

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

Fingal Development Plan 2017-2023

Tuesday, 27 September 2016

Motion from Councillors Ken Farrell, Brian Dennehy & Barry Martin - Rogerstown, Rush. Local Objective 217. AI028055

That Fingal County Council reinstate Local Objective 217 from the maps section of the Development Plan 2011-2017 onto the map section of the Development Plan 2017-2023.

REPORT:

It is noted that both the SEA and AA documents do not recommend the inclusion of Local Objective 217 in the Draft Development Plan.

Both European and national legislation places a collective obligation on Ireland to maintain habitats and species in the Natura 2000 network – European Sites at **favourable conservation condition** through the maintenance or restoration of habitats and species of community interest. The implementation and enforcement of regulations that will ensure the ecological integrity of these sites is the responsibility of the government and its agencies including Fingal County Council.

The dynamic nature of the coastline is an integral feature of the coastal habitats for which Rogerstown Estuary SAC has been designated. The key threats to sensitive dune and other intertidal habitats include increasing pressures from projected population increase as well as likely increase from recreational users leading to further disturbance/change unwitting or otherwise of habitats and predicted sea level rises owing to climate change. Some of these habitats are also important for natural coastal defence. Any alteration, through construction or otherwise, can impede the sedimentary processes resulting in potentially negative impacts on habitat functioning and extent. This could apply to other coastal systems, a large percentage for which the Fingal coastline has been designated for. Without conducting further studies to understand the sedimentary processes and the potential magnifying impacts associated with

projected climate change, any such proposal would be contrary to the statutory obligation to maintain favourable conservation status.

With regard to Bird species, aside from the favourable status for Ringed Plover, the poor ranking of the Species of Community Interest (SCI) is cause for concern. A target for the wetlands at Rogerstown is that there be no loss of the permanent area occupied by this habitat, and that the area should be stable and not significantly less than the area of 646 hectares, other than that occurring from natural patterns of variation. The backing document indicate that the wetland habitat includes the subtidal, intertidal and supratidal areas i.e.. not always wet. Any loss of qualifying interest habitat and supporting habitat for birds is considered unacceptable in terms of achieving the site specific conservation objectives, without detailed survey and potentially assessment of alternatives and mitigation/compensation previously agreed through an IROPI derogation Article 6(4) from Europe.

In light of the sensitivity of the coastal habitats, and ongoing debate with regard to the provision of a marina in Rogerstown Estuary, the CDP 2017-2023 includes a number of specific objectives in this regard. Any proposal for a marina at a specific site effectively undermines the purpose of the feasibility study committed to in Objective ED78 (Chapter 6), which states:

“Undertake a feasibility study of the Fingal coastline to identify potential sites to accommodate marina development relevant to recreational pursuits and requirements. As part of the study the impact on the receiving marine environment, including the coastline, will be assessed and Screening for Appropriate Assessment undertaken.”

Local Objective 217 is already covered by Objective 13, in so far as it is not made in advance of the above objective.

Chapter 4 Objective RUSH 13

Examine the feasibility of developing a marina and auxiliary and associated facilities at the Ramparts, Rogerstown, Rush designed and built in accordance with sustainable ecological standards and avoiding significant adverse impacts on European Sites and species. Such consideration shall take cognisance of a wider study into marina development along the Fingal coastline (Objective ED78, Chapter 6: Economic Development refers).

Other objectives which variously provide protection of EU sites including those in and around Rogerstown Estuary include:

Chapter 4 Objective RUSH 15

Undertake a Habitat Characterisation study, within one year of the making of this Development Plan, of lands in Rush located south of South Shore Road from

Rogerstown Pier to the shoreline immediately south of Old Barrack Road, and implement its recommendations to ensure that planning policy in Rush fulfils the Council's legal obligation to protect European Sites and takes into consideration the dynamic nature of coastal processes and the predicted impacts of climate change in the proper planning and sustainable development of the town and its environs.

Chapter 5 Objective RF90

Preserve and protect coastal wetlands, coastal habitats, and estuarine marsh lands in coastal areas from inappropriate development, including land reclamation. Any proposals for land reclamation in coastal areas shall be subject to Screening for Appropriate Assessment and to an assessment of impacts on any such wetlands, coastal habitats, and estuarine marsh lands and its impacts on coastal processes including erosion, deposition, accretion and flooding particularly in light of climate change.

Chapter 9 Objective NH03

Undertake necessary ecological surveys and complete habitat mapping for the County during the lifetime of the Plan, prioritising sensitive coastal areas.

Chapter 9 Objective NH07

Support the National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, in the maintenance and, as appropriate, the achievement of favourable conservation status for the habitats and species in Fingal to which the Habitats Directive applies.

Chapter 9 Objective NH08

Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.

Chapter 9 Objective NH09

Ensure that the Council, in the performance of its functions, takes full account of the objectives and management practices proposed in any management or related plans for European Sites in and adjacent to Fingal published by the Department of Arts, Heritage and the Gaeltacht.

Chapter 9 Objective NH13

Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.

Chapter 9 Objective NH17

Develop Ecological Masterplans for the Rogerstown, Malahide and Baldoyle Estuaries focusing on their ecological protection and that of their surrounding buffer zones.

Chapter 9 Objective NH50

Ensure the County's natural coastal defences, such as beaches, sand dunes, salt marshes and estuary lands, are protected and are not compromised by inappropriate works or development.

Chapter 9 Objective NH59

Establish, within one year of the making of this Development Plan, a coastal monitoring programme to provide information on coastal erosion on an ongoing basis.

Chapter 9 Objective NH60

Encourage leisure and amenity type uses along the coast so long as such uses do not cause significant adverse impacts on the environment, visual amenity and heritage.

Chapter 12 Objective DMS01

Ensure that all plans and projects in the County which could, either individually or in combination with other plans and projects, have a significant effect on a European site or sites will be subject to Screening for Appropriate Assessment.

Chapter 12 Objective DMS02

Ensure Local Authority development proposals are subject to environmental assessment, as appropriate, including Screening for Appropriate Assessment and Environmental Impact Assessment.

Having regard to the response set out above, the SEA and AA documents do not recommend the inclusion of Objective 217 in the Draft Development Plan 2017-2023, however, it is recommended that Objective Rush 13 be inserted as a map based Local Objective on Sheet 6B.

RECOMMENDATION:

Insert the following map based Local Objective on Sheet 6b – Rush.

Examine the feasibility of developing a marina and auxiliary and associated facilities at the Ramparts, Rogerstown, Rush designed and built in accordance with sustainable ecological standards and avoiding significant adverse impacts on European Sites and species. Such consideration shall take cognisance of a wider

study into marina development along the Fingal coastline (Objective ED78, Chapter 6: Economic Development refers).