

Ballycullen - Oldcourt Local Area Plan

**Environmental Assessment Report
of
A: Motions proposed by the Elected Members
and
B: Recommendations within the Manager's Report
on the
Proposed Ballycullen Oldcourt Local Area Plan
following the Draft LAP Public Consultation**



**January 2014
Planning Department
South Dublin County Council**

Environmental Assessment Report
On the Motions proposed by the Elected Members and the Recommendations within
the Manager’s Report on the Proposed Ballycullen Oldcourt Local Area Plan following
the Draft LAP Public Consultation

Introduction

While there is no specific statutory procedure for dealing with the environmental assessment on the Motions proposed by the Elected Members and of the recommendations within the Manager’s Report on the Proposed Local Area Plan, there is the overriding requirement that the attention of the elected members needs to be drawn to the requirement *that “the Environmental Report, the opinions expressed by the environmental authoritiesmust be taken into account during the preparation of the plan and before its adoption”*, Article 8 of the SEA Directive.

The assessment is required to identify those motions and those recommendations where there is “likely (to be) significant effects on the environment” .

Methodology

The report below assesses all of the motions and the amendments submitted.

The assessment response is given in terms of the impact on the Strategic Environmental Objectives, where appropriate, as used in the Environmental Report and is colour coded, as below, to signify the type of impact (**Blue** indicates indirect or cumulative impacts).

Likely to Improve status of SEOs	Probable Conflict with status of SEOs- Unlikely to be mitigated	Potential Conflict with status of SEOs- likely to be mitigated	Uncertain interaction with status of SEOs
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The explanation of the codes for the Strategic Environmental Objectives is as follows;

SEO Code	Strategic Environmental Objectives (SEO)¹
B1	To avoid loss of relevant habitats, geological features, species or their sustaining resources in designated ecological sites
B2	To avoid significant adverse impacts, including direct, cumulative and indirect impacts, to relevant habitats, geological features, species or their sustaining resources in designated ecological sites by development within or adjacent to these sites
B3	To sustain, enhance or - where relevant - prevent the loss of ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity
HH1	To protect human health from hazards or nuisances arising from traffic and incompatible landuses
S1	To maximise the sustainable re-use of brownfield lands and the existing built environment, rather than developing greenfield lands
S3	To minimise waste production and reduce the volume of waste to landfill and to operate sustainable waste management practices.
W1	To maintain and improve, where possible, the quality of rivers, lakes and surface water
W2	To prevent pollution and contamination of ground water
W3	To prevent development on lands which pose - or are likely to pose in the future – a significant flood risk
C1	To minimise increases in travel related greenhouse emissions to air
C2	To reduce car dependency within the County by way of, inter alia, encouraging modal change from car to more sustainable forms of public transport and encouraging development which will not be dependent on private transport
M1	To serve new development under the CDP with appropriate waste water treatment
M2	To maintain and improve the quality of drinking water supplies
CH1	To protect the archaeological heritage of South Dublin with regard to entries to the Record of Monuments and Places - including Zones of Archaeological Potential - and the context of the above within the surrounding landscape where relevant
CH2	To preserve and protect the special interest and character of South Dublin's architectural heritage with regard to entries to the Record of Protected Structures, Architectural Conservation Areas, and their context within the surrounding landscape where relevant
L1	To protect and avoid significant adverse impacts on the landscape, landscape features and designated scenic routes; especially with regard to areas of high amenity of the Dublin Mountain Area

¹ Strategic Environmental Objectives (SEOs) are methodological measures which are developed from international, national and regional policies which generally govern environmental protection objectives and against which the environmental effects of the Draft Plan can be tested. The SEOs are used as standards against which the development strategies, policies and objectives of the Draft Plan can be evaluated in order to help identify areas in which significant adverse impacts are likely to occur, if unmitigated against.

