

- Dún Laoghaire-Rathdown County Council Development Contribution Scheme in respect of development in the Cherrywood Planning Scheme Area 2023-2028 – this Scheme comprises the Countywide Contribution + Cherrywood Contribution.

The dlr County Council Development Contribution Scheme 2023-2028 was prepared following the adoption of the dlr County Development Plan 2022-2028. The County Scheme include rates of development contributions effective to all planning permissions across the County of Dún Laoghaire-Rathdown. Under the Scheme, development in the Sandyford Urban Framework Plan Area is subject to both the countywide contribution rate and an additional rate applicable to the Sandyford Urban Framework Plan Area, to fund specific public infrastructure and facilities benefitting development in the Sandyford Urban Framework Plan.

The level of contributions to be levied and paid for the countywide contribution (except where and insofar as an exemption or reduction applies in accordance with Article 6 of the Scheme) is in respect of the different classes of public infrastructure and facilities benefitting development throughout the County, as listed in Appendix II of the County Scheme. It is highlighted that – save for the Cherrywood Road upgrade – the primary strategic enabling level infrastructure required to enable development in the Old Connaught and Rathmichael LAP areas, are not listed in Appendix II of the dlr County Council Development Contribution Scheme 2023-2028, and as such do not fall within its scope of the Scheme for funding.

Dlr County Council has a second, separate, development contribution scheme in respect of development in the Cherrywood Planning Scheme Area for the period 2023-2028. The Cherrywood Section 48 Scheme makes provision for the payment of the countywide contribution in addition to the Cherrywood contribution. An extensive suite of infrastructure and services is required for the full development of the Cherrywood Planning Scheme Area, and these are listed as Appendix III of the Cherrywood Scheme. The internal infrastructure comprises the suite of public infrastructure and facilities that is required only for the purpose of opening-up and supporting development of the Cherrywood Planning Scheme Area lands.

Section 48 – High Level Appraisal

Having regard to the statutory function of Section 48 Development Contribution Schemes, and to Section 48 Schemes currently in operation by Dún Laoghaire-Rathdown County Council, the following is noted:

- Aside from the Cherrywood Road upgrade, the primary strategic enabling level infrastructure required to enable development in the Old Connaught and Rathmichael LAP areas does not fall within the scope of the current dlr County Council Development Contribution Scheme 2023-2028 for funding.
- The Development Contribution Schemes for the Cherrywood Planning Scheme Area presents a potential model to be followed to fund the suite of public infrastructure and facilities that is required only for the purpose of opening-up and supporting development of the Old Connaught and Rathmichael LAP areas.

4.3.2 Section 49 – Supplementary Development Contribution Scheme

Section 49 of the Planning and Development Act 2000 (as amended) provides for the preparation of a supplementary development contribution scheme to facilitate a particular public infrastructure service or project which is provided by a Local Authority or a private developer on behalf of and pursuant to an agreement with a Local Authority, and which will directly benefit the development on which the development contribution is imposed.

It is noted that the extent of “public infrastructure project or service” covered under a Section 49 Supplementary Development Contribution Scheme is more limited than that identified as “public infrastructure and facilities” under Section 48 of the Act. For the purposes of a Section 49 Supplementary Development Contribution Scheme, “public infrastructure project or service” means:

“(7) In this section, “public infrastructure project or service” means—

(a) the provision of particular rail, light rail or other public transport infrastructure, including car parks and other ancillary development,

(b) the provision of particular new roads,

(c) the provision of new surface water sewers and ancillary infrastructure,

(d) the provision of new schools and ancillary infrastructure.”

Another key point of difference to note is that, as per Section 49(6) of the Act, a Section 49 Scheme may be amended whereupon the public infrastructure project or service is less than the cost that was estimated when the Planning Authority first determined the amount of the contribution. In contrast, a Section 48 Scheme is less flexible and can't be amended without bringing a full new scheme forward.

Section 49 – dlr Supplementary Development Contribution Schemes

There are currently two Section 49 Supplementary Development Contribution Schemes being operated by Dún Laoghaire-Rathdown County Council:

- Supplementary Development Contribution Scheme for the Extension of the Luas Line B1 – Sandyford to Cherrywood.
- Supplementary Development Contribution Scheme for the Glenamuck District Distributor Road Scheme and surface water attenuation ponds scheme.

The Section 49 Supplementary Development Contribution Scheme for the extension of the Luas Line from Sandyford to Cherrywood comprises light railway works, seven kilometres in length. The scheme applies within an area of 1,992 hectares, which is a primary catchment area approximately one kilometre on either side of the light rail. This primary catchment comprises the area that benefits directly from the scheme. A supplementary development contribution is attached as a condition of planning permission issued within the scheme/catchment area.

The other Section 49 Supplementary Development Contribution Scheme currently in operation in Dún Laoghaire-Rathdown comprises the Glenamuck District Distributor Road Scheme and surface water attenuation ponds scheme. The road project consists of the provision of a new district distributor road and a new link distributor road. The Scheme also consists of the provision of surface water attenuation ponds necessary to affect the Sustainable Drainage Strategy for the area.

The area to which the Section 49 Scheme applies is the Kiltiernan/Glenamuck Local Area Plan. The Scheme is operating to fund the construction of strategic infrastructure, which was not identified under the relevant Section 48 Scheme, at the time, and which was necessary to support residential development in the Kiltiernan/Glenamuck LAP area. It is noted that the strategic infrastructure projects funded by way of the Section 49 Development Contribution Scheme are now under construction.

Section 49 – High Level Appraisal

Having regard to the statutory function of Section 49 Supplementary Development Contribution Schemes, and to Section 49 Schemes currently in operation by Dún Laoghaire-Rathdown County Council, the following is noted:

- The existing dlr Section 49 Supplementary Development Contribution Scheme for the extension of the Luas from Sandyford to Cherrywood may provide an appropriate model to follow for the future extension of the Luas from Cherrywood to Bray.
- The Supplementary Development Contribution Scheme for the Kiltiernan/Glenamuck LAP Area presents a potential model to be followed to fund strategic infrastructure required for enabling residential development at the Old Connaught and Rathmichael LAP areas. In this regard, however, the limitations of the definition of “*public infrastructure project or service*” covered under a Section 49 Supplementary Development Contribution Scheme are highlighted and it is recommended these limitations are considered in formulating an overarching funding strategy for the LAP areas.

