

APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

FOR THE

DUBLIN DOCKLANDS VISITOR EXPERIENCE DEVELOPMENT PLAN

for: **Fáilte Ireland**
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SEPTEMBER 2020

Table of Contents

Section 1	Introduction and Background	1
1.1	Introduction.....	1
1.2	Legislative Requirements in relation to AA	1
1.3	AA Conclusion Statement.....	1
Section 2	How the findings of the AA were factored into the Plan.....	2
Section 3	Consideration of Alternatives.....	4
3.1	Description of Alternatives	4
3.2	Detailed Consideration of Alternatives	5
3.3	Reasons for choosing the selected alternative in light of other alternatives considered.....	7
Section 4	AA Determination	8

List of Tables

Table 1.1	Matters taken into account by the AA.....	1
Table 3.1	Comparative Evaluation of Alternatives against SEOs	7

Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the the Dublin Docklands Visitor Experience Development Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Statement (NIS).

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), as amended, requires, inter alia, that Fáilte Ireland considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Statement	An AA NIS accompanies this AA Conclusion Statement and the Plan
(b) any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site	Throughout the AA NIS, particularly Sections 3.4, 4 and 6 and Appendix II of the NIS.
(c) any supplemental information furnished in relation to any such report or statement	This AA Conclusion Statement supplements the NIS that provides additional detail on European Sites.
(d) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	Submissions made during the Plan preparation/AA process that was relevant to the AA. The AA process has taken into account these submissions – see Section 2 of this Statement.
(e) any information or advice obtained by the public authority	
(f) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	
(g) any other relevant information	

In addition to the above, the Regulations require that Fáilte Ireland makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIS (the AA NIS is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

As recommended, this AA Conclusion Statement addresses the above issues.

Section 2 How the findings of the AA were factored into the Plan

The SEA and AA team worked with the Plan-preparation team at Fáilte Ireland in order to integrate requirements for environmental protection and management into the Plan.

Fáilte Ireland provides funding for sustainable tourism projects that emerge as part of specific, competitive, themed and time-bound grant schemes or as part of wider strategic partnerships. These include projects relating to land use, infrastructural development and land use activities and attractions. Reference made to such projects included in the Plan does not guarantee funding. While funding is provided to certain projects, Fáilte Ireland is not the developer.

In order to achieve funding (including promotion) for land use or infrastructural development or land use activities from Fáilte Ireland, Fáilte Ireland's stakeholders shall be required to demonstrate compliance¹ with measures relating to sustainable development, environmental protection and environmental management contained within the following Fáilte Ireland published documents:

- Wild Atlantic Way Operational Programme Appendix 5 "*Site Maintenance Guidelines*" and other relevant measures from the Fáilte Ireland visitor and habitat management guidelines series (and any subsequent replacements); and
- Wild Atlantic Way Operational Programme Appendix 6 "*Environmental Management for Local Authorities and Others*" (and any subsequent replacements).

In order to be realised, projects included in the VEDP (in a similar way to other projects from any other sector) will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment, Environmental Impact Assessment and other licencing requirements as appropriate) that form the statutory decision-making and consent-granting framework, of which the VEDP is not part and does not contribute towards. Such legislation, policies, plans and programmes include:

- Requirements for lower-tier environmental assessment, including EIA and AA;
- The Dublin City Development Plan 2016-2022 (as varied), the George's Quay Local Area Plan 2012 (as extended), the North Lotts and Grand Canal Dock SDZ Planning Scheme 2014 and the Poolbeg West SDZ Planning Scheme 2019, including various provisions relating to sustainable development, environmental protection and environmental management; and
- The Climate Action Plan 2019, the National Climate Change Adaptation Framework (2018 and any subsequent versions), the National Mitigation Plan (2017 and any subsequent versions) and the Dublin City Council Climate Change Action Plan 2019-2024.

Infrastructure Capacity

With respect to infrastructural capacity (including drinking water, wastewater, waste and transport), the potential impact on existing infrastructure shall be considered and mitigated as appropriate, where relevant. The promotion of developing visitor friendly infrastructure where it is required will also be encouraged.

