

Appendix 2

Preliminary Screening for Strategic Environmental Assessment (SEA) to Environmental Authorities



Contents Amendment Record

This report has been issued and amended as follows:

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1.0 Introduction

1.1 Background

Fingal County Council (FCC) has commenced the preparation of the Draft Kinsaley Local Area Plan (hereafter referred to as the “Draft LAP”). The Draft LAP seeks to establish a framework for the planned, coordinated and sustainable development of the village core and surrounding lands at Kinsaley village.

As set out in the following sections, this report constitutes a preliminary screening of the proposed Draft LAP for the requirement for Strategic Environmental Assessment in accordance with the requirements of Article 14A of the Planning and Development Regulations 2001 (as amended) on the “*determination of need for environmental assessment of local area plan*”.

This Preliminary Screening for SEA will be finalised following receipt of observations and / or submissions, from the Environmental Authorities (as listed in section 1.3.3 of this report).

1.2 Strategic Environmental Assessment (SEA)

Strategic Environmental Assessment (SEA) is a process for evaluating, at the earliest possible stage, the likely environmental effects of implementing a plan, in order to ensure that environmental considerations are addressed in an appropriate manner as part of the decision-making process, during the preparation of the plan and prior to its adoption.

SEA derives from European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment¹. This directive, which is commonly referred to as the ‘SEA Directive’, was transposed into Irish law through:

- The European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, (S.I. No. 435 of 2004) as amended by S.I. 200 of 2011; and
- The Planning and Development (Strategic Environmental Assessment) Regulations 2004, (S.I. No. 436 of 2004) as amended by S.I. 201 of 2011.

The latter regulations apply to land use plans, including local area plans such as that proposed for Kinsaley.

Article 1 of the SEA Directive states:

“The objective of this directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”

The transposing Regulations require that SEA is mandatory for certain plans and programmes that are above specified thresholds (e.g. County Development Plan with a population or target population greater than 10,000 persons or a Local Area Plan with a population or target population greater than 5,000 persons).

Where plans or programmes fall below or outside of the specified thresholds, ‘screening’ is required to determine whether the making and implementation of a particular plan or programme will, or will not, lead to significant environmental consequences for the area of the plan or programme.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

Screening for the purposes of Strategic Environmental Assessment is defined as “[t]he determination of whether implementation of a P/P [Plan or Programme] would be likely to have significant environmental effects on the environment. The process of deciding whether a P/P [Plan or Programme] requires SEA.” (SEA Park, EPA 2018).²

The screening process is carried out with regard to the “Criteria for determining whether a plan or programme is likely to have significant effects on the environment”, as set out in Schedule 1 of Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended and Schedule 2A of Planning and Development Regulations 2001, as amended.

Where screening determines that implementation of the plan or programme would be likely to have significant environmental effects on the environment, then the plan or programme must be subject to full strategic environmental assessment.

1.3 Screening for Strategic Environmental Assessment

1.3.1 Requirement for Strategic Environmental Assessment

Article 14A of the Planning and Development Regulations 2001, as amended, determines the need for environmental assessment (*i.e.* SEA) of a local area plan. Specifically, Article 14A(1) requires screening for SEA for:

‘a local area plan or an amendment to a local area plan for an area the population or the target population of which is less than 5,000 persons or where the area covered by the local area plan is less than 50 square kilometres’.

This means that SEA is mandatory for local area plans for an area where the population or the target population is greater than 5,000 persons or where the area covered the plan area is more than 50 square kilometres.

However, the draft Kinsaley LAP relates to an area of c.39 hectares (or c.0.4 square kilometres), as well as an existing population of c.340 persons (FCC, 2016) and a target population of c.1800 persons. The target population includes an allowance for the existing permitted total of 182 residential units (*i.e.* 82 units in FCC planning reg. ref. no.: F16A/0511 (ABP ref.: PL06F.248584) and 100 units in FCC planning reg. ref. no.: F16A/0464 (ABP ref.: PL06F.248515)), as well as the proposed development areas set out in the Draft LAP. As the plan area and target population are significantly below the specified thresholds, SEA is not mandatory for proposed Draft Kinsaley LAP.

The proposed Draft LAP for Kinsaley must therefore be subject to screening for SEA taking account of the criteria set out in Schedule 2A of the Planning and Development Regulations 2001, as amended (*or as in* Schedule 1 of S.I. 436 of 2004, as amended).

Article 14A(2) of the Planning and Development Regulations 2001, as amended, states that:

Where a planning authority proposes to prepare or amend a local area plan referred to in sub-article (1), the planning authority shall, prior to giving notice under section 20(3) of the Act, consider whether or not implementation of the local area plan or amended plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A.

² <http://www.epa.ie/pubs/advice/ea/SEA%20Pack%202018.pdf>

1.3.2 Appropriate Assessment and relationship to Screening for SEA

The EU Habitats Directive (92/43/EEC) requires an ‘Appropriate Assessment’ (AA) to be carried out where a plan or project is likely to have a significant impact on a Natura 2000 site. Natura 2000 sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

The first test is to establish whether appropriate assessment (AA) is required for the particular plan or project. This test is referred to as Screening for AA screening and the purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site’s conservation objectives.

As set out in Department Circular Letter SEA 1/08 & NPWS 1/08³ (15 February 2008), screening for AA is of relevance to screening for SEA in that ***“where following screening, it is found that the draft plan or amendment may have an impact on the conservation status of a Nature 2000 site or that such an impact cannot be ruled out, adopting the precautionary approach:***

- *an appropriate assessment of the plan must be carried out, and*
- *in any case where a strategic environmental assessment (SEA) would not otherwise be required, it must also be carried out.”* (emphasis added).

Hence where the local area plan requires appropriate assessment (AA) it shall also require strategic environmental assessment (SEA).

1.3.3 Consultation with Environmental Authorities

Where Fingal County Council determines that implementation of Kinsaley LAP would not be likely to have significant effects on the environment, the authority shall give notice (as per Article 14A(3)) to the following environmental authorities (as specified in Article 13A(4)):

- (i) the Environmental Protection Agency;
- (ii) the Minister for Housing, Planning and Local Government (*previously the Minister for the Environment, Community and Local Government*);
- (iii) where it appears that the LAP might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Food and the Marine (*previously the Minister for Agriculture, Marine and Food*), and the Minister for Communications, Climate Action and Environment (*previously the Minister for Communications, Marine and Natural Resources*);
- (iv) where it appears that the LAP might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Culture, Heritage and the Gaeltacht (*previously the Minister for Arts, Heritage and Gaeltacht Affairs*); and
- (v) the planning authorities adjoining the area of Fingal County Council – *i.e.* Dublin City Council, Kildare County Council and Meath County Council.

This Preliminary Screening for SEA Report will be forwarded to the above Environmental Authorities for observation and/or submission prior to finalisation of the Screening report.

³ <https://www.npws.ie/sites/default/files/general/circular-sea-01-08.pdf>

2.0 Planning Context

2.1 Kinsaley

The village of Kinsaley (also Kinsealy) is located approximately 1.5 kilometres west of Portmarnock and 2.5 kilometres north of the suburban outskirts of Dublin City. Dublin Airport is located c.3.5 kilometres to the west. The village established around the junction of the R107 Malahide Road and Chapel Road. The Malahide Road facilitates north-south traffic movements, while Chapel Road and Baskin Lane facilitate east-west traffic movements. As a result of its location, the village experiences a significant quantity of through traffic. The nearest rail service is at Station Road, Portmarnock over 1km to the east of the village.

The lands around Kinsaley are largely agricultural in character, combined with the demesne lands of large country houses, including Abbeville (formerly Abbeville) to the northwest and smaller properties such as Emsworth to the southwest, Kinsaley House to the east and Kinsaley Hall to the northeast.

