified as being *(1a) at significant risk of not achieving good status*.

#### Wastewater Disposal

The Urban Waste Water Treatment Directive (91/271/EEC) (amended by Directive 98/15/EEC) aims to protect the environment from the adverse effects of the wastewater discharges by ensuring that wastewater is appropriately treated before it is discharged to the environment. Waste water arising from the Master Plan area discharges to the West Pier pumping station, before discharging to the Ringsend Treatment Plant. Dún Laoghaire-Rathdown is upgrading the network to meet the requirements of the Directive.

#### Flood Risk and Sea Level Change

The EPA's *Climate Change: Scenarios and Impacts for Ireland* (2003) report chose three sea level rise scenarios in order to assess 6 selected areas (one of which is Dublin Bay) along the Irish coastline at risk from an increase in sea level. Increases of between 0.09 m and 0.88 m by 2060 were predicted. At the time the report was written, sea level at Dublin was rising by 0.23 mm per year. The aforementioned report indicates that areas of Dun Laoghaire may be at risk of coastal flooding.

#### Noise

There is potential for localised noise disturbance from marine traffic, port activities, train movements, etc.

- v) *The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).*

The subject Master Plan is not linked to any plan or programme related to waste management or water protection.

## 4.2 Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- i) *The probability, duration, frequency and reversibility of the effects*

Generally, it is considered that the effects on the existing environment will be irreversible but acceptable within the context of the proper planning and sustainable development of the Harbour area. In addition, development management procedures undertaken by the planning authority, will allow for the appropriate assessment of proposed developments on a

case by case basis via the planning application process. The policies and objectives of the Master Plan will seek to mitigate and reduce any adverse environmental impact resulting from development.

*ii) The cumulative nature of the effects*

There are potential cumulative effects resulting from the development, particularly in relation to biodiversity, water quality and groundwater. However, as part of an iterative design process and through integrating mitigating measures, adverse cumulative impacts can be avoided. The Environmental Report for the Dun Laoghaire Rathdown County Development Plan 2010-2016 overlaps environmental sensitivities in a structured manner. These sensitivities are detailed in Appendix II. The Master Plan area is identified as having an overall low to moderate sensitivity.

*iii) The transboundary nature of the effects*

It is not envisaged that there would be any significant no other national, regional or inter-county transboundary effects resulting from the implementation of the Plan.

*iv) The risks to human health or the environment (e.g. due to accidents), the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)*

The implementation of the Master Plan will not result in any risks to human health. Any future development in the area will conform to the Master Plan, of which the fundamental essence is to create a healthy environment in which people can live, work and spend leisure time. There are no designated SEVESO sites within or adjoining the plan area.

*v) The magnitude and spatial extent of the effects*

The overall extent of development likely to be accommodated within the Plan area is likely to be limited in nature and extent, having regard to various constraints. Given the proximity of the development area to the Dublin Bay pSPA, cSAC and pNHA, it has the potential to have wide geographical impact, although this will be limited and mitigated during the plan preparation. Higher structures have the potential to be very visible given the location of the Harbour and its relationship with Dublin Bay. Discharge of wastewater through the Ringsend Treatment plant also has the potential for wider impacts.

*vi) The value and vulnerability of the area likely to be affected due to:*

*a) special natural characteristics or cultural heritage*

There are number of protected structures in the Plan area, including the East and West Piers. In addition, the area is partially covered by a proposed Architectural Conservation Area. There is potential for maritime and landside archaeology.

*b) exceeded environmental quality standards or limit values*

It is not anticipated that any part of the development will result in a breach of environmental standards and qualities, as established through EC and national regulations

c) *intensive land-use*

The full extent, nature and intensity of the land uses have yet to be determined as part of the plan preparation. However, it is envisaged that the land use will be of an intensity appropriate to an urban area.

vii) *The effects on areas or landscapes which have a recognized national, Community or international protection status.*

The Master Plan area is adjacent to Dublin Bay pSPA, cSAC and pNHA. These areas therefore have a Community protected status.

In addition, the Master Plan area is partially covered by a proposed Architectural Conservation Area under S81 of the Planning and Development Act 2000 (as amended).

The Master Plan area is affected by a number of protected views. In the Development Plan there is a view symbol at the end of the East and West Piers looking inland, indicating the need to protect the views as seen from these locations.

There are a number of views to be preserved from inland locations looking out to the coast across the harbour. One of these views is on Marine Road outside the Pavilion Building looking across the side of the Ferry Terminal. The other notable one in Dun Laoghaire town is located outside De Vesci Terrace looking across the Old Harbour (i.e. the water inside the west pier).