Visitor Management

Those receiving funding shall seek to manage any increase in visitor numbers and/or any change in visitor behaviour in order to avoid significant effects including loss of habitat and disturbance, including ensuring that new projects are a suitable distance from ecological sensitivities. Extensive research by Fáilte Ireland has shown improved environmental outcomes (including improved attainment of conservation objectives) in areas with visitor management strategies. Visitor management strategies will be required for proposed plans, programmes and projects that are to receive funding as relevant and appropriate.

Green Infrastructure and Ecosystem Services

Those receiving funding shall contribute towards the maintenance of existing green infrastructure and its ecosystem services, taking into account the output of the Mapping and Assessment of Ecosystem Services project being undertaken by the NPWS. Proposals for the development of any green infrastructure should demonstrate the synergies that can be achieved with regard to the: provision of open space amenities; sustainable management of water; protection and management of biodiversity; protection of cultural heritage; and protection of protected landscape sensitivities.

¹ Demonstration of compliance may be supported by monitoring undertaken by the beneficiary.

A submission made by during the public display of the Draft Plan and associated documents resulted in the following update being made to the AA Natura Impact Statement:

- To include the following information: "A detached section of the South Dublin Bay and Tolka River Estuary SPA Tern Platform located in the Liffey channel off the Poolbeg peninsula and within the area covered by the Plan as delineated in the indicative map at Figure 2.1. This platform is utilised for nesting by several hundred pairs of common (mainly) and Arctic terns each year, both species included among the bird species of Special Conservation Interest for which this SPA has been designated. Smaller numbers of these tern species in addition nest on the Coal Delivery Ltd. Dolphin, a proposed Natural Heritage Area, also situated off Poolbeg. Several pairs of common terns nest as well annually on the bastion between the locks connecting the Grand Canal Basin with the Liffey-Dodder confluence."

Section 3 Consideration of Alternatives

3.1 Description of Alternatives

Current Situation (Alternative 1: Business as Usual)

Dublin welcomed 7.7 million tourists in 2018 and received €2,395 million in tourist spend during the same period. Tourism brings huge benefits to Dublin city and the wider county; however, it is acknowledged that currently most of the tourist activity is concentrated in the epicentre of the city.

With respect to the current situation, Fáilte Ireland's research has identified that:

- The existing experience supply side conditions within the Docklands do not reflect the capacity of the area to deliver new experiences that will increase dwell time within the area. New experience development and expansion of existing experiences is required to provide a wider range of opportunities for the visitor to engage with the destination.
- The focus of local hospitality businesses is largely on the local business market without recognising the value of tourism growth to extend their business reach into the evening economy and weekend business.
- The destination is home to great expanses of water with low levels of engagement to animate and bring the 'waters alive'.
- There is a lack of a common unifying theme for the Docklands with most international visitors unaware that they are visiting a Docklands destination
- The evening economy represents a major challenge, despite two of the country's largest entertainment venues located within the Docklands. The current level of provision in the evening time is limited and restricts the ability of the area to retain visitors in the locality for sustained periods of time. Equally, the weekend economy poses similar challenges to address.
- A product imbalance exists between both sides of the destination defined by the areas on either side of the River Liffey.

This current situation presents **Alternative 1 (Business as Usual)** to be considered by the SEA. Numbers of visitors would continue to increase under this scenario – consistent with the development of tourism over many decades. However, because of the constraints and challenges of the current situation listed above, the full and sustainable tourism potential of the Docklands would not be achieved.

Prepare a Plan (Alternatives 2 A and 2B: Prepare a Plan)

The constraints and challenges posed by the current situation (see Alternative 1 above) establish a potential need for a plan that seeks to sustainably increase the economic benefit of tourism to the area; facilitating, promoting, supporting and coordinating stakeholders (including local authorities, other government agencies, tourism operators, communities and visitors) in their activities in a way that is consistent with existing and emerging plans that have been subject to environmental assessment. Such a plan would not provide consent, establish a framework for granting consent or contribute towards a framework for granting consent (such frameworks fall under the remit of other public authorities). Any projects would continue to be required to comply, as relevant, with the various provisions of documents that form the statutory decision-making and consent-granting framework.