Kinsaley has a strong visual identity and landscape quality formed by the Sluice River, flowing west to east through the village, and by the stone walls and mature trees associated with the nearby Abbeville Demesne. The village core is centred on the parish church, the cottages on Chapel Lane and the relatively recently developed lands at St. Olave's Local Centre and associated residential development.

Recent residential development includes Cooper's Wood north of Chapel Lane and Emsworth Park off Kinsealy Lane. A recently permitted residential development (*i.e.* Kinsealy Woods) is also under construction to the south of Chapel Road.

Kinsealy Business Park to the north of the village provides employment, comprising light industrial units and offices accessed off Kinsealy Lane. Until recently, the Teagasc Research Centre to the south of the village offered a significant level of research-based employment but, following consolidation of the research function into the Teagasc Centre in Blanchardstown, the Kinsealy Centre has ceased operation. Other employment providers are focused on existing retail services along the Malahide Road, including Kinsealy Garden Centre.

2.2 Fingal Development Plan 2017-2023

2.2.1 Fingal Development Plan: Rural Villages / Kinsaley

The Fingal Development Plan 2017-2023 notes that outside of the main urban areas *"the remainder of the County is rural in character and includes the villages of Bascadden, Naul, Garristown, Oldtown, Ballyboghil, Rowlestown, Rivermeade, Coolquay, Ballymadun and **Kinsaley**."* (page 3) (emphasis added).

Table 2.8 of the development plan indicates that there is c.80 hectares of residential capacity lands in *"Other Settlements"*, which includes Charlestown & Meakstown, Santry & Ballymun, Balgriffin & Belcamp, Baskin and **Kinsaley**. This equates to 2,791 Potential Residential Units. (page.38) (emphasis added).

In addressing the 4 villages located within the Metropolitan Area of the county, the development plan notes:

*"The future development of Fingal's villages needs careful consideration. In the Metropolitan Area growth in villages such as Coolquay, **Kinsaley**, Rivermeade and Rowlestown will be managed to ensure these centres do not expand rapidly, putting pressure on services and the environment and creating the potential for unsustainable travel patterns."* (page 46) (emphasis added).

The function of Rural Villages (RV), which Kinsaley is predominantly zoned, is stated as:

“These villages vary in function but generally meet the day-to-day needs of the locality and usually offer a mix of commercial and community activity within the village core. Other enterprise, residential, retail, commercial, and community facilities may be provided.” (page 55).

The Statement of Policy for Rural Villages (page 147) is to:

- *Promote attractive and vibrant villages.*
- *Ensure sustainable expansion and development at a level appropriate to and integrated with the existing village.*
- *Meet the socio-economic and civic aspirations of the community, whilst at the same time affording maximum environmental protection.*
- *Preserve the villages' distinctive character, heritage, amenity and local identity.*

The development plan also notes that:

“The RPGs indicate that future growth in commuter villages [which includes Kinsaley] should be curtailed or safeguarded so that they do not act as a catalyst to facilitate continuing expansion of unsustainable growth patterns.” (page 147).

In discussing Kinsaley, the development plan describes the village as follows:

“Functionally, the village can be described as a commuter village under development pressure. Lands within the village boundary are subject to new residential planning permissions with one such development at Cooper’s Wood to the east of Kinsaley Lane.

Local employment exists in the form of Kinsaley Business Park, comprising light industrial units and offices built in the late 80’s and accessed off Kinsaley Lane. Until recently, the Teagasc site to the south of the village offered significant rural based employment but this has ceased since consolidation into the Teagasc Centre in Blanchardstown. Other employment uses are focused on existing retail services along the Malahide Road. Kinsaley has a current population of circa 340 persons.” (page 148).

In discussing Design Criteria for Rural Villages and Rural Clusters, the development plan notes that:

“Village development shall be guided by the adopted Local Area Plans and Village Development Framework Plans.” (page 428).

2.2.2 Fingal Development Plan: Land Use Zoning for Rural Villages / Kinsaley

The vast majority of the Draft LAP lands are identified as ‘RV – Rural Village’ in the Fingal County Development Plan 2017-2023 (refer to Figure 2.1). This land use zoning objective, which notes the requirement for preparation of an “approved Local Area Plan”, seeks to:

“Protect and promote the character of the Rural Village and promote a vibrant community in accordance with an approved Local Area Plan, and the availability of physical and community infrastructure”

Two small areas zoned for CI – Community Infrastructure’ and ‘LC – Local centre’ are located to the north of the junction between R107 Malahide Road and Chapel Lane. In addition the corridor of the Sluice River, which flows west to east through the centre of the lands, is zoned ‘OS – Open Space’. (Refer to Figure 2.1).

The RV – Rural Village land use zoning excludes a small indentation of ‘GB – Greenbelt’ to the south of Kinsaley. It is proposed that this small area be included within the new LAP boundary – but retained as a green corridor between proposed development areas.

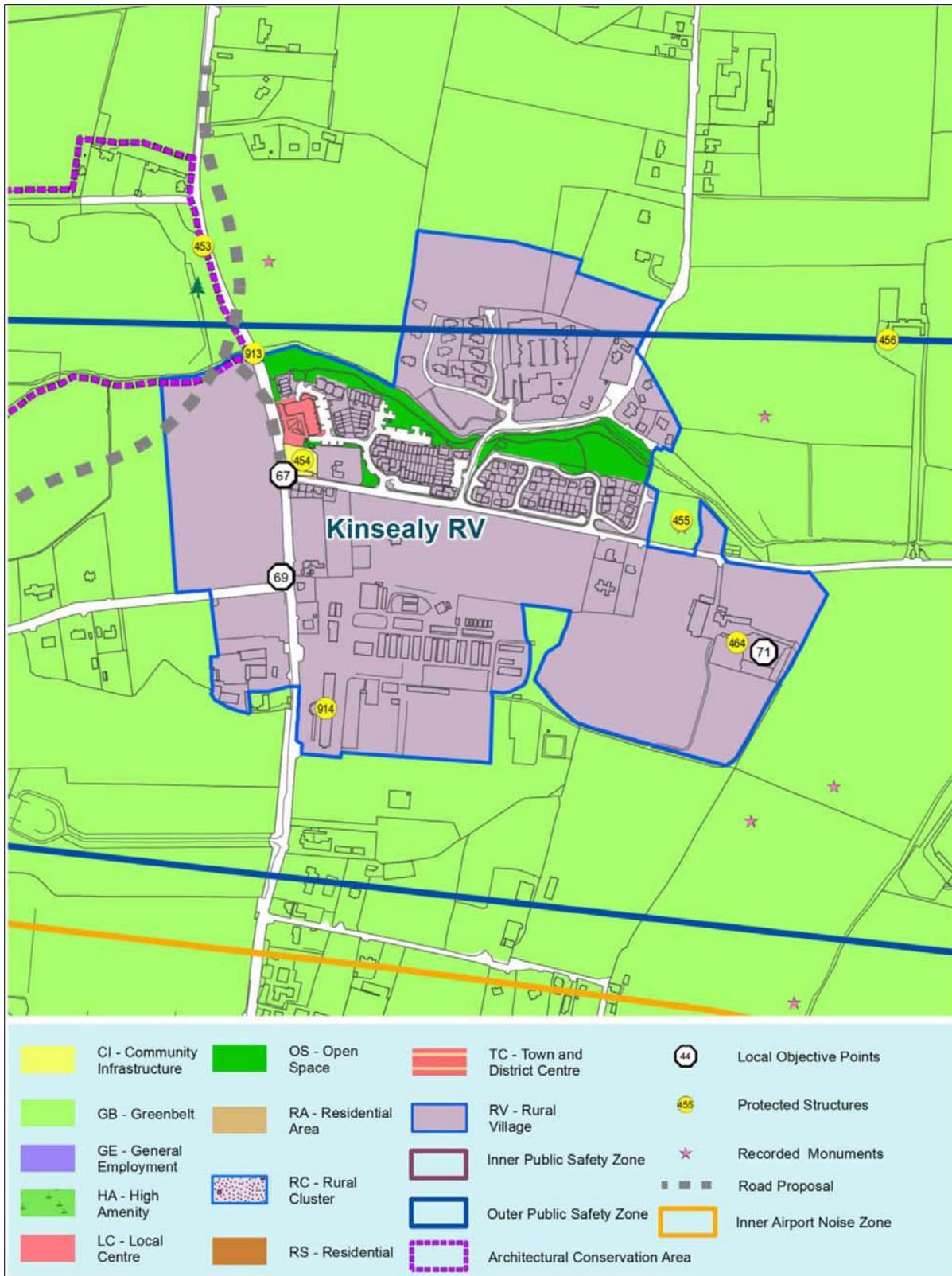


Figure 2.1 Existing land use zoning (Extract from Sheet No. 9 of Fingal Development Plan 2017-2023)