A: Environmental Assessment of the Motions made by the Elected Members to Draft LAP

Motion No.	Councillor(s)	Motion	Environmental Impact
Motion 1	Councillor B. Lawlor	That the Oldcourt School site, on Gunnery Hill in landed zoned B1 of the Local Area Plan, should be increased by approx 1.2 Acres to allow for two primary schools on the site.	B3, HH1, C1, C2, L1
Motion 2	Councillor P. Cosgrave	That the Manager material change the Ballycullen/Oldcourt LAP to delete the pedestrian and cycle access to the Lands above Stocking Wood, proposed in the Managers Draft report via Stocking Wood at Stocking Wood Drive and include instead two pedestrian and cycle access to the lands above at Stocking Wood Manor and Stocking Copse.	HH1, C1, C2
Motion 3	Councillor J. Lahart	That the Local Area Plan for Ballycullen/Oldcourt reflect the County Development Plan in respect of Oldcourt Cottages and Ely Manor. The wording in the County Development Plan SLO is as follows: In any such development, single storey dwellings only will be permitted in the area of the site(s) facing existing residential development at Oldcourt Cottages and Ely Manor.	L1
Motion 4	Councillor J. Lahart	That the Council confirms the removal of the vehicular link within Stocking Wood to the undeveloped lands to the south of Stocking Wood as requested by residents.	HH1, C1, C2
Motion 5	Councillor J. Lahart	That the Council ensures that the most robust steps possible are included in the plan to ensure that: (i) any consultants employed by developers to independently assess the flooding risk of lands or areas of lands within the curtilage of this Area Plan, meet with the approval of this Council - whether those consultants be employed independently as part of any planning application or as part of planning conditions (ii) that applicants are able at a minimum to demonstrate that there is no arms length connection between the applicant and any independent consultant employed as part of any planning application	No impact on SEO's
Motion 6	Councillor J. Lahart	That the Oldcourt School site on lands within the Ballycullen Oldcourt Area Plan should allow for two primary schools on the site.	B3, HH1, C1, C2, L1
Motion 7	Councillor J. Lahart	That this Council confirms that no development within the catchment of the Ballycullen Stream shall take place until flood mitigation measures designed to eliminate flooding downstream at Castlefield, Glenvara and Glenlyon, have been put in place.	W3

Motion 8	Councillor J. Lahart	That the Ballycullen Oldcourt LAP sets aside specific locations for play space and playgrounds.	No impact on SEO's
Motion 9	Councillor J. Lahart	That the Council agrees to review the Ballycullen Oldcourt LAP in five years to assess its out-working and specifically to assess post-primary school needs within the area of the plan at that time.	No impact on SEO's
Motion 10	Councillor J. Lahart	That the Manager confirms the removal of the pedestrian and cycling access through Stocking Wood to the undeveloped lands to the south of Stocking Wood and proposes alternative cycling and pedestrian routes in place of these routes.	C1, C2, HH1
Motion 11	Councillor C. Bond	<p>That this plan will include an appropriate turning point and Lay off area to facilitate the extension of the 15 and/or 15b bus routes into the planned area.</p> <p>Council will examine the possibility of locating such a facility opposite the LIDL store in Ballycullen as an interim measure with a view to ultimately extending it down to the Bohernabreena road upon completion of the proposed housing units in the western part of the planned area.</p> <p>This Council will open discussions with Dublin bus to work towards this objective.</p>	C1, C2, HH1
Motion 12	Councillor J. Lahart	That the Ballycullen Oldcourt Area Action plan should recognise and seek to give effect to the expressed wishes of residents of Oldcourt Cottages, whose properties adjoin the Plan lands, to make provision for vehicular access from their rear gardens to the proposed new access road	B3, W1, W2, W3, L1
Motion 13	Councillor A. M. Dermody	<p>That before the adoption of the Ballycullen/Oldcourt Local Area Plan that a fixed timeframe be given as to when the remedial work to the Ballycullen steam culvert be carried out. It is accepted by the Manager that there has been four instances of flooding in the estates of Castlefields, Glenlyon and Glenvara between 2008 and 2012, with reports of residents no longer able to insure their homes against such risk.</p> <p>The Manager has put forward a solution to the problem and the recommendation in the Manager's Report is that there be no feed into the Ballycullen stream until the necessary works have been completed. Instead, the Manager recommends that any future development in the subject lands will drain into the private drainage system but without the details of such private drainage system, leaving it instead that this detail be provided by the Developer, to the satisfaction of the Planner. I would argue that this recommendation is far too vague and uncertain, as it offers no real and immediate solution to the residents of Castlefields, Glenlyons and Glenvara.</p> <p>If I am to support the Manager's recommendations</p>	No impact on SEO's