4.3.3 Section 48(2)(c) – Special Development Contributions

A special development contribution may be imposed under section 48(2)(c) of the Planning and Development Act 2000 (as amended), where specific exceptional costs, which are not covered by a general contribution scheme, are incurred by a Local Authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the conditions of any planning

permission, if applicable. Only developments that will benefit from the public infrastructure or facility in question should be considered liable to pay the special development contribution.

4.3.4 Temporary Development Contribution Waiver Scheme

In April 2023, the Government approved measures under the Housing for All Action Plan to incentivise the activation of increased housing supply and help reduce housing construction costs. These included the introduction of temporary time-limited arrangements for the waiving of Local Authority Section 48 development contributions and the refunding of Uisce Eireann water and wastewater connection charges. The waiver also applies to special development contribution arrangements applied under section 48(2)(c) of the Act but does not apply to supplementary development contribution schemes which are in place under Section 49 of the Act.

In April 2024, the duration of the temporary waiver scheme was extended. It is noted that the waiver scheme includes strict timeframes relating to both the commencement - development works on qualifying houses must have commenced no later than 31 December 2024 - and also on the completion of development works. Given the existing time-based parameters in place, development within the Old Connaught and Rathmichael areas will not be able to avail of the current waiver scheme, unless significant further extensions are provided.

4.3.5 Statutory Development Contribution Schemes – Appraisal

The development contribution schemes provided for under Sections 48 and 49 of the Planning and Development Act 2000 (as amended) comprise a potential mechanism to fund strategic infrastructure benefitting development in the Old Connaught and Rathmichael LAP areas. Existing Section 48 and Section 49 Development Contribution Schemes operating in Dún Laoghaire-Rathdown represent potential models to follow to fund the delivery of strategic infrastructure. The limitations of infrastructure and services which may be funded by way of a Section 49 Supplementary Development Contribution Scheme are highlighted.

It is noted however that the traditional functioning of Section 48 and 49 Schemes - whereby development contribution levies are attached as a condition of planning permission - may present a degree of uncertainty with regards to the timing of infrastructure delivery. As per Chapter 3, 'Phasing of Development', the recommended phasing strategy for each LAP area requires – to varying degrees – significant early-stage investment in strategic infrastructure to enable residential development. It is recommended that consideration should be given to the potential conflict caused by the timing of receipt of development contribution levies received under a Section 48/49 Scheme and the necessary funding of public infrastructure in line with the phasing strategy for the LAP areas.

In order to minimise this uncertainty associated with the early stage funding of large scale strategic infrastructure, it is recommended that all additional public and private funding streams are considered to support the implementation of the Local Area Plans.

4.4 State Funding

The State is a primary actor in the provision of infrastructure and services necessary to support development. It is recommended that the Local Authority explore all potential means of mitigating the magnitude of funding infrastructure and services associated with the sustainable development of Old Connaught and Rathmichael.

The National Development Plan 2021-2030 is a strategic component of Project Ireland 2040, and it outlines the public capital investment framework. It has a particular focus on prioritising housing, climate ambitions, transport, healthcare and jobs growth in every region and economic renewal. It is the overarching national investment plan for the provision of infrastructure and should be leveraged as appropriate for the southeast area.

4.4.1 Urban Regeneration and Development Fund

As part of Project Ireland 2040, the Government announced the establishment of a new Urban Regeneration and Development Fund (URDF), primarily to support the compact growth and sustainable development of Ireland's five cities and other large urban centres. In line with the objectives of the National Planning Framework, the Fund is designed to leverage a greater proportion of residential and commercial

development, supported by infrastructure, services and amenities, within the existing built ‘footprint’ of our larger settlements.

Dublin City and its Metropolitan area, including the Town of Bray, are specifically identified as eligible locations to apply for the urban fund. The fund operates on the basis of a scheme that invites competitive bids to be led by public bodies, ideally local authorities, which may be in the form of a consortium and may also include private sector and/or community/voluntary sector partners. Bid proposals must be co-funded and require a minimum 25% stakeholder contribution, which can be from other public or private sources.

It is noted that since the introduction of the URDF, Dún Laoghaire-Rathdown County Council has successfully utilised the URDF bidding process to secure funding for a range of infrastructure projects including public realm works at Stillorgan and Cherrywood public parks, greenways and attenuation infrastructure as part of URDF Call 1; and Cherrywood public access, permeability and amenity infrastructure as part of URDF Call 2.

The URDF has an initial allocation of 2 billion euro up to 2027 and the fund has been extended to 2030 under the revised National Development Plan 2021-2030. It is recommended that the Local Authority explore the potential role of the current URDF scheme (or any potential revised/alternative government scheme) as a part funding mechanism for infrastructure to support the sustainable development of Old Connaught and Rathmichael.

4.4.2 Grant Funding

There are a range of additional national funding programmes available which may provide potential funding streams to fund infrastructure and services to support the sustainable development of the Old Connaught and Rathmichael LAP areas. Having regard to the infrastructure identified in Chapter 2, ‘Old Connaught and Rathmichael Infrastructure Requirements’, the following section sets out some of the main potential national funding programmes to be considered. It is noted that the number and range of potential funding programmes is extensive, and as such, the following section is not intended to be exhaustive.

Active Travel Funding Sources

Active travel improvements are an integral component for delivering Government policy through the National Development Plan 2021-2030 and the Climate Action Plan 2023. The ICAS Study identified a range of active travel infrastructure upgrades required to support the sustainable development of the Old Connaught and Rathmichael areas, including greenway and cycling facilities; active travel links; and enabling infrastructure such as bus gates. Potential sources of active travel funding include the following:

- NTA Active Travel Fund – this fund invests in active travel projects for new walking and cycling infrastructure across the country, including the development of segregated cycle lanes and widened footpaths, new walking and cycling bridges, and new pedestrian crossings.
- Greenway Programme - Greenway projects are part of the Programme for Funding by central Government and administrated through Transport Infrastructure Ireland (TII) in 2024. Local Authorities across Ireland were allocated funding to progress greenway projects.
- Climate Action Fund – This fund supports projects, initiatives and research that contribute to the achievement of Ireland’s climate and energy targets. In 2024, travel was flagged as a programme for funding. Application is through the Local Authority’s with flexibility around local projects of small or medium size.

Green Infrastructure and Biodiversity

Green infrastructure and biodiversity comprise integral components of the ICAS Study. Potential sources of funding include the following:

- Climate Action Fund – this fund supports green infrastructure and biodiversity projects through ‘nature based projects that enhance biodiversity and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State’. Applications are periodical, and there is opportunity to enhance biodiversity.