The following map-based local objectives apply to the plan area (refer to numbered white circles on Figure 2.1):

- 67 *Facilitate a traffic impact assessment of the junction of Chapel Lane with the Malahide Road and, subject to an identified need and resources being available, carry out improvement works to same.**
- 69 *Facilitate a traffic impact assessment of the junction of Baskin Lane with the Malahide Road and, subject to an identified need and resources being available, carry out improvement works to same.*
- 71 *That any development of this area will include the integration of the Protected Structure on site (Kinsaley House) within the first phase of development.***

* Traffic impact assessments were subsequently completed for the junction of Chapel Lane and Malahide Road as part of the application processes for two previously permitted residential developments located off Chapel Lane. (FCC planning reg. ref. no.: F16A/0511 & ABP ref.: PL06F.248584, and FCC planning reg. ref. no.: F16A/0464 & ABP ref.: PL06F.248515).

** Permission has subsequently been granted for residential development on the lands around Kinsaley House (FCC planning reg. ref. no.: F16A/0464 & ABP ref.: PL06F.248515).

The Fingal Development Plan includes an objective for a new road connecting from the R139 adjacent to Darndale Park, c.2.5km south of Kinsaley, north to the R107 Malahide Road just to the northwest of the LAP lands (refer to dashed grey line on Figure 2.1). The road alignment shown on the Development Plan is indicative only and subject to future feasibility studies and detailed design. However, this road objective is generally outside of the subject LAP lands.

The LAP lands are located within the Outer Airport Noise Zone associated with Dublin Airport, while a small portion of the northern LAP lands are also located within the Outer Public Safety Zone associated with Dublin Airport (refer to extent of RV – Rural Village lands located north of northernmost blue on Figure 2.1).

2.2.3 Fingal Development Plan: Objectives for Rural Villages / Kinsaley

Fingal Development Plan contains a range of objectives relating to Rural Villages, of which Kinsaley is one. The objectives focus on orderly and sustainable development that maintains the distinctive rural character of the settlement. Strategic Vision objectives and Strategic Policies include:

Strategic Vision (page 7)

- *“Support and protect Fingal’s attractive rural villages and countryside which support agriculture, horticulture, recreation and tourism. Promote vibrant rural villages with a mix of uses, through the creation of a dynamic framework which involves people living, working, and interacting for social and community reasons.*
- *Direct rural generated housing demand to villages and rural clusters and promote the re-use and rehabilitation of existing housing stock in rural areas in preference to new build in order to preserve and enhance the distinct character of rural Fingal.”*

Strategic Policy (page 10)

13. *“Provide viable housing alternatives for the rural community through the promotion of controlled growth of the rural villages and clusters balanced with careful restriction of*

residential development in the countryside and recognising the unique value of the rural communities in Fingal.”

The development plan includes a range of applicable objectives addressing Rural Settlement (e.g. SS07), Sustainable Placemaking (e.g. PM01, PM07), Local Area Plans (e.g. PM13), Mixed Uses and Vitality of Sustainable Communities (e.g. PM35, PM36), Village Settlement Strategy (e.g. RF04, RF05, RF06), Community Infrastructure (e.g. RF07 to RF15), Village Development Framework Plans (VDFPs), (e.g. RF16 to RF18), Rural Transport (e.g. RF69) and Rural Economy and Enterprise (e.g. RF107, RF108 and RF 123).

In relation to Village Development Framework Plans, it is a requirement of **Objective RF18** to:

“Prepare a Local Area Plan and VDFP for each of the villages, where necessary, involving public consultation with the local community, to provide a planning framework for appropriate village development. The LAPs will protect and promote:

- i. Village character through preparation of a Village Development Framework Plan,*
- ii. A sustainable mix of commercial and community activity within an identified village core which includes provision for appropriate sized enterprise, residential, retail, commercial, and community facilities,*
- iii. The water services provision within the village,*
- iv. Community services which allow residents to meet and interact on a social basis, and include churches, community and sports halls, libraries and pubs,*
- v. A mix of housing types and tenure which will appeal to a range of socio-economic groups,*
- vi. Retail activity, consistent with the Fingal Retail Strategy, in the form of village shops which will meet the needs of the local community,*
- vii. A public realm within the village which allows people to circulate, socialise and engage in commercial activity in a manner which balances the needs of all involved,*
- viii. The provision of Green Infrastructure, including natural, archaeological and architectural heritage, and green networks within the village.”*

Fingal Development Plan also includes an extensive range of protective environmental policies and objectives including for:

- Environmental Assessment and Appropriate Assessment (e.g. Strategic Policy 1, Objectives ED88, DMS01, DMS02, DMS163, DMS164, DMS165, etc.),
- Protection of Ecological Corridors and of Natural and Built Heritage (e.g. Strategic Policy 11, Objectives DMS170, DMS171, DMS172, CH45, CH46, etc.),
- provision of adequate Waste Water Infrastructure (e.g. Strategic Policy 17, Objectives WT01, WT02, WT05, etc.),
- Flooding (Strategic Policy 20, Objectives SW02, SW04, etc.),
- Open Space and Green Infrastructure (e.g. Strategic Policy 22, Objectives SS10, SS11, PM51, RF113, and Chapter 8 generally),

In relation to the Sluice River it is a requirement of **Objective DMS170** to:

Protect and enhance the ecological corridors along the following rivers in the County by ensuring that no development takes place, outside urban centres, within a minimum distance of 30m

*from each riverbank: Liffey, Tolka, Pinkeen, Mayne, **Sluice**, Ward, Broadmeadow, Ballyboghil, Corduff, Matt and Delvin (see Green Infrastructure Maps). (page 480) (emphasis added).*

Objective WQ05 of the Development Plan (page 280) sets out a similar riparian protection requirement.

In relation to waste water infrastructure it is a requirement of **Objective WT01** to:

Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of waste water collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy. (page 271).

2.3 The Draft Local Area Plan (LAP)

2.3.1 Vision Statement and Strategic Aims of the LAP

The proposed Vision Statement for the area as set out in the Draft LAP states:

“To enhance and consolidate the village centre whilst ensuring the sustainable expansion of Kinsaley at a level appropriate to and integrated with the existing village in which the housing, socio-economic and civic aspirations of the community are met while retaining its distinctive character and sense of identity and ensuring maximum environmental protection.”

In order to achieve this vision it is proposed that the Draft LAP be underpinned by four strategic aims:

- *“Support the expansion of Kinsaley Village centre as a focal point for the community with an enhanced retail function to serve the needs of existing and future residents.*
- *Support infrastructural investment to ensure safe pedestrian and cyclist movements throughout the village in tandem with enhanced traffic management measures including facilitating the provision of improved pedestrian/cycle access to public transport and local schools.*
- *Protect and enhance the existing natural amenities of Kinsaley together with improving access to established and proposed amenity areas through designated green routes.*
- *Provide for the integrated development of the village and its growing population with the development of new housing delivered in tandem with supporting community and physical infrastructure.”*

2.3.2 The Village Centre

The Village Centre in Kinsaley currently consists of St. Olave’s Local Centre and the adjoining church of St. Nicholas of Myra and the associated Community Centre. While the Local Centre is generally well supported by the local community, public consultation also revealed a desire for an expanded range of services in the Village Core. Therefore, the Draft LAP includes an objective to support the limited expansion of the Village Core to include additional retail space, ideally of a nature and scale suitable for a convenience retailer, as well as additional space that could be used for services such as a locally-focused medical use. The expansion of the Village Centre will be in accordance with Kinsaley’s designated position in the retail hierarchy as a Level 5 Centre as defined in Fingal Development Plan.