		then I will need precise details to when the replacement pipe will be laid. My point is that the Manager concedes this work needs to be done – postponing the necessary works only serves to expose residents to further instances of flooding. There is now a legal duty of care on the Manger to provide the funding to complete such works as a matter of urgency and without delay. Furthermore, I would argue that in accepting the source of the problem and in recommending the solution this Council is now leaving itself exposed to multiple claims by residents of Castlefields, Glenlyon and Glenvara in the event of future flooding before such works are completed. The legal element of foreseeability having been conceded and accepted by this Council.	
Motion 13	Councillor A. M. Dermody	That before this Council supports the adoption of the Manager's recommendations that there be a further recommendation so as to support wishes of the 207 residents of Stocking Wood, that there be a further alteration which I understand necessitating an amendment/alteration to the Development Plan be made, such as to locate the pedestrian access at each end of Stocking Wood via the green areas at Stocking Wood Manor and Stocking Wood Copse.	HH1, C1, C2

Conclusion A: The environmental assessment indicates that a number of the motions (1,2,4,6,10,12,and 13) made by the Elected Members to the Draft Ballycullen Oldcourt LAP are likely to have a negative effect on the environment and which are unlikely to be mitigated. The principal motion in this category is the proposal to provide a school site outside its catchment area and thereby increase car dependency and increase the likelihood of travel related greenhouse gas emissions. The proposal to remove the pedestrian and cycle access from Stocking Wood to the lands to the south will also increase vehicular use although to a lesser degree. The impact of the provision of this access on human health is indicated as uncertain as there are two conflicting aspects, the protection of human health to the residents of Stocking Wood from hazards or nuisances arising from traffic as against the increase in hazards or nuisances arising from traffic for other residents as a result of persons deciding to travel by car as the more direct pedestrian and cycle routes would have been removed.

B: Environmental Assessment of the Manager’s Recommended Changes To Draft LAP

Heading	Proposed Alteration	Environmental Impact
2. Integrated Street Network	Alter Draft Local Area Plan with an objective (Cul-de-sacs and Gated Estates - Appendix 1) that requires conditions to be attached to any further residential development that proposes a temporary barrier/cul de sac across a planned through street. Such conditions should require the erection of clear signage on all such	HH1 C1 C2

	temporary barriers/cul-de-sacs that communicates the temporary nature of the cul-de-sac/barrier and the planned provision of a through street.	
5. Vehicular Movement	Alter Draft Local Area Plan (Accessibility and Movement Strategy, Land Use and Density Strategy and Artist's Impression) to replace the proposed vehicular link street to zoned lands to the south of Stocking Wood via Stocking Wood Drive with a pedestrian and cyclist link. Amend Accessibility and Movement Framework (Fig 5.1), Landuse and Density Framework (Fig 5.3) and the Illustrated Layout for the Plan Lands (Fig. 5.6) accordingly.	HH1 C1 C2
6. Cul-De-Sacs and Gated Estates	Amend Section 5.2.7 of the Draft Local Area Plan to state that the upgrade of existing streets that were planned as cul-de-sac could be carried out as part of a permeability project that involves further consultation with local residents and that such projects should not significantly interfere with the SUDS strategy for the Plan Lands.	HH1 C1 C2 W3
Grouped Water Management/ Flooding Issues	<u>General</u>	
7. Watercourses And Water Management	<ul style="list-style-type: none"> Alter the Green Infrastructure Strategy Objectives of the Draft Plan (Appendix 1) to require the attachment of conditions to permissions that would require all existing and proposed ditches, culverts and SUDS elements to be cleared (in a manner that is in accordance with best ecological practise to protecting Flora and Fauna) and kept free of debris, waste and building rubble before, during and after construction. 	W3 B3
26. Water Management And Flood Risk	<u>Ballycullen Stream Catchment</u>	W3
31. Flood Risk Management	<ul style="list-style-type: none"> Alter Draft Local Area Plan in a manner that requires any development proposed within the catchment of the Ballycullen Stream to demonstrate that the majority of surface water generated by the development will be dealt with on-site and that any additional run-off will be directed to a surface water drainage system outside of the Ballycullen Stream catchment. If it is proposed to discharge surface water via the private drainage system that serves Stocking Avenue and Stocking Wood to the east of the Ballycullen Road, this shall be accompanied by documentation that demonstrates consent to access and utilise the private drainage system. No development that proposes to discharge additional surface water run-off to the Ballycullen Stream shall occur until such time as an appropriate Ballycullen Stream Flood Alleviation Scheme in place. Include a map that illustrates the extent of the catchment of the Ballycullen Stream. Incorporate 8.5 hectares of lands zoned for open space (objective F under County Development Plan) around Saint Colmcille's Well in LAP drawings (Green Infrastructure Strategy, Land Use and Density and Artists' impression) to accommodate a possible attenuation area that will help intercept and absorb storm water flows from the upper catchment of the Ballycullen Stream. 	No impact on SEO's W3
	<u>Sequential; Approach</u>	