Features of such a Plan (in combination with the wider and extensive policy and planning framework) would include:

- Recognition, in pursuing a sustainable tourism agenda by Fáilte Ireland, of the importance of constantly developing and expanding the Dublin tourism product to host and welcome tourists with a world class destination offering, helping to ensure that both visitors and locals continue to thrive and enjoy the city together.
- An enhanced visitor proposition with the objective of increasing visitor flow into the Docklands.
- The unlocking of economic growth potential of the Docklands by developing existing products and creating new experiences that would motivate tourists to visit and stay longer.
- Reference to the huge amount of development already underway in the Docklands and an aim to help harness the potential of this development.

It would deliver a collective vision for the area and deliver a unified destination proposition that will attract more visitors.

Under Alternative 2 there are two separate alternatives:

Alternative 2A: A Plan with Additional Requirements for Environmental Protection and Management

Fáilte Ireland provides funding sustainable tourism projects including land use and infrastructural development and land use activities. In order to achieve funding (including promotion) for land use or infrastructural development or land use activities from Fáilte Ireland, **Alternative 2A** would require Fáilte Ireland's stakeholders to demonstrate compliance with measures relating to sustainable development, environmental protection and environmental management contained within the following Fáilte Ireland published documents:

- Wild Atlantic Way Operational Programme Appendix 5 "Site Maintenance Guidelines" and other relevant measures from the Fáilte Ireland visitor and habitat management guidelines series (and any subsequent replacements); and
- Wild Atlantic Way Operational Programme Appendix 6 "Environmental Management for Local Authorities and Others" (and any subsequent replacements).

In order to be realised, projects included in the Plan (in a similar way to other projects from any other sector) would have to demonstrate compliance, as relevant, with various provisions of legislation, policies, plans and programmes that form the statutory decision-making and consent-granting framework, of which the Plan is not part and does not contribute towards.

Further environmental requirements would be integrated into the Plan under Alternative 2A, relating to infrastructure capacity, visitor management and green infrastructure and ecosystem services.

Alternative 2B: A Plan without Additional Requirements for Environmental Protection and Management

Alternative 2B would not include the requirements for environmental protection and management described under Alternative 2A. Projects would continue to be required to comply, as relevant, with the various provisions of documents that form the statutory decision-making and consent-granting framework.

3.2 Detailed Consideration of Alternatives

Alternative 1: Business as Usual

Sustainable development, environmental management and environmental protection under Alternative 1 is provided through the existing statutory planning and consent framework. These measures would contribute towards positive effects on the protection and management of all environmental components.

Tourism related development would continue to be planned for and consented through the existing statutory planning and consent framework. Potential adverse effects would continue be mitigated through that process.

In the absence of a Plan, there would continue to be an increase in tourist numbers – consistent with the development of tourism over many decades. However, because of the constraints and challenges of the current situation listed above, the full and sustainable tourism potential of the Docklands would not be achieved.

Under this alternative, there would be no additional visitor management or additional requirements for environmental protection and management as a result of a Plan.

Contributions towards in an increase in travel related greenhouse gas and other emissions to air, including from aviation, would not occur as a result of seeking to lengthen dwell time and grow visitor numbers, however; increases in tourist numbers would occur. Similarly, the positive mitigatory effects as a result of provisions of a Plan, such as those relating to public transport, cycling, walking and further requirements to comply with climate adaptation and management plans/strategies would not be provided for.

There would be one layer of mitigation under Alternative, through the existing statutory planning and consent framework.

Alternative 2A: A Plan with Additional Requirements for Environmental Protection and Management

In addition to the measures relating to sustainable development, environmental protection, environmental management, which are provided under all alternatives this alternative would provide additional requirements for environmental protection and management, including those taken from the Wild Atlantic Way Operational Programme and those relating to infrastructure capacity, visitor management and green infrastructure and ecosystem services. In order to be realised, projects included in the Plan (in a similar way to other projects from any other sector) would have to demonstrate compliance, as relevant, with various provisions of legislation, policies, plans and programmes that form the statutory decision-making and consent-granting framework, of which the Plan is not part and does not contribute towards.

Tourism related development would continue to be planned for and consented through the existing statutory planning and consent framework. Potential adverse effects would continue be mitigated through that process.

A Plan would have the potential to increase numbers of tourists – and associated potential adverse effects – to a greater degree than would be the case if there was no Plan. This would be likely to contribute towards in an increase in travel related greenhouse gas and other emissions to air, including from aviation. These increases would be mitigated by the wider planning framework and by provisions that have been integrated into the Plan, including those relating to public transport, cycling, walking and compliance with the Climate Action Plan 2019, the National Climate Change Adaptation Framework (2018 and any subsequent versions) and the National Mitigation Plan (2017 and any subsequent versions).