There are a number of views along the coast road which are also protected. These are located at:

- Dun Leary Road looking out to the eastern edge of the west pier.
- Dun Leary Road looking out to the inner pier (old harbour enclosure).
- Dun Leary Road looking out at the midpoint between the two above viewpoints.
- The Coal Quay Bridge looking across the harbour cottages.
- From Crofton Road at Albert Terrace and at Marine Court.
- Corner of Queens Road / Marine Road.
- Queen's Road looking down along the side of the National Yacht Club.

The proposed Master Plan may impact on some or all of these protected views. Figure 4.1 of the Development Plan is attached in Appendix III of this report.

## 5 Consultations

The following prescribed environmental authorities have been consulted as part of this screening exercise.

- The Environmental Protection Agency (EPA)
- The Department of the Environment, Heritage and Local Government (DoEHLG)
- The Department of Communications, Energy and Natural Resources

In addition, Dun Laoghaire Rathdown County Council, acting as planning authority, was also consulted.

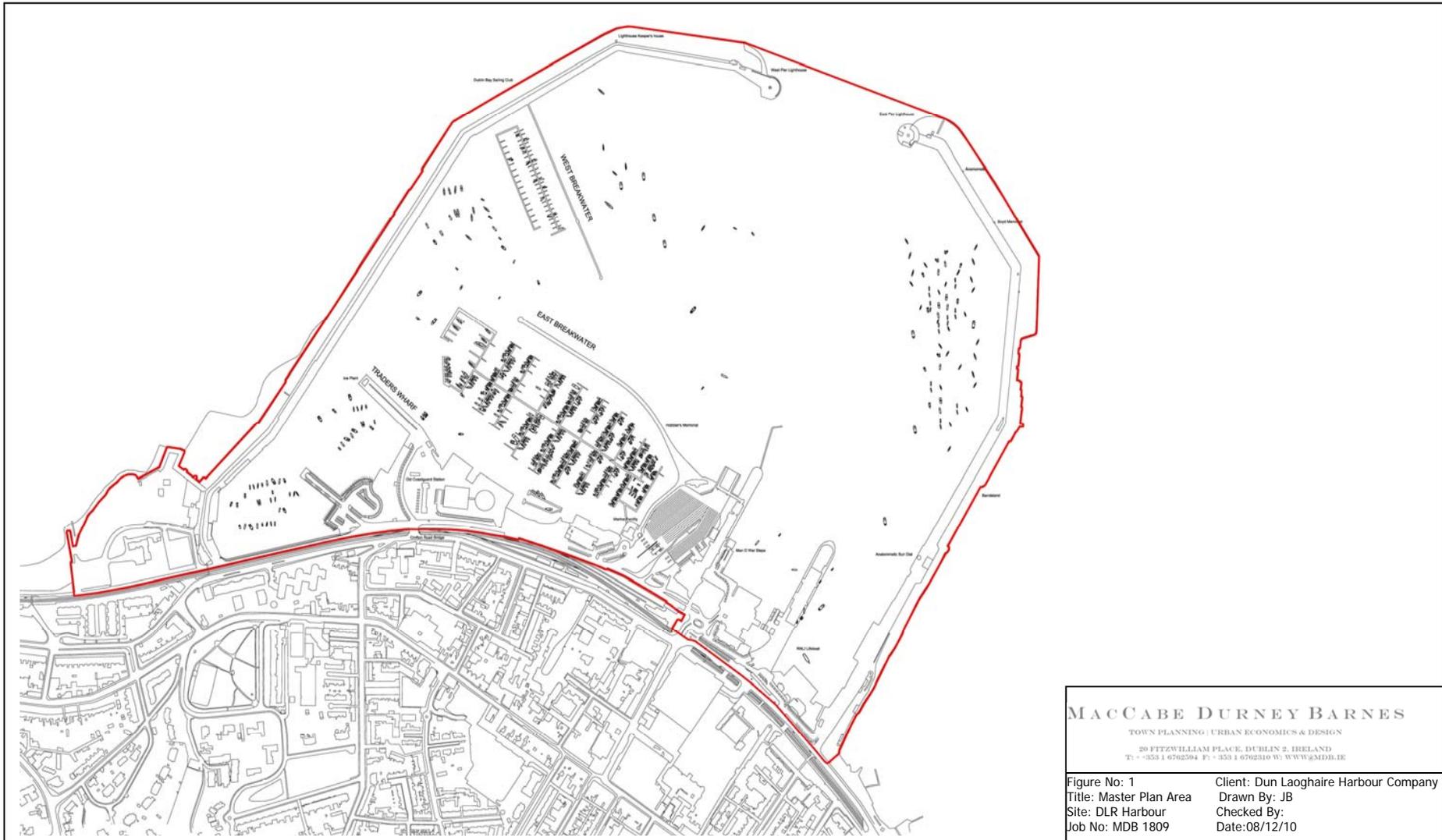
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Responses were received from each of the environmental authorities noting and/or concurring with the preliminary recommendation to undertake a Strategic Environmental Assessment of the Master Plan.