<ul style="list-style-type: none"> Alter Section 5.3.2 of the Draft Local Area Plan to clarify that the sequential approach sets out to avoid, substitute, justify, mitigate and (where the Justification Test has been passed) manage flood risks. Alter Objective GI7 of the Draft Local Area Plan to state that site specific flood risk assessment of lands identified as being at risk of flooding will entail Stage 3 Detailed Risk Assessment and, where avoidance of flood risk is not possible, vulnerable uses such as residential, community and commercial uses should be substituted with less vulnerable uses such as parks and open spaces. Alter Green Infrastructure Strategy map (Figure 5.2), the Overall Strategy Map (Figure 5.3) and the Illustrated Layout/Artist's Impression (Figure 5.6) to identify the area around the location of the existing Oldcourt GAA pitches and the areas identified by the OPW's PFRA maps as being at potential risk of flooding for Stage 3 Flood Risk Assessment. 	<p>W3</p> <p>W3</p> <p>W3</p>
<p><u>Oldcourt Lands</u></p> <ul style="list-style-type: none"> Alter Flood Risk identification maps and data (Figure 3.1 - existing Green Infrastructures and Section 3.3.5 – Water Management and Flood Risk) to identify the central branch of the Oldcourt stream that traverses the Plan Lands and adjacent GAA pitches as being at risk of flooding. Alter Section 3.3.5 of the Draft Plan (Water Management and Flood Risk) to state that the source data for identifying the GAA pitches as being at flood risk derives from evidence of an extensive flood event submitted during the public consultation process and subsequent site visits by Council staff. It should also be indicated that evidence of flooding at the junction of Oldcourt Lane and Oldcourt Road coincides with an area of flood risk identified under the OPW preliminary flood risk data and that both reported flood events have occurred in areas where branches of the Oldcourt Stream meet culverts. Insert a specific objective and map into Appendix 1 (specific objectives) that identifies the area of potential flood risk around the existing Oldcourt GAA pitches and requires any proposed development that is potentially sensitive to flooding to be subject to the sequential approach of avoid, substitute, justify, mitigate and (where the Justification Test has been passed) manage flood risks in accordance with <i>The Planning System and Flood Risk Management– Guidelines for Planning Authorities</i> (2009). These areas will require Site Specific Stage 3 Detailed Flood Risk Assessment including the likely impact of any displaced flood water on third parties. Include a requirement that if it cannot be demonstrated that both the actual and residual flooding issues can be dealt with in an acceptable manner including the impact of any displaced flood water on third parties, then the development of these lands shall be confined to water compatible development only (in accordance with the precautionary approach) such as amenity spaces, outdoor sports and recreation spaces that include 	<p>No impact on SEO's</p> <p>No impact on SEO's</p> <p>W3</p>