2.3.3 Proposed Development Areas

The Draft LAP identifies six Development Areas totalling 20.17 hectares to incorporate existing permitted development and to accommodate further development that will facilitate the consolidation

of the village (refer to Table 2.1 and Figure 2.2). As noted permission already exists for the residential development as set out on Development Area No.6.

Table 2.1: Proposed Development Areas

No.	Development Area	Land Use	Quantum of Proposed Development
1.	Kinsaley Lane Development Area – 2.5 ha.	Residential	30 dwellings
2.	Garden Centre Development Area – 1.3ha	Residential	40 dwellings
3.	Former Teagasc Development Area – 6.4 ha	Residential / Education	185 dwellings 1no. 12-16 classroom school
4.	Malahide Road West Development Area – 4.0 hectares	Mixed-use / Residential / Public Park	500-1,000 sqm of convenience retail floorspace 85 dwellings
5.	Malahide Road East Development Area – 0.6 hectares	Residential	20 dwellings
6.	Kinsaley House Development Area - 6.5 hectares	Residential	123 dwellings and creche (Note: 100 of these units and the crèche are provided for in an extant permission)
Totals (21.3 hectares - including the already permitted development area within Area 6):		Residential Education Retail / Commercial Public Park	483 units* (excluding 100 units already permitted in Area 6) 1 no. school 500 – 1000 sqm. 1 no.,

* An additional 82 residential units are also under construction south of Chapel Road

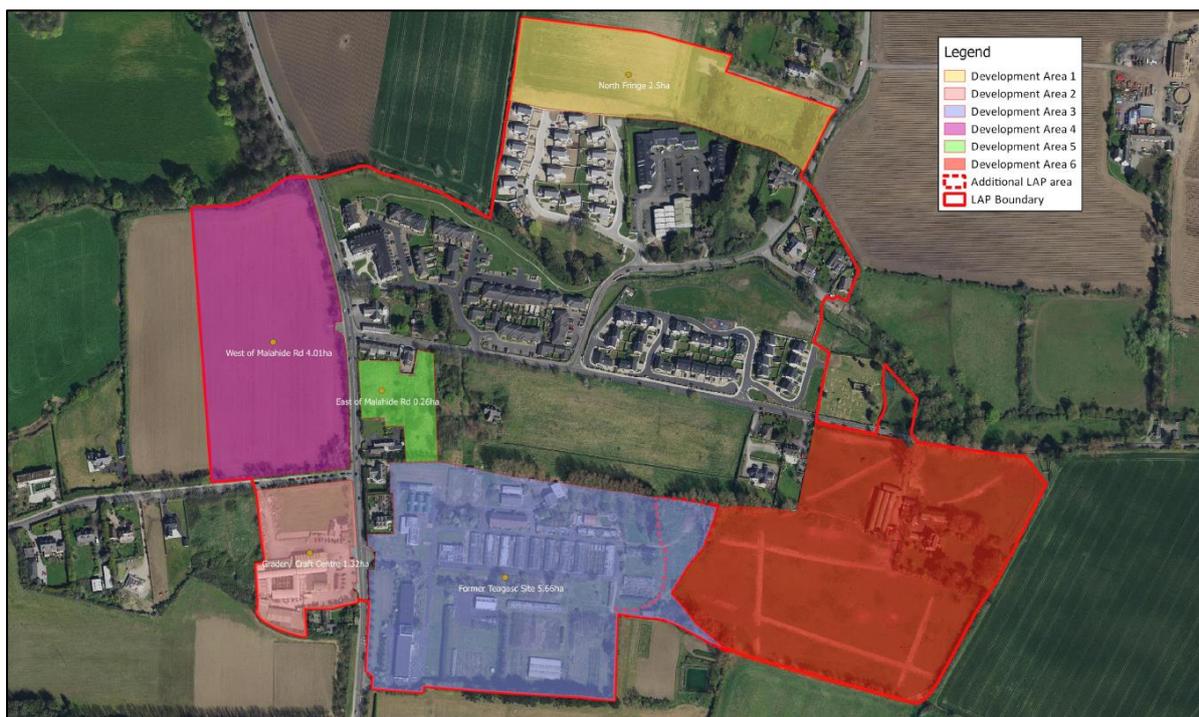


Figure 2.2: Development Areas identified in the Draft Kinsaley LAP. (Source: FCC, 2018)

In addition to the Development Areas identified in Table 2.1 and Figure 2.2, it is noted that a number of comparatively large sites that currently accommodate single dwellings, either on a stand-alone basis or in small groups, may present for infill redevelopment within the lifetime of the LAP. Proposals on these sites should be considered on their individual merits, but should comply with the requirements of the Fingal Development Plan and be consistent with the prevailing character of the area.

The LAP also includes a small area of Greenbelt (GB) lands, which will be retained as a green corridor between Development Area No. 3 and Development Area No. 6.

Furthermore, lands to the south of the Teagasc landholding, also zoned Green Belt may facilitate a future soccer pitch and associated car parking area. This car park would have the dual function of providing a safe set-down area for both the existing and proposed national schools serving the village.

2.3.4 Relevant Planning History

A significant extent of the area of the LAP lands are already allocated to either existing established residential development or to a recently permitted residential development. In addition to the proposed Development Areas (refer to Figure 2.2), construction has also recently commenced at 'Kinsealy Woods' in relation to a residential development of 82 units and childcare facility on a c.3.65 hectare site located south of Chapel Lane at the centre of the LAP lands (refer to FCC planning reg. ref. no.: F16A/0511 & ABP ref.: PL06F.248584). As this development has already commenced it is not included within the six identified Development Areas. It is noted that the permission includes a condition (No.3) phasing the development based on the availability of public water/waste water services.

In addition, a garden centre is located on part of a 1.3 hectare site to the southwest of the village (*i.e.* Development Area No. 2), and the former Teagasc Kinsealy Research Centre is located on c.6.4 hectares of developed lands to the south of the village centre (*i.e.* Development Area No. 2).

A 10 year permission also exists for residential development of 100 units and a childcare facility on c.6.5 hectares surrounding Kinsaley House, a protected structure (refer to FCC planning reg. ref. no.: F16A/0464 & ABP ref.: PL06F.248515). While already permitted, this development is identified as part of Development Area No. 6 in the Draft LAP. It is noted that the permission includes a condition (No.6) phasing the development based on the availability of public water/waste water services.

Proposed Development Area No. 1 relates to c.2.5 hectares of currently undeveloped / agricultural lands located to the immediate north of Kinsealy Business Park and existing residential development at Emsworth Park.

Planning permission was recently granted to Irish Water for a new Wastewater Pumping Station in Kinsaley as part of the Local Network Reinforcement Project (refer to FCC planning reg. ref. no.: F18A/0041).

2.3.5 Landscape

The Draft LAP lands are located within the designated 'Low Lying Agricultural' landscape character type. This is an area characterised by a mix of pasture and arable farming on low lying land with few protected views or prospects. This low lying character type is dominated by agriculture with a number of settlements and is categorised as being of modest value. However, it contains pockets of important value areas requiring particular attention such as important archaeological monuments and demesnes (*e.g.* the nearby Abbeville House Demesne).

A small area located to the west of the Malahide Road, and which also include Abbeville Demesne, is considered as 'Highly Sensitive Landscape'. The portion of the Draft LAP lands that lie west of the Malahide Road are also located within this landscape.