## **6 Recommendation**

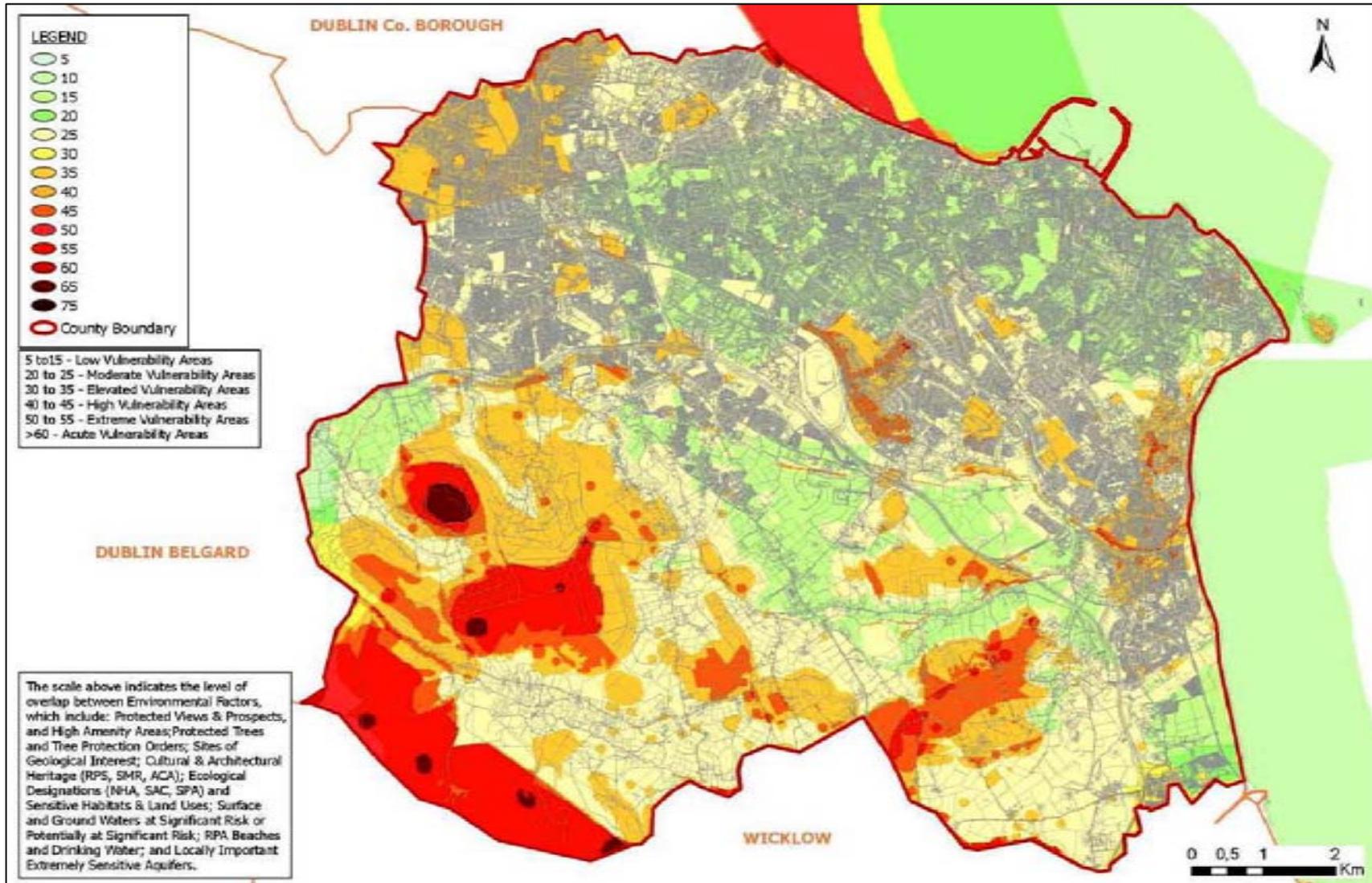
It is considered that the proposed Master Plan has the potential to have significant effects upon the environment. It is therefore the recommendation that a Strategic Environmental Assessment of the proposed Master Plan be undertaken.

## Appendix I – Master Plan Area



## Appendix II

### Overlay of Environmental Sensitivities (Figure 3.37 of Environmental Report for DLR County Development Plan 2010-2016)



**Appendix III**  
**Urban Structure** (Fig 4.1 of the DLR County Development Plan 2010-2016)