- National Biodiversity Action Plan 2023–2030 – Government policy supports green infrastructure and natural and semi-natural areas as outlined in the National Biodiversity Action Plan 2020-2030. Funding is allocated through the Local Authority Biodiversity Grant Scheme for projects through a grant application and awards process.

Open Spaces, Parks and Recreation

The ICAS Study identifies a range of strategic open space and recreation infrastructure to support the sustainable development of Old Connaught and Rathmichael. Potential sources of funding include the following:

- Department of Rural & Community Development (DRCD) schemes;

The following DRCD capital funding programmes feature criteria under which dlr may be eligible to apply:

- Community Recognition Fund, which aims to support the development of community infrastructure and facilities in communities hosting significant numbers of arrivals from Ukraine and other countries.
- Local Improvement Scheme, which provides funding to assist local authorities to carry out improvement works on private and non-publicly maintained roads that serve multiple homes, farmland, or amenities such as lakes, rivers or beaches.
- Outdoor Recreation Infrastructure Scheme, which provides funding for the development of new outdoor recreational infrastructure.
- Rural Regeneration and Development Fund, the purpose of which is to support job creation in rural areas, address de-population of rural communities and support improvements in towns and villages with a population of less than 10,000, and outlying areas.
- Town and Village Renewal Scheme, which is designed to rejuvenate small rural towns and villages (population of <10,000) throughout Ireland.
- Large Scale Sports Infrastructure Fund (LSSIF)
- Sports Capital & Equipment Programme – this programme is operated by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and provides grants to assist in the development or refurbishment of sports facilities and the provision of sports equipment.

The grant funding may provide for the provision of,

- Natural grass sports pitches, tracks and courts (including pitch drainage and irrigation systems)
- Artificial sports pitches, tracks, courts and multi-use games areas
- Ball stop netting and goal posts, hurling walls / handball alleys
- Walking/jogging tracks
- Building or refurbishment of dressing rooms, showers and toilets
- Building or refurbishment of sports halls, gyms or fitness studios

Heritage and Conservation

The ICAS Study identifies a number of projects that could be advanced to protect, develop and manage existing heritage and conservation assets throughout the LAP areas. The following provides potential sources of funding to support these projects:

- Community Heritage Grant Scheme – this fund includes a wide range of heritage projects including conservation surveys, reports, plans, and audits that will inform the future management of buildings and monuments, habitats, collections, or objects.

- Community Monument Fund – this fund invests in archaeological heritage and helps owners and custodians of archaeological monuments to safeguard them into the future for the benefit of communities and the public. The core aims of this fund are the conservation, maintenance, protection and presentation of archaeological monuments.
- THRIVE – this fund seeks to support Local Authorities and their citizens to transform publicly owned vacant or derelict heritage buildings through renovation, renewal, and adaptive reuse.
- Historic Structures Fund – this fund finances extensive conservation efforts for important heritage structures. It encourages private capital investment in labour-intensive projects aimed at preserving historic buildings, whether they are publicly or privately owned.

Sustainable Communities

The ICAS Study identifies community infrastructure as necessary to support the sustainable development of Old Connaught and Rathmichael. Potential sources of funding for community infrastructure included the following:

- Community Investment Fund – this fund is a government initiative from the Department of Rural and Community Development that invests in community centres where the ‘community tend to gather for group activities, social support, public information, and other purposes’. The 2023 Community Centres Investment Fund called for a New Builds Measure which were ‘shovel-ready’ projects with all necessary permissions in place. Previous calls looked at improvement and refurbishment.

4.4.3 Planning Designation Potential

It is noted that a potential opportunity exists to seek the designation of the south-east area of Dún Laoghaire-Rathdown, and in particular the Old Connaught LAP area, as a form of transport orientated development (TOD). TOD is a form of urban development that seeks to maximise the provision of housing, employment, public services and leisure space in close proximity to high quality transport services.

The designation of Old Connaught as a TOD may serve to better align the growth of the area with the necessary national funding arrangements with the ongoing programme of investment in the public transport network. The Department of Housing, Local Government and Heritage and the Department of Transport jointly have established a working group to identify opportunities and to accelerate TOD delivery.

There are a number of important factors which could support the designation of Old Connaught as a settlement suitable to be designated a TOD. The extension of the Green Line Luas from Cherrywood to Bray is fundamental and is specifically provided for in the NTA’s Greater Dublin Area Transport Strategy 2022-2042. The delivery of the Luas at Old Connaught would achieve the optimum integration of residential land uses with access to high frequency public transport. Furthermore, it is highlighted that Old Connaught is identified in the Dublin Metropolitan Area Strategic Plan (MASP) on the north-south strategic development corridor. The Dublin MASP is aligned with the NPF and NDP to inform national-level sectoral investment plans and co-ordinate investment within the metropolitan area.

4.5 The Role of State Agencies

State Agencies have a significant role to play in the provision of enabling infrastructure to realise the potential of new emerging development areas in the two LAP areas in the southeast of the County. In this regard, the National Transport Authority, Transport Infrastructure Ireland, Uisce Éireann, ESB and other relevant statutory agencies where appropriate, have an important role in bringing forward key projects and funding resources, in order to facilitate the timely and successful implementation of development.

It is recommended that the Local Authority continues to engage with each respective State Agency to co-ordinate the timely delivery of enabling infrastructure in the LAP areas.

4.6 Alternative Funding Mechanisms

The early-stage funding and delivery of strategic infrastructure to enable development presents difficulties for the more traditional statutory funding mechanisms, where a potential time lag is caused between the

receipt of funding through development levies and the delivery of necessary infrastructure. It is noted that this time lag may conflict with optimal phasing scenarios and ultimately delay development.

Recognising the blockages caused by infrastructure funding and delivery, commercial entities exist which provide a design-build-finance service for infrastructure to facilitate residential development. While these entities will operate on a fully commercial basis, they do provide a potential alternative means to deliver infrastructure where no funding is available, and ultimately unlock development. It is recommended that potential private sector/commercial funding models are considered for their potential to support the implementation of the Local Area Plans. In addition, it is recommended that models of developer-led infrastructure are considered.

4.7 Land Value Sharing

Housing for All (2021) set out the Government's commitment to develop proposals for Land Value Sharing (LVS) mechanisms to respond to the objective of the State receiving an appropriate proportion of the increase in land values that result from key public decisions around zoning/designation and investment.