2.3.6 Natural Heritage

Green infrastructure Map 2 (Sheet 15 of the Fingal Development Plan) highlights the Sluice River as an Ecological Corridor and Abbeville Demesne as a Nature Development Area. European and National designated sites are also highlighted (refer to following sections).

Green infrastructure Map 3 (Sheet 16 of the Fingal Development Plan) indicates that the Sluice River is of Moderate Water Quality Status.

The proposed Draft LAP includes objectives to enhance, manage and protect the ecological network, including the Sluice River and its public corridor, to provide for new and improved open space, parks and recreation and for sustainable water management measures.

2.3.6.1 European designated conservation areas

Seventeen European sites (Natura 2000 sites) are located within 15km of the area of the Draft LAP as set out in Table 2.2 and Figure 2.3. Despite the number of such sites within a 15km radius, the Draft LAP lands are connected hydrologically to only 2 of these sites (*i.e.* Baldoyle cSAC and SPA) via the Sluice River and Mayne River catchments.

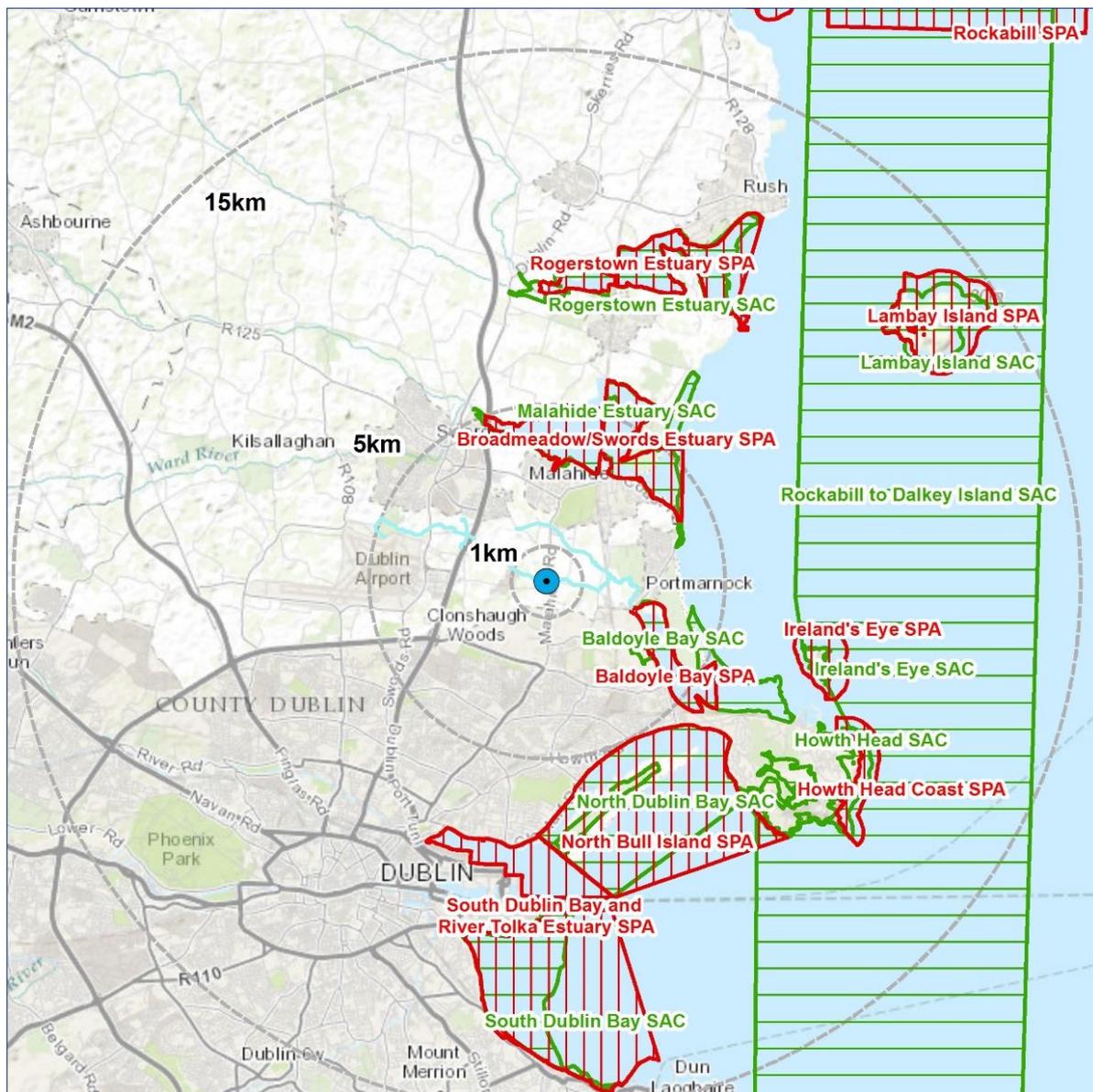


Figure 2.3: European Sites (Source: Screening for Appropriate Assessment, Scott Cawley, 2018)

Table 2.2: European Sites within 15km of Draft LAP

European Site	Site Code	Distance (straight line) to LAP area
Special Areas of Conservation (SAC) / candidate Special Areas of Conservation (cSAC)		
Baldoyle Bay SAC	000199	c.2km to the southeast
Malahide Estuary SAC	000205	c.3km to the north
North Dublin Bay SAC	000206	c.4km to the south
Rockabill to Dalkey Island SAC	003000	c.6km to the east
Ireland's Eye SAC	002193	c.6.5km to the east
Howth Head SAC	000202	c.7km to the southeast
Rogerstown Estuary SAC	000208	c.7.5km to the north
South Dublin Bay SAC	000210	c.9km to the south
Lambay Island SAC	000204	c.11.5km to the northeast
Special Protection Areas (SPA)		
Baldoyle Bay SPA	004016	c.2km to the southeast
Broadmeadow/Swords (Malahide) Estuary SPA	004025	c.3km to the north
North Bull Island SPA	004006	c.4.5km to the south
Ireland's Eye SPA	004117	c.6.5km to the east
South Dublin Bay and River Tolka Estuary SPA	004024	c.7.km to the south
Rogerstown Estuary SPA	004015	c.7.5km to the north
Howth Head Coast SPA	004113	c.8km to the southeast
Lambay Island SPA	004069	c.11.5km to the northeast

2.6.3.2 Other designated conservation areas

The nearest non-European designated site to the Draft LAP lands is the Sluice River Marsh proposed Natural Heritage Area (pNHA Site Code: 001763), which is located approximately 1.1km downstream (c.0.9km straight-line distance) of the Draft LAP lands.

The marsh abuts the Sluice River to the north and is bounded to the west by the Dublin-Belfast railway line. This site, which is hydrology connected to the Draft LAP lands via the Sluice River, is of importance as a relatively intact freshwater marsh, a habitat that is now rare in County Dublin. Some waterfowl from Baldoyle Estuary may use the marsh on occasions. The site is not designated for the Qualifying Interests/Special Conservation Interests of Baldoyle Bay cSAC or SPA.

A second pNHA, Feltrim Hill (Site Code: 001208), located c.0.9km to the northwest is not to be connected to the Draft LAP lands.

2.3.7 Cultural Heritage

There are four structures on the Record of Protected Structures (RPS) of architectural and historical interest within the Draft LAP boundary. These buildings and sites, which are included on the National Inventory of Architectural Heritage are:

- RPS No. 913 – Road Bridge located at Malahide Road, Kinsaley, Co. Dublin. A mid-18th century triple-arch masonry road bridge over the Sluice River.
- RPS No. 454 – St. Nicholas of Myra Church (RC) at Malahide Road (R107), Kinsaley, Malahide, Co. Dublin. This is a mid- 19th Century Catholic Church, tower and school building.
- RPS No. 914 – Malahide/Portmarnock Educate Together National School at Malahide Road, Kinsaley.
- RPS No. 464 – Kinsaley House, Chapel Road, Kinsaley, Malahide, Co. Dublin. An early 18th century five-bay two-storey house.