	SUDS elements and integrate with the SUDS strategy for the Plan Lands.	
9. Tracks And Trails	Alter the Tracks and Trails sections of the Draft Local Area Plan (5.3.4 and Appendix 1 – Plan Objectives) to highlight the importance of protecting flora and fauna including habitats and the introduction of mitigating measures to protect ecosystems through the sensitive design, lighting and construction of tracks and trails with reference to the requirements of the standards section of the Draft Local Area Plan.	B2 B3 L1
10. Green Buffers to Mountains and M50	Alter Section 5.3.6 of the Draft Local Area Plan (Green Buffers to M50 and Mountains) to clarify that the costs and construction of all planned green buffers and their components including noise mitigating measures, SUDS features and tracks and trails will be borne by developers.	No impact on SEO's
11. Open Space Hierarchy & Functions	Amend Table 5.3 of the Draft Local Area Plan to suggest the provision of allotments in Neighbourhood Parks and state that active recreation facilities in Neighbourhood Parks should take the form of children's play facilities and sports facilities such as tennis courts, basketball courts and multi-use games areas. Alter the Draft Plan's Green Infrastructure Strategy (Section 5.3) to include a heading with text that reiterates the requirements to provide children's play facilities in the form of NEAPS, LEAPS and YCAPS within neighbourhood parks and local pocket parks with reference to requirements of Table 5.3 of the Draft Plan, the Phasing Strategy (Section 6.0) and the Standards and Design Criteria Section (Appendix 2).	HH1 C1 C2 HH1 C1 C2
15. School Provision	Alter the Site Specific Objectives for the Stocking Avenue Primary School Site and Oldcourt School Site (Appendix 1) to reiterate the requirement for vehicular access to school sites to be designed to include safe queuing and drop-off facilities.	HH1 C1 C2
16. Building Design And Heights	Extend Draft LAP restriction of no more than two storeys for new housing backing onto or adjacent to single storey housing or sharing a common boundary (Section 5.5.4) to include new housing in the vicinity of single storey dwellings on the Lower Slope Lands such as Oldcourt Cottages and Ely Drive.	L1
18. Phasing Strategy	Alter Phasing Strategy text (Section 6.3) and footnote to table for Phase One on the eastern side of the Plan lands (Section 6.3.1) to clarify that Phase One includes lands that are subject to extant permissions but is not exclusive to such lands.	No impact on SEO's
20. Standards And Design Criteria	Alter Draft Local Area Plan by inserting paragraph into the Standards and Design Criteria Section (Appendix 2 – Materials and Finishes) that requires children's play equipment and finishes to be constructed of low maintenance and weather resistant materials.	HH1 C1 C2
24. Accessibility And Movement Strategy	Make reference to <i>Spatial Planning and National Roads Guidelines for Planning Authorities</i> (2012) and the <i>Draft Greater Dublin Area Cycle Network Plan</i> (2013) in Appendix 4 (Policy and Strategic Context) of the Draft Local Area Plan.	No impact on SEO's

	Alter Objectives AM4, AM6 AND AM14 to clarify that development proposals shall contribute to the creation of a clear hierarchy of streets that are each designed in accordance with their movement functions and in a manner that maximises route choices for pedestrians and cyclists, manages traffic and vehicular speeds, attracts larger volumes of traffic to more strategic links and discourages through traffic from local streets.	No impact on SEO's
30. Oldcourt Replacement Playing Pitches	Amend Objective SSP14 of the Draft Plan to allow for the provision of floodlighting for the proposed replacement Gunny Hill Playing Pitches subject to the submission of a Bat Survey, the retention and augmentation of hedgerow boundaries (to provide for uninterrupted wildlife corridors/foraging routes and reduce visual impacts) and the provision of specialist lighting that will limit any adverse impacts on bat species, which shall be all sufficiently demonstrated and detailed at planning application stage.	B2 B3 L1
32. Highly Constrained Areas	It is recommended that a new title be added before the second paragraph in Section 5.1 to indicate that two potential development options are presented for the western side of the Plan Lands and that Option A is the preferred option.	S1

Conclusion B: The environmental assessment of the Manager's Recommended Changes To Draft LAP indicates that most of the proposed are likely to have a positive effect on the environment. In the two instances where there is a potential conflict, ie the replacement of the proposed vehicular link street to zoned lands to the south of Stocking Wood via Stocking Wood Drive and the objective to allow for the provision of floodlighting for the proposed replacement Gunny Hill Playing Pitches which are at a high elevation, any significant impact is likely to be reduced significantly by the inclusion of the recommended mitigation measures as stated.