The Government has approved publication of the general scheme (draft heads) of the Land Value Sharing and Urban Development Zones Bill 2022. The aim of the LVS element of the legislation is to introduce a mechanism to ensure that a proportion of the value uplift associated with the decision to zone land for development purposes, is shared with the State in the interest of the common good; that this mechanism will facilitate an increase in the supply of housing by assisting the Local Authority with the funding of necessary social and physical infrastructure to support development in the area, and that greater certainty from the point of zoning around the obligations to be placed on landowners and developers to contribute towards the infrastructure required will exert downward pressure on the price of residential development land.

The implementation of such a land value scheme/mechanism could be financially significant given the future residential development that would come forward at Old Connaught and Rathmichael and the enabling infrastructure required to support the sustainable development of the area. It is highlighted, however, that there is currently no timeline for the advancement of the legislation and implementation.

4.8 Funding Strategy – Recommendations

In unlocking the southeast area of Dún Laoghaire-Rathdown, it is recommended that an equitable provision of infrastructure is achieved so that landowners, developers, statutory providers and other stakeholders can see how enabling infrastructure links to development and how the cost 'burden' of this, and the value creation, is appropriately shared.

Where the opportunity exists, it is recommended that the Local Authority should work with inter alia the Department of Housing, Local Government and Heritage, the Department of Transport, the National Transport Authority, Transport Infrastructure Ireland, Uisce Eireann, ESB and other relevant statutory agencies where appropriate, to bring forward key projects and funding streams in order to facilitate the timely and successful implementation of development in the LAP areas.

It is acknowledged that there is no one-size fits all approach to the funding of infrastructure and it is therefore recommended that all measures and funding streams available for the release of funding to provide for the delivery of the enabling infrastructure and services in the southeast of the County – both public and private -should be pursued.

5. Monitoring and Evaluation

The ICAS is a point in time Study with the purpose of providing an evidence basis to guide the direction of and to inform the Local Area Plans for Old Connaught and Rathmichael. It is highlighted that the ICAS Study does not, however, comprise planning policy which will be the outcome of the Local Area Plan process. In this regard, it is recommended therefore that monitoring and evaluation mechanisms are stitched into and comprise a component part of monitoring the progress of the Local Area Plan, and not the ICAS Study itself.

In this context, it is recommended that each Local Area Plan should include a monitoring framework which may serve to evaluate many of the components analysed as part of the ICAS Study. It is recommended that the following matters are considered for inclusion as part of monitoring frameworks devised for each respective LAP:

- Progress on implementation of preferred options by discipline.
- Cross-check of assumptions, including availability of new data.
- Appraisal of development which has taken place in each LAP area.

In terms of transport, it is recommended that any future Local Transport Plan for the LAP areas has regard to relevant NTA Guidance. NTA Guidance recommends undertaking reviews during defined timeframes (e.g. short term 1-2 years; medium 2-5 years; long term 5 to 10 years; future-term 10 to 15 years). At the end of each timeframe, monitoring can be conducted to establish the following:

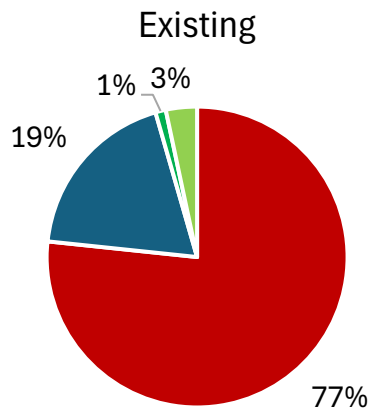
- Progress on the implementation of all infrastructure measures for each mode of transport.
- Progress on the implementation of all public transport service measures for each mode of transport.
- Progress on the implementation of all demand management and supporting smarter travel measures.
- Cross-checking of assumptions against current transport patterns and population at the time of monitoring.
- Assessment of actual development and land use outcomes within the Study Area at the time of monitoring against the original assumptions related to land use.

Evaluation of the outcomes of any future Local Transport Plan can also be undertaken within similar timeframes including evaluating the following:

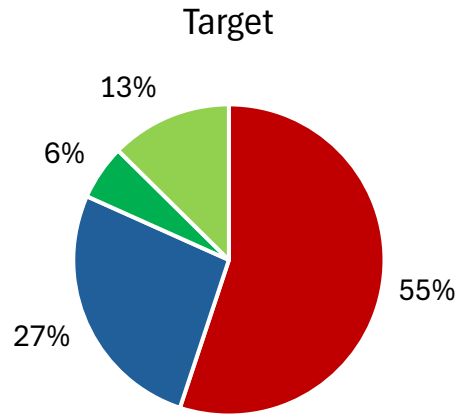
- Sustainable Travel Mode Share
- Economic Benefits
- Health and Safety Benefits
- Environmental Benefits*
- Accessibility and Social Inclusion

*Note that environmental monitoring would also be required as part of the SEA process.

The transport strategy for both LAP areas is fundamentally rooted in active travel and public transport. In terms of travel mode share it is recommended that the mode share targets outlined below are used for monitoring and evaluation purposes. It should be noted that these targets differ from the overall targets set out in the dlr CDP 2022-2028, with lower targets for public transport, cycling, and walking. This is primarily due to the nature of the LAP areas location, situated in an area currently lacking services. These targets do however contribute to meeting the overall county mode share targets, and represent a significant improvement upon the existing mode shares.



- Private Vehicle
- Public Transport
- Cycling
- Walking



- Private Vehicle
- Public Transport
- Cycling
- Walking

6. Conclusion

Dún Laoghaire-Rathdown County Council and Arup have finalised the ICAS for the southeast area of the county. The ICAS identifies the high level strategic enabling infrastructure to facilitate the plan-led development of the proposed Local Area Plan areas of Old Connaught and Rathmichael. The ICAS was undertaken in collaboration with TII, NTA and Wicklow County Council and in conjunction with Uisce Éireann, Department of Education, OPW, HSE, NPWS, ESB networks, Gas Networks Ireland and Irish Rail.

The ICAS Study comprises of five parts. Part 1, the Baseline Assessment Report, examined the strategic planning context and established the current conditions and context of the LAP areas, while the Part 2, the Position Report, developed the principles and objectives for the ICAS area.

The Part 3, the Options Development and Assessment Report, focused on identifying a range of high-level infrastructure options for each infrastructure discipline, including an Area Based Transport Assessment (ABTA). These options were evaluated by various multi criteria assessment processes that were tailored by discipline to select the preferred options that best achieved the study objectives. The high-level enabling infrastructure identified was collated and informed the preparation of preliminary settlement strategies.