The following Protected Structures are located just outside the boundary of the Draft LAP:

- RPS No. 455 – Church (in ruins) & Graveyard at Chapel Lane, Kinsaley, Malahide, Co. Dublin. Remains of medieval church within enclosed graveyard.
- RPS No. 452 – Abbeville House an 18th century nine-bay two-storey house, stables, out-buildings & walled garden. Abbeville House and its associated Architectural Conservation Area (ACA) plays an important role in the heritage of Kinsaley.

2.3.8 Infrastructure

2.3.8.1 Traffic and Transportation

No significant new road infrastructure is required as part of the proposed Draft LAP. Improvements to the junction between the Malahide Road and Church Road are already provided for under recent grant of permissions (FCC planning reg. ref. no.: F16A/0511 & ABP ref.: PL06F.248584 and FCC planning reg. ref. no.: F16A/0464 & ABP ref.: PL06F.248515).

The nearest train station is Portmarnock, which is c.1.5km to the east of Kinsaley. This station is well served by trains during the day, with frequent peak hour services. Kinsaley is relatively well served by bus in the peak hours, with two services (No. 42 & 43) operated by Dublin Bus.

There are no dedicated cycle facilities provided within the Kinsaley LAP area. However, Fingal County Council has commissioned a Cycling Feasibility Study for the Kinsaley area. Details of the study have not yet been published – but it is anticipated that a cycling link to Malahide Castle and a cycling link to Portmarnock from the Draft LAP lands will be examined in the study.

The Draft LAP includes proposals for calming of road traffic and objectives for enhanced pedestrian and cycling connectivity and services, including to public transport.

2.3.8.2 Waste Water

The LAP lands are currently served by Connolly Avenue Pumping Station and Floraville Pumping Station which discharge to the Wastewater Treatment Plant at Malahide. The pumping stations are operating at capacity and pumping becomes overloaded during storm events, with resultant discharges without screening to the Sluice River.

Planning permission was recently granted to Irish Water for a new Wastewater Pumping Station in Kinsaley as part of the Local Network Reinforcement Project (refer to FCC planning reg. ref. no.: F18A/0041). The development will increase forward pump capacity from an existing 13 litres/second to approximately 70 litres/second and will provide for significant additional capacity for development within Kinsaley. The development will also provide for 6 hours of emergency storage and is projected to remove the risk of unscreened overflows to the Sluice River.

2.3.8.3 Water Supply

Water Supply for the LAP lands and the surrounding area is provided from the Ballycoolin reservoir supply area. The area in general is well-served with trunk mains which have capacity to cater for additional future growth in the area.

Irish Water's 25 year plan for the Greater Dublin Region includes further enhancement water supply proposals to serve the region.

2.3.8.4 Surface Water, Drainage and Flood Risk

Kinsaley lies within the river catchment of the Sluice River, which enters the sea at the Baldoyle Estuary in Portmarnock. The Sluice River rises to the north of Dublin Airport and flows through Kinsaley into the head of Baldoyle Bay. Downstream of the Kinsaley LAP lands, the river is meandering with embankments constructed before the 1830's to curtail tidal flooding. It has a total catchment area of approximately 17.8km²

Irish Water records indicate two surface water outfalls to the Sluice River, located on Kinsealy Lane and at the St. Olave's Development. Outfalls to the river have also been identified from the Malahide Road, Emsworth Park and Coopers Wood residential housing developments.

The Sluice River and tributaries making up the sub-catchment through Kinsaley, is described in the Fingal Development Plan as having a moderate water quality status as per the EPA River quality standards. A moderate water quality status gives rise to reduced diversity of species and the presence of moderate pollution within the water body.

The LAP lands are bisected by the River Sluice flowing from west to east. This section of the Sluice is fluvially dominated, as such; the most prevalent flood risk to the site is from extreme fluvial inundation events or fluvial events in combination with extreme tidal events. Portions of the LAP lands are indicated to be within flood zones A and B in the OPW FEM-FRAM Study and the OPW PFRA.

The Kinsaley LAP lands are therefore, considered to require a stage 3 detailed flood risk assessment with respect to flooding derived from Fluvial and Tidal sources.

3.0 Assessment of Likely Significant Effects

3.1 Screening for Appropriate Assessment

A separate report has been prepared providing Information for Screening for Appropriate Assessment and as noted at section 1.4 of this report, a relationship exists between the outcome of screening for AA and screening for SEA.

As set out in Table 2.2 of this report 17 European sites (Natura 2000 sites) are located within 15km of the Draft LAP lands. However, it is considered that only 2 of these – Baldoyle Bay SAC (Site Code 000199) and Baldoyle Bay SPA (site Code 004016) have potential connectivity to the Draft LAP lands. Both sites are located c.2km southeast of Kinsaley (see Figure 2.3), and the Draft LAP lands are connected hydrologically to Baldoyle Bay via the River Sluice and Mayne River catchment. Therefore, potential impacts on these European sites could theoretically arise from contaminated surface water run-off generated during construction and operation of development within the Draft LAP lands.

The preliminary AA Screening Report has concluded that:

“Following review of the draft objectives of the LAP against the Conservation Objectives of the relevant European Sites, it was concluded that there is no possibility that the implementation of the LAP could result in any likely significant effects on European Sites on its own or in combination with other plans and programmes.

Therefore, strategic environmental assessment (SEA) is not required for the Draft LAP because of a requirement for appropriate assessment (AA).

3.2 Flood Risk Assessment

A Strategic Flood Risk Assessment (SFRA) has been carried out for the LAP lands in accordance with the requirements of the OPW *“The Planning System and Flood Risk Management Guidelines for Planning Authorities”*, 2009. It was determined that the most significant source of flooding within the LAP area is from potential fluvial and tidal inundation from the Sluice River. There are other minor areas of pluvial flooding within the LAP boundary.

The majority of the LAP area is within Flood Zone C, where the probability of flooding from rivers and the sea is low (<1 in 1000 year) and is therefore appropriate for highly vulnerable developments.

The specific flood risk assessment of the six proposed Development Areas within the LAP indicated that Development Areas 1, 2, 3 and 5 are not affected by current and future estimated fluvial or tidal flood risk.

The northern portion of Development Area 4 is impacted by potential fluvial and tidal flooding from the Sluice River. This area is to be maintained free of development and used for riparian setback and open space.

Permission has already been granted for development on Development Area 6. This development was also subject to SRFA during the planning application process.

All Development Areas are still susceptible to flooding from pluvial sources and this risk will be managed through appropriate surface water management strategies incorporating Sustainable Drainage Systems (SuDS). There is no requirement for a Justification test for Development Management on any Development Area.

3.3 Screening for Strategic Environmental Assessment

A screening assessment for likely significant effects has been carried in accordance with the requirements of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004). In so doing the Screening of the Draft Kinsaley Local Area Plan has taken account of the specified criteria for determining the likely significant environmental effects of implementing the Draft LAP as set out in Schedule 1 of SEA Regulations 2004, as amended (or Schedule 2A of the Planning and Development Regulations 2001, as amended).

The screening assessment is presented in the following with reference to the specified criteria.

3.3.1 The characteristics of the plan or programme 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 Draft Kinsaley LAP sets out a development framework for the planned, co-ordinated and sustainable development of Kinsaley and for the conservation and enhancement of its natural and man-made environment. The Draft LAP provides guidance in the form of policies and objectives for the development of environmental, physical and social infrastructure in a modest and sustainable manner. The Village Development Framework Plan and the LAP Objectives set out the relevant requirements for the development of lands within Development Areas and within the village generally.

Notably, the extent of population expansion is limited and this expansion has already been assessed as part of Fingal Development Plan 2017-2023.