The Part 4 Report, ICAS Draft Study, developed the high-level strategic enabling infrastructure requirements for the Study area through the preparation and identification of; the infrastructure requirements for the LAP areas, a high-level implementation plan, a phasing programme and potential funding options.

This Report, the Part 5, ICAS Final Study, consolidates the findings from the previous reports and provides a comprehensive overview of the final outcomes of the study. It outlines the high-level strategic enabling infrastructure requirements for each of the LAP areas for transportation infrastructure, green infrastructure and biodiversity, heritage and conservation, open space, parks and recreation, water and wastewater, drainage, social infrastructure - community and education facilities, and utilities - power supply and telecommunications. It also provides a high-level implementation plan, a phasing programme and potential funding options for the development of new communities in the ICAS area.

It is acknowledged that the ICAS is a point in time Study with the purpose of providing an evidence basis to guide the plan-led development of the two proposed LAP areas. The information contained in the ICAS will be further considered and developed as part of the Local Area Plan making process for the southeast area.

Appendix A

SEA and AA Screening Reports

Dún Laoghaire-Rathdown County Council

Infrastructure Capacity Assessment Study

Strategic Environmental Assessment – Applicability Screening Report

Reference: V4

Issue | 20 September 2024



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1. Introduction

Dún Laoghaire-Rathdown County Council (hereafter referred to as DLRCC) is currently preparing an Infrastructure Capacity Assessment Study (ICAS) to inform the development of the Rathmichael and Old Connaught Local Area Plans (LAPs).

Arup has been commissioned by DLRCC to carry out Strategic Environmental Assessment (SEA) Screening of the ICAS.

SEA Screening is defined in the relevant guidance documents¹ as “*the process for deciding whether a particular plan, other than those for which SEA is mandatory, would be likely to have significant environmental effects, and would thus warrant SEA.*”

The first stage of SEA Screening is ‘Applicability Screening’, whereby an assessment is carried out to determine whether a particular plan or programme is within the remit of the SEA Directive / SEA Regulations.

This SEA Applicability Screening Report provides the findings of the SEA Applicability Screening process for the ICAS.

2. The Infrastructure Assessment Study

Arup was commissioned by DLRCC to complete a high-level strategic Infrastructural Capacity Assessment Study (ICAS) for the proposed Old Connaught and Rathmichael LAPs in the southeast area of the County.

The aim of the ICAS is to establish the existing context and capacities in the proposed LAP areas and to identify their constraints, challenges and opportunities. Following on from this, the ICAS will identify the proposed recommendations for high-level strategic enabling infrastructure required to facilitate plan-led development of the proposed LAP areas of Old Connaught and Rathmichael and to be considered in the formulation of policy by DLRCC to this effect. The strategic enabling infrastructure to be reviewed in this study includes:

- Transport;
- Drainage, Water Services and Utilities; and
- Parks & Open Spaces, Green Infrastructure, Biodiversity and Heritage.

3. Strategic Environmental Assessment

SEA is a process for evaluating, at the earliest appropriate stage, the environmental consequences of implementing Plan/Programme (P/P) initiatives prepared by authorities at a national, regional, or local level. The purpose is to ensure that the environmental consequences of P/P are assessed both during their preparation and prior to adoption.

The SEA process also gives interested parties an opportunity to comment on the environmental impacts of the proposed P/P and to be kept informed during the decision-making process.’ (EPA, 2021)¹

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive), was transposed into national legislation in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004, as amended by S.I. 200/2011) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004, as amended by S.I. 201/2011).

The SEA Directive applies to P/P which are (i) prepared or adopted by a national, regional or local level and (ii) required by legislative, regulatory or administrative provisions. Mandatory SEA is required for P/P that (i) are prepared for certain sectors and (ii) set the framework for future development consent of projects listed in Annexes I and II to the EIA Directive OR which require assessment under the EU Habitats Directive (92/43/EEC) (and which are not small area/local or minor modifications etc). SEA may also be required for other P/P where they are likely to have significant effects on the environment and this is determined on a case-by-case basis.

SEA Screening is the process of determining whether a P/P requires SEA.

4. SEA Screening Process and Methodology

Having regard to the provisions of the SEA Directive summarised in Section 3.1, the SEA Screening process can be broken down into a number of key steps:

Step 1: Applicability Screening- Is the P/P of a type which the SEA Directive Applies

Article 2(a) of the SEA Directive establishes two cumulative conditions which P/P must satisfy in order for the further elements of the SEA Directive to be applicable to them:

- a. They must have been prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption, through a legislative procedure, by a parliament or government; and
- b. They must be required by legislative, regulatory or administrative provisions.

If these conditions are not satisfied, the P/P is not regarded as a P/P which comes within the scope of the SEA Directive.

The first step in the Screening process is therefore to determine if the SEA Directive applies to the P/P under consideration. If the P/P is not of a type which falls within the remit of the SEA Directive, there is no requirement to consider further. According to the EPA Good Practice Guidance on Strategic Environmental Assessment Screening (EPA, 2021)², it is recommended as good practice to keep a note of the deliberations. There is no requirement to notify the environmental authorities.

If it is determined that the P/P is of a type to which the SEA Directive applies, the P/P is checked to determine if mandatory SEA is required under the provisions of the SEA Directive.

¹ Strategic Environmental Assessment Screening | Good Practice Guidance (EPA, 2021) https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/SEA_Screening_GoodPractice_2021.pdf

² https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/SEA_Screening_GoodPractice_2021.pdf

Step 2: Mandatory SEA Requirement – Does the P/P require mandatory SEA?

Recital 10 of the SEA Directive states that:

“All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, or plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna, are likely to have significant effects on the environment, and should as a rule be made subject to formal environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.”

An SEA is therefore considered mandatory for P/P which are:

- Prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use and which set the framework for future development consent of projects listed in the EIA Directive (85/337/EEC, as amended); or
- Have been determined to require an assessment under the Habitats Directive (92/43/EEC as amended).

If the P/P is considered to be of a type which falls within the remit of the SEA Directive and requires mandatory SEA, there is no need to continue through the Screening steps, and SEA Scoping can commence. The Screening outcome should be confirmed within the SEA Scoping Report.

SEA may also be required for other P/P where significant effects on the environment are likely and this is determined on a case-by-case basis. This is determined following an SEA Screening Assessment.