Development as proposed in the Draft LAP is considered to be consistent with the established and emerging profile of such development within Kinsaley village. As such the LAP provides no major divergence from the existing policy provided for by the Development Plan and instead provides greater detail as to the nature and extent of the development envisioned for the LAP lands.

- ii. the degree to which the plan or programme influences other plans, including those in a hierarchy;*

The Draft LAP is prepared being wholly consistent with the Fingal Development Plan and higher level legislation, which has undergone full Strategic Environmental Assessment. The nature and extent of development proposed in the draft LAP is as already established in the development plan and the primary purpose of the draft LAP is to provide further detail and clarity with regard to the intentions of the Planning Authority to give effect to the objectives for Kinsaley.

The Draft LAP is set within the context of Fingal County Development Plan 2017-2023 and will only influence future development within the village of Kinsaley. It does not have a significant influence on additional plans in a hierarchy and it is considered that the plan will not have a significant environmental effect on any other plans.

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

The Draft LAP for Kinsaley prepared is in accordance with the provisions of Part II, Chapter II, Sections 18-20 of the Planning and Development Act 2000 (as amended) and therefore, is related to the proper planning and sustainable development of the area. It is also prepared having regard to National, Regional and County level policy documents and in particular to the requirements of the Fingal County Development Plan 2017-2023.

The Fingal Development Plan, which underwent full SEA, integrated environmental considerations into the Plan and concluded that the Plan is based on the principles of sustainable development. The Draft LAP does not in itself propose changes to environmental considerations and seeks to clarify and define intentions and process in relation to the development of Kinsaley in giving effect to the zoning of these lands and the objectives of the Development Plan.

The Draft LAP sets out a strategy for the planned and sustainable development of Kinsaley and for the protection, conservation and enhancement of its natural and man-made environment. The Draft LAP will guide future development by identifying Development Areas for particular uses and for providing a development framework for planning decisions within the village.

iv. environmental problems relevant to the plan or programme;

The Draft LAP is consistent with the objectives of the County Development Plan which has undergone full SEA. The Environmental Report, prepared for the Fingal County Development Plan, concluded that the implementation of the Plan, including the various mitigation measures, would result, in general terms, in a neutral to positive impact on the environment as a whole.

While at present waste water infrastructure in Kinsaley is at times operating near capacity, new proposals by Irish Water to alleviate this situation have been permitted by the planning authority. No other significant environmental problems are identified in relation to the Draft LAP area.

v. 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)

Issues relating to legislation on the environment are provided for in the Fingal County Development Plan 2017-2023. The Draft LAP is consistent with the policies and objectives of the Development Plan which itself was the subject of SEA. The Draft LAP is therefore guided and informed by the relevant European legislation on the environment including; waste management and water protection policies and objectives as set out in the Fingal County Development Plan 2017-2023.

The statutory planning and transportation policy context for the LAP is determined at the national, regional and local policy levels. In particular the planning context for the preparation of the Draft LAP emanates from the current Fingal Development Plan 2017-2023, which guides and informs the implementation of relevant European legislation on the environment including; waste management and water protection policies and objectives.

Therefore, issues relating to EU legislation on the environment are addressed in the County Development Plan as outlined above and the Draft LAP will ensure the continued implementation of these objectives.

3.3.2 Characteristics of the effects and of the area to be affected having regard, in particular to:

i. The probability, duration, frequency and reversibility of the effects;

The land subject to the Draft LAP is currently zoned under the Fingal Development Plan 2017-2023. The Draft LAP does not zone additional lands beyond the extent of development envisaged in the County Development Plan. It is noted that a small tract of zoned greenbelt (GB) land within the Teagasc landholding will be subsumed into the LAP boundary but the lands will retain its GB zoning.

The Draft LAP aims to guide the sustainable development of the Kinsaley area. Its extent is limited to the existing zoned lands and the objectives as set out in the Fingal Development Plan, and further expanded upon in the Draft LAP and Village Development Framework Plan. Planning permission has already been permitted for some of the lands and other lands are subject to existing development. Therefore their development is established and the impacts of same have been considered by Fingal County Council and any mitigations or conditions considered or put in place.

While development will result in permanent change in identified Development Areas, it is not anticipated that adverse environmental effects will arise as a result of the implementation of the Draft LAP.

ii. The cumulative nature of the effects;

The Draft LAP forms part of the overall balanced, development strategy of Fingal County Council, as set out in the Fingal County Development Plan 2017-2023. The Draft LAP is consistent with the policies and objectives of the overarching county-wide policy and as a result will not have a significant cumulative effect on the environment, when taken with other plans and strategies within the county.

Given the nature of permitted development in the area and the remainder of zoned lands in the vicinity it is considered that there are unlikely to be any cumulative effects.

Given that the Draft LAP will focus on the principles of sustainable development within a limited geographical area and for limited new development – all of which is guided within a Village Development Framework Plan – where cumulative effects arise on the environment it is anticipated that they will be positive.

iii. The trans-boundary nature of the effects;

The LAP will have no international, national, regional or inter-county transboundary effects.

iv. The risks to human health or the environment (e.g. due to accidents);

No risks to human health or to the environment due to accidents or other considerations in the implementation of the LAP have been identified.

v. The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

The spatial extent of the Draft Kinsaley LAP is approximately 39ha. in area (or 0.39 square kilometres), however, this includes established development areas of the Village as well as a number of recently permitted developments. Six Development Areas, providing primarily residential development at between 15 to 30 units / hectare have been identified on c. 13.75 hectares of the Draft LAP lands. Development Area 6 already includes an extant permission for 100 no. residential units and a creche (FCC planning reg. ref.: F16A/0464).

The population of Kinsaley was recorded as 264 persons in the 2016 census, however, the Development Plan, which uses a slightly different boundary to the census, put the village's population at 340 persons (page 148). Permitted residential development will allow for a further 182 residential units or a population increase of c.455 persons.

The six new Development Areas will realise a further 383 residential units or an additional population of c.958 persons. Therefore the ultimate target population arising from the Draft LAP is considered to be up to c.1800 persons.

The geographical area (c.0.4 sqkm) and target population (c.1800 persons) are significantly below the threshold values of 50sqkm and / or 5,000 persons for mandatory SEA.

Therefore the magnitude and spatial extent of the effects of the Draft LAP are very local to the village and its immediate rural hinterland. The strategic impacts of the proposed scale and extent of development have also been subject to SEA as part of the preparation of the Fingal Development Plan 2017- 2023.

- vi. *The value and vulnerability of the area likely to be affected due to:*
- a) *special natural characteristics or cultural heritage*

Kinsaley is a small village settlement with a distinctive village character. Its surrounding landscape quality is informed by the Sluice River and its valley, and by the general good quality nature of the surrounding agricultural landscape.

The geographical area (c.0.4 sqkm) and target population (c.1800 persons) of the Draft LAP are significantly below the threshold values of 50sqkm and / or 5,000 persons required for mandatory SEA. A significant extent of the lands identified as Development Areas within the Draft LAP are currently either already under some form of development (*e.g.* the Garden Centre, the former Research Centre) or subject to extant permissions for proposed development (development Area No. 6). In addition the Development Areas do not adversely affect any aspects of special natural characteristic or cultural heritage.

European Sites

The nearest European sites with connectivity to the potential LAP lands are Baldoyle Bay SAC and SPA located c.2km southeast of Kinsaley. The LAP lands are connected hydrologically to Baldoyle Bay via the River Sluice and Mayne River catchment. Potential impacts on these European sites could theoretically arise from contaminated surface water run-off generated during construction and operation of development within the potential LAP lands.

C.2.5km to the southeast of the site:

- Baldoyle Bay SPA (004016)
- Baldoyle Bay SAC (000199)

C.3km to the northeast of the site:

- Malahide Estuary SAC (000205)
- Broadmeadow/Swords Estuary SPA (004025)

A significant extent of the lands identified as Development Areas within the Draft LAP are currently either already under some form of development (*e.g.* the Garden Centre, the former Research Centre) or subject to extant permissions for proposed development (*i.e.* Development Area No. 6).