Step 3: Screening for Likely Significant Effects- Is the P/P likely to give rise to significant effects on the environment

The stages in SEA Screening are set out in Figure 3-1 below, which is reproduced from the EPA Good Practice Guidance on Strategic Environmental Assessment Screening².

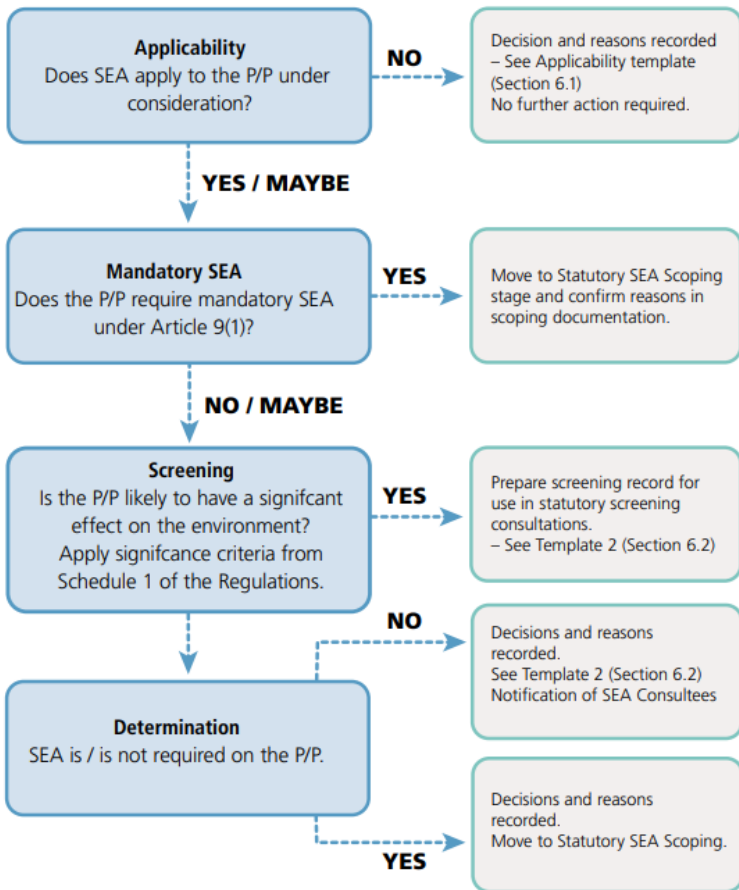


Figure 4-1 SEA Screening process (EPA, 2021)

5. SEA Applicability Screening

The Section relates to Step 1 of the SEA Screening Process: Applicability Screening.

As outlined in Section 4, the first step of the SEA Screening Process, ‘Applicability Screening’, requires a determination as to whether the SEA Directive applies to the P/P under consideration.

“Under the SEA Directive and Regulations, “plans and programmes” means plans and programmes, as well as any modifications to them

(a) 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

(b) which are required by legislative, regulatory or administrative provisions;”

The ICAS is subject to the preparation and adoption by Dún Laoghaire-Rathdown County Council, an authority at a local level.

According to the EPA Guidance on SEA Screening (EPA, 2021)², *“required by legislative, regulatory or administrative provisions”* means that there is something by way of formal provision which could be said to govern or regulate the production of the P/P.

There is no formal legislative, regulatory or administrative provisions which could be said to govern or regulate the ICAS in and of itself. It is noted that the ICAS will inform the development of the Rathmichael and Old Connaught LAPs, which themselves are required by legislative provisions. The LAPs however will be subject to Strategic Environmental Assessment, subject to SEA Screening, prior to approval and adoption.

The Guidance goes on to state that the requirement for SEA covers Plans/Programmes that are subject to formal approval procedures, not only those where there is a specific legal requirement for these to be developed and adopted.

The ICAS will not be subject to any formal approval procedure in and of itself. The ICAS will, it is noted, inform the development of the Rathmichael and Old Connaught LAPs which will be subject to formal approval procedures. The LAPs however will be subject to Strategic Environmental Assessment, subject to SEA Screening, prior to approval and adoption.

It can therefore be concluded that the ICAS is not of a type of P/P to which the SEA Directive applies. Thus, there is no requirement to proceed to SEA Screening. The ICAS is not required to be subject to SEA.

6. Conclusion

As outlined in Section 5, it has been determined that the SEA Directive does not apply to the ICAS and that proceeding to Stage 2 Screening is not necessary in this case. The ICAS is not of a type of P/P which falls within the remit of the SEA Directive.

While the Study is prepared by a local authority, it is not required by legislative, regulatory, or administrative provisions. The ICAS Study is not subject to a formal approval procedure.

Dun Laoghaire-Rathdown County Council

Infrastructure Capacity Assessment Study

Report to Inform Screening for Appropriate Assessment

Reference: DLRCC_ICAS_AA

Issue 02 | 24 September 2024

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 295742-00

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1. Introduction

1.1 Overview

This report contains information regarding the need for a Screening for Appropriate Assessment on an Infrastructure Capacity Assessment Study (ICAS) currently being developed by DLRCC.

1.2 Purpose of the ICAS

DLRCC is currently preparing an Infrastructure Capacity Assessment Study (ICAS) to inform the development of the Rathmichael and Old Connaught LAPs. Following on from this, the ICAS will identify the proposed recommendations for high-level strategic enabling infrastructure required to facilitate plan-led development of the proposed LAP areas of Old Connaught and Rathmichael and to be considered in the formulation of policy by DLRCC to this effect.

The aim of the ICAS is to establish the existing context and capacities in the proposed LAP areas and to identify their constraints, challenges and opportunities. Following on from this, the ICAS Study will identify the proposed recommendations for high-level strategic enabling infrastructure required to facilitate plan-led development of the proposed LAP areas of Old Connaught and Rathmichael and to be considered in the formulation of policy by DLRCC to this effect.. The strategic enabling infrastructure to be reviewed in this study includes:

- Transport;
- Drainage, Water Services and Utilities; and
- Parks & Open Spaces, Green Infrastructure, Biodiversity and Heritage.

The ICAS is not required by legislative, regulatory or administrative provisions nor is the ICAS subject to a formal approval procedure.

1.3 Appropriate Assessment

Appropriate Assessment is a process required under Article 6(3) of the EU Habitats Directive which transposed into Irish legislation through the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011) as amended (hereafter referred to as the Habitats Regulations) and by Part XAB of the Planning and Development Act 2000 (as amended).