These include two main residential developments listed below:

- Permitted Residential Development (FCC Ref. No. F16A/0511; ABP Ref. PL06F.248584);
- Permitted Residential Development (FCC Ref. No. F16A/0464; ABP Ref. PL06F.248515).

A review of the AA Screening Reports prepared for the 2 above applications concluded that there was no likelihood of any significant effects on any European sites arising from these proposed developments, either alone or in combination with other plans or projects.

In addition, the finding of the Preliminary Screening for Appropriate Assessment (AA) for the Draft Kinsaley LAP is that the implementation of the Plan will not have any effect on European sites either on its own or in combination with other plans and programmes.

Flooding and Surface Water Drainage

No areas proposed for development within the 6 Development Areas are affected by current or future estimated fluvial or tidal flood risks. Any potential risk of flooding from pluvial sources will be managed through appropriate surface water management strategies incorporating Sustainable Drainage Systems (SuDS). It is noted that the proposed Draft LAP will incorporate the existing Fingal Development Plan **Objective WQ05** (page 279):

*“Establish riparian corridors free from new development along all significant watercourses and streams in the County. Ensure a 10 to 15 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses, except in respect of the Liffey, Tolka, Pinkeen, Mayne, **Sluice**, Ward, Broadmeadow, Corduff, Matt and Delvin where a **30m wide riparian buffer strip** from top of bank to either side of all watercourses outside urban centres is required as a minimum.”* (emphasis added).

Objective DMS170 of the Development Plan (page 480) has a similar riparian protection requirement.

It is a requirement of all future developments within the Draft LAP lands to comply with the Greater Dublin Regional Code of Practice for Drainage Works and to address surface water management on site through SuDS measures.

Heritage

There are some sites of Archaeological, Architectural and Cultural Heritage value within and around the village, which include:

National Monuments:

- DU015-002002- Graveyard
- DU015-002001- Church

NIAH:

- Saint Nicholas' Roman Catholic Church
- Kinsaley Bridge
- Kinsaley House

Protected Structures:

- 454: St. Nicholas of Myra Church (RC)
- 455: Church (in ruins) & Graveyard (located just outside subject lands)
- 456: Kinsaley Hall (outside the LAP lands)
- 464: Kinsaley House, Chapel Road, Kinsaley, Malahide, Co. Dublin.
- 914: Malahide/Portmarnock Educate Together National School at Malahide Road.

The Draft LAP identifies the important cultural heritage features within and adjacent to the LAP lands and ensures that proposed development or public realm interventions are approached in a sensitive and appropriate manner.

- *b) exceeded environmental quality standards or limit values,*

It is noted that existing wastewater pumping stations in the Kinsaley area are operating at capacity, and Irish Water have recently received planning permission for a new pumping station which will provide sufficient capacity for all existing and planned development areas. This current constraint is acknowledged in the proposed Draft LAP and the Draft Plan will

include objectives supporting the delivery of the planned infrastructure as well as requirement that any planned development will be subject to a connection agreement with Irish Water, in order to protect all waters in the area.

It is not anticipated that any other environmental quality standards or limit values will be exceeded. All sites identified for development in the Draft LAP, which is consistent with the County Development Plan, will be subject to a statutory planning process which will ensure that no environmental quality standards or limit values are exceeded.

- *c) Intensive land-use,*

The LAP consolidates the development of c.39 hectares of land, the majority of which is either under existing or permitted development. Of this 39ha, only 13.75 hectares is highlighted for redevelopment/new development within Development Areas. These Development Areas are detailed in the Draft LAP and subject to a Village Development Framework Plan, which establishes the proposed nature and scale of development. The sites to be development include for residential densities in the range of 15-30 units / hectare which is appropriate for the character of Kinsaley and not considered as intensive land-use.

vii. The effects on areas or landscapes which have a recognised national, European Union or international protection status

The County Development Plan recognises the importance of sites with national and European designations, and sets out policies and objectives for their protection. The Draft LAP accords fully with those objectives. It is not anticipated that the implementation of the Draft Plan would have any significant adverse impacts on areas of recognised national, European or international protection status.

There are no designated sites, Special Areas of Conservation (SAC) for flora and fauna, Special Protection Areas (SPA) for birds or Natural Heritage Areas (NHA) within the Draft LAP lands. The Sluice River flows into the nearby Baldoyle Estuary SPA and SAC, however, an Appropriate Assessment Screening undertaken on the Draft LAP has found that no significant impacts will arise on designated sites.

4.0 Preliminary Determination under Article 14K

Following careful review and consideration of the environmental issues it has been determined that the aims and objectives of the Draft Kinsaley Local Area Plan will not in themselves result in a significant adverse environmental effects and therefore, the Draft LAP does not require a detailed assessment of their effect upon implementation through the strategic environmental assessment (SEA) process.

This conclusion has been drawn through consideration of the following factors:

- The extent to which the LAP will act as a framework for the future development of the lands.
- The extent of land which is already zoned Rural Village and environmentally assessed under the Fingal Development Plan 2017-2023.
- The extent of the existing zoned lands which is already subject to existing planning permissions and/or under construction.
- The scope and nature of development proposed in the LAP as presented and the need to ensure that all environmental aspects of same are considered.

5.0 Consultation with Environmental Authorities

An important and significant element to the Screening process is consultation with the Environmental Authorities. In accordance with the Planning and Development Regulations 2001, as amended, the Planning Authority will enter into a consultation period and will invite comment/submissions from the relevant environmental authorities (refer to section 1.3.3 of this report).

Any observations or submissions received will be considered in the Final SEA Screening Report.

6.0 Recommendation

It is not anticipated that implementation of the Kinsaley LAP 2018-2024 will have strategic environmental effects and it is considered that strategic environmental assessment is not required. Any potential localised environmental effects arising as a result of specific development carried out within the LAP lands can be appropriately and adequately addressed through the assessment of individual planning applications.

Pursuant to Article 14 A of the Regulations notice will issue to the Environmental Authorities listed in Section 1.3.3 of this report of the Planning Authority position in this matter for their comment prior to final determination.

7.0 References

7.1 European

European Parliament and Council Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

Council Directive Habitats Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

7.2 National

European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004).

Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 or 2004).

European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. No. 200 of 2011).

Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2004 (S.I. 201 or 2011).

Planning and Development Act 2000, as amended.

Planning and Development Regulations 2001, as amended.

Project Ireland 2040 National Planning Framework, Department of Housing, Planning and Local Government, 2018.

7.3 County

Fingal Development Plan 2017-2023. Fingal County Council, 2017.

Strategic Environmental Assessment SEA Statement for the County Development Plan 2017-2023. Fingal County Council, 2017.

7.4 Guidelines

Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment Guidelines for Regional Authorities and Planning Authorities. Environmental Protection Agency, 2004.

Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment. Environment Directorate-General of the European Commission, 2003.

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Local Area Plans Guidelines for Planning Authorities, Department of Environment, Community and Local Government, 2013.

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SEA Resource Manual for Local and Regional Planning Authorities. Environmental Protection Agency, 2008.

Synthesis Report on Developing a Strategic Environmental Assessment (Sea) Methodologies for Plans and Programmes in Ireland. Environmental Protection Agency, 2003.

The Planning System and Flood Risk Management Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government, 2009.

7.5 Other

Kinsaley LAP Research Findings Report. GVA for Fingal County Council, 2018.

Kinsealy Local Area Plan Stormwater Management Plan Part 1: Strategic Flood Risk Assessment. Roughan O'Donovan for Fingal County Council, 2018.

Kinsealy Local Area Plan Stormwater Management Plan Part 2: Sustainable Drainage Systems (SuDS) Strategy. Roughan O'Donovan for Fingal County Council, 2018.

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