An Appropriate Assessment of a plan or project is required if it is likely to have a significant effect on a European site, either alone or in combination with other plans and projects, pursuant to the Habitats Regulations (as amended) and the Planning and Development Act (as amended).

2. Screening for Appropriate Assessment

2.1 Legislative Requirement for Appropriate Assessment

Pursuant to the Habitats Regulations (as amended) and the Planning and Development Act (as amended), a Screening for AA is required for a ‘plan or project’.

As defined in the Habitats Regulations (as amended):

“A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.”

As defined in the Planning and Development Act (as amended):

*“A screening for appropriate assessment of a **draft Land use plan or application for consent** for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site”¹.*

2.2 Screening for Appropriate Assessment Process

The Office for the Planning Regulator² provides guidance on the Screening for AA process and is defined below in Figure 1:

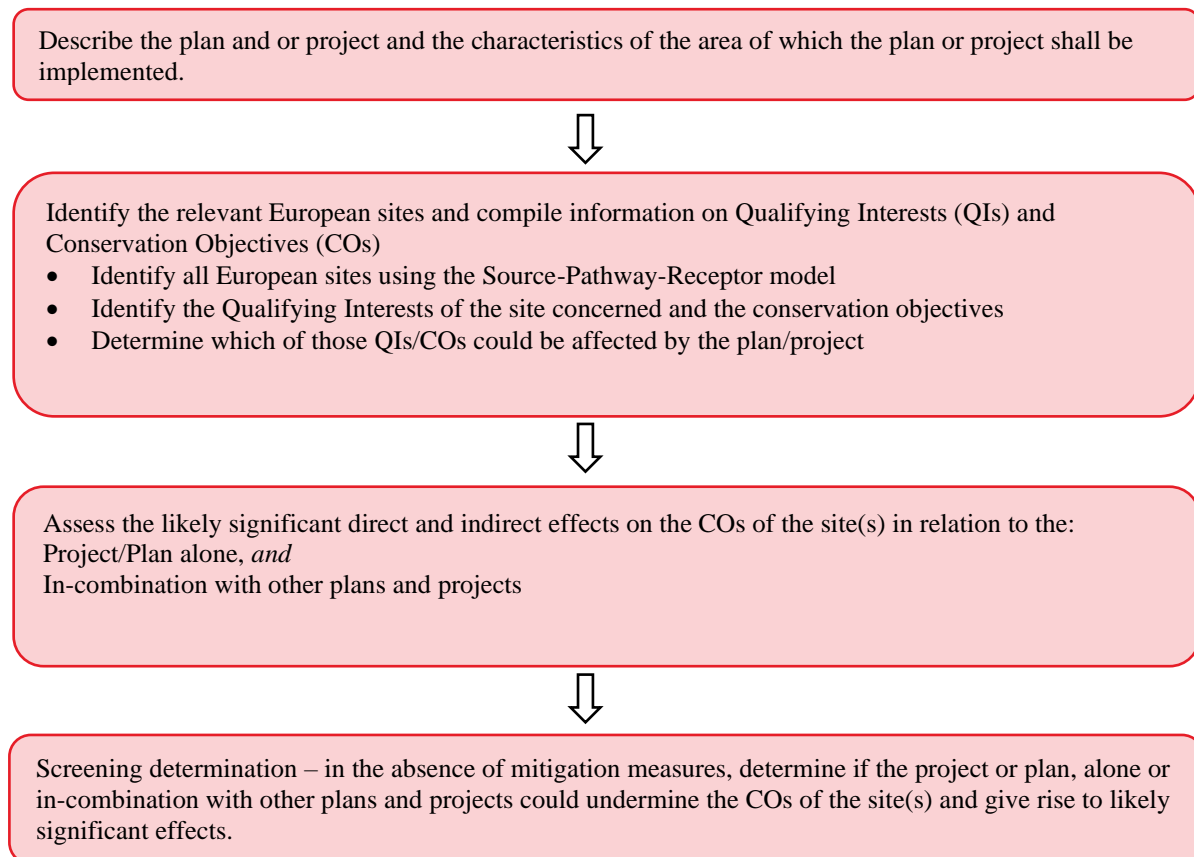


Figure 1 Screening for Appropriate Assessment Process

¹ A Screening for Appropriate Assessment as defined by the Planning and Development Act (as amended)

There are “Cases where no Appropriate Assessment issues arise” and as outlined within the guidance from the OPR. This is where the plan or project ‘could not have any conceivable effect on a European site. For example, where the nature, scale, timing, duration and location of a development is entirely unconnected to a European site’. The guidance further states that “The project should only be considered to have no appropriate assessment issues if it is obvious that the entire project, through all of its stages, could not possibly have any effect on any European site, and that no measures intended to avoid or reduce potentially harmful effects on a European site are included”

The aforementioned process and guidance have been considered as part of this report.

2.3 Definitions

The definitions of a ‘plan’ and a ‘project’, as defined within the Habitats Regulations (as amended) are provided for below.

2.3.1 A plan

““plan”, subject to the exclusion, except where the contrary intention appears, of any plan that is a land use plan within the meaning of the Planning Acts 2000 to 2011, includes—

(a) any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development in one or more specified locations or regions, including any development of land or on land, the extraction or exploitation of mineral resources or of renewable energy resources and the carrying out of land use activities, that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority, or

(b) a proposal to amend or extend a plan or scheme referred to in subparagraph (a);”

2.3.2 A project

““project”, subject to the exclusion, except where the contrary intention appears, of any project that is a development requiring development consent within the meaning of the Planning and Development Acts 2000 to 2011, includes—

(a) land use or infrastructural developments, including any development of land or on land,

(b) the extraction or exploitation of mineral resources, prospecting for mineral resources, turf cutting, or the exploitation of renewable energy resources, and

(c) any other land use activities,”

3. Requirement of AA Screening to the ICAS

3.1 Review of the ICAS

The ICAS is a study document outlining the existing context and capacity within the Old Connaught and Rathmichael areas and is designed to inform the forthcoming LAPs for the respective areas.

The information within the ICAS was reviewed for any material which could be defined as a pathway for effect on European sites. These could take the form as actions, targets, measures or material that could be considered to require development consent. The objectives contained within the ICAS are considered to be guidance and ideas for the direction of which the future LAPs will take and are at this stage too vague to make a meaningful AA Screening upon.

3.2 Review Outcome

Following review, it was determined that there was no material within the ICAS that could be defined as a pathway for effect on European site(s). Similarly, there was no material within the ICAS that could define the ICAS as a ‘project’ or a ‘plan’ as per the definitions provided in Sections 2.3.1 and 2.3.2.

Therefore, in accordance with the relevant guidance set forward by the Office of the Planning Regulator², there is no instance (s) for effect(s) on European site(s) contained within the ICAS.

This review has determined that the ICAS cannot be defined as a ‘project’ or a ‘plan’ and as such, in line with the relevant guidance and legislation, is not subject to a Screening to AA.

It is anticipated that the forthcoming LAPs for Old Connaught and Rathmichael shall outline the future policies, and actions for each LAP and pursuant to Part XAB of the Planning and Development Act (as amended), shall be subject to a Screening for AA (at minimum). Any pathways for effect on European sites within a zone of influence of the draft LAPs shall be considered at this stage.

² OPR (2021) Office of the Planning Regulator. Appropriate Assessment Screening for Development Management. OPR Practice Note PN01. March 2021. Accessed at <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

4. Conclusion & Recommendations

4.1 Summary

A project or a plan must undergo a Screening for AA to assess, in view of best scientific knowledge and in view of the conservation objectives of a European site, whether the plan or project, individually or in combination with other plans or projects is likely to have a significant effect on European site(s). The requirement for Screening for AA is set forward in the Habitats Regulations (as amended) and the Planning and Development Act (as amended).

The ICAS is a study commissioned to inform the development of the forthcoming LAPs for Old Connaught and Rathmichael. The ICAS does not contain any actions, targets or measures nor does it include material that could be defined as requiring development consent.

4.2 Conclusion

No pathways for effect were determined following review of the ICAS. Therefore, in accordance with guidance from the OPR, the ICAS cannot have a conceivable effect on a European site.

Additionally, it has been determined that the ICAS does not meet the definitions of a ‘project’ or a ‘plan’ and therefore is not eligible for a Screening for AA. The ICAS Study will identify the proposed recommendations for high-level strategic enabling infrastructure required to facilitate plan-led development of the proposed LAP areas of Old Connaught and Rathmichael and to be considered in the formulation of policy by DLRCC to this effect. The ICAS Study is not required by legislative, regulatory or administrative provisions. The ICAS is not subject to a formal approval procedure.

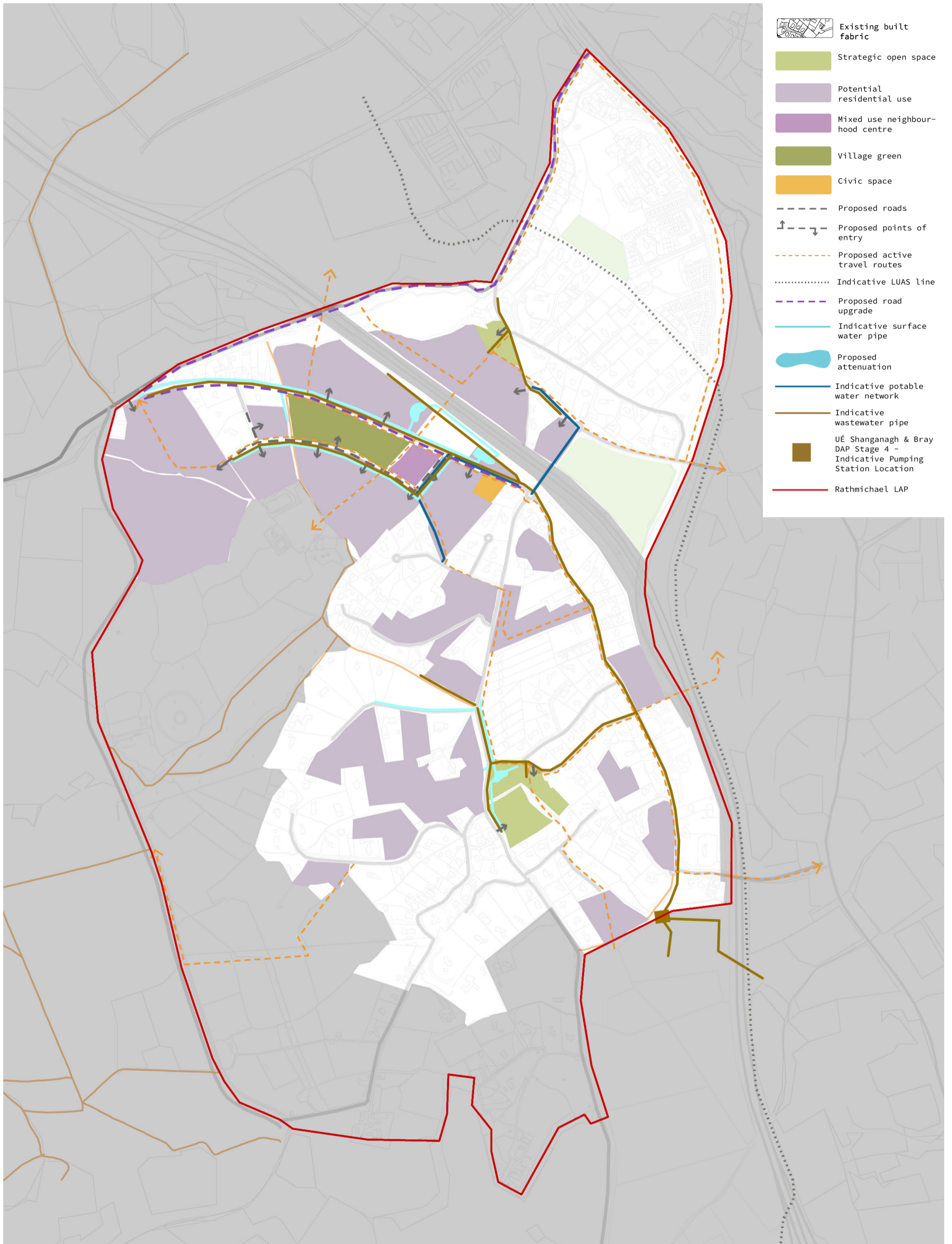
4.3 Future Requirements

Pursuant to Part XAB of the Planning & Development Act (as amended) the forthcoming LAPs for Old Connaught and Rathmichael will require a Screening for AA, and if necessary, full Appropriate Assessment. Each LAP shall be subject to its respective Screening for AA.

Appendix B

Infrastructure Overview

Rathmichael Overall Infrastructure



Old Connaught Overall Infrastructure