A Plan would also help to promote new experiences – including those relating to land use activities and developments. These would also have the potential to increase adverse effects.

Notwithstanding this, there would be three layers of mitigation, through:

- The existing statutory planning and consent framework;
- Visitor management strategies; and
- Additional environmental requirements for environmental protection and management, under this alternative.

Alternative 2B: A Plan without Additional Requirements for Environmental Protection and Management

Certain measures relating to sustainable development, environmental management and environmental protection are provided under all alternatives.

Tourism related development would continue to be planned for and consented through the existing statutory planning and consent framework. Potential adverse effects would continue be mitigated through that process.

A Plan would have the potential to increase numbers of tourists – and associated potential adverse effects – to a greater degree than would be the case if there was no Plan. This would be likely to contribute towards in an increase in travel related greenhouse gas and other emissions to air, including from aviation. These increases would be mitigated by the wider planning framework.

A Plan would also help to promote new experiences – including those relating to land use activities and developments. These would also have the potential to increase adverse effects.

Notwithstanding this, there would be one layer of mitigation, through the existing statutory planning and consent framework.

Table 3.1 below provides a comparative evaluation of alternatives against Strategic Environmental Objectives (SEOs)².

Table 3.1 Comparative Evaluation of Alternatives against SEOs

	Likely to Improve status of SEOs		Potential Conflict with status of SEOs - likely to be mitigated by complying with other measures included within the Plan			Probable Conflict with status of SEOs unlikely to be fully mitigated
	to a Greater degree	to a Lesser degree	to a Lesser degree	to a Moderate degree	to a Greater degree	
Alternative 1: Business as Usual		✓	✓			
Alternative 2A: A Plan with Additional Requirements for Environmental Protection and Management	✓			✓		
Alternative 2B: A Plan without Additional Requirements for Environmental Protection and Management		✓			✓	

3.3 Reasons for choosing the selected alternative in light of other alternatives considered

Taking into account the environmental effects detailed above and the challenges and opportunities present to achieve the full and sustainable potential of the Docklands for tourism, Fáilte Ireland have proceeded with Alternative 2A "A Plan with Additional Requirements for Environmental Protection and Management".

² Strategic Environmental Objectives (SEOs) are methodological measures developed from policies that generally govern environmental protection objectives established at international, Community or Member State level e.g. the environmental protection objectives of various European Directives that have been transposed into Irish law and that are required to be implemented.

Section 4 AA Determination

**Appropriate Assessment Determination under the
European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended)
for the
Dublin Docklands Visitor Experience Development Plan**

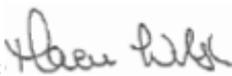
An Appropriate Assessment (AA) Determination, pursuant to Article 6(3) of the Habitats Directive, as to whether a plan or project would adversely affect the integrity of a European Site, and Regulation 42 (11) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), is being made by Fáilte Ireland.

In carrying out this AA, Fáilte Ireland is taking into account the relevant matters specified under Regulation 42 (12) of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). The AA Natura Impact Statement (which considers other plans and projects) has been carefully considered and its reasoning and conclusion agreed with and adopted. All other documents prepared and submitted during the preparation process for the Dublin Docklands Visitor Experience Development Plan were also considered in making this determination, including the Plan to be finalised and written submissions made on the Draft Plan and associated documents while they were on public display.

It is determined that the risks to the safeguarding and integrity of the qualifying interests and conservation objectives of the Natura 2000 network have been addressed by the inclusion of achievable mitigation measures that will prioritise the avoidance of impacts in the first place and reliably mitigate these impacts where they cannot be avoided. Furthermore, in order to be realised, projects included in the Plan will have to comply, as relevant, with the various provisions of legislation, policies, plans and programmes (including requirements for lower-tier AA) that form the statutory decision-making and consent-granting framework, of which the Plan is not part and does not contribute towards.

Having incorporated these mitigation commitments; it is determined that implementation of the Dublin Docklands Visitor Experience Development Plan will not have a significant adverse effect on the ecological integrity of any European Site, either individually or in combination with any other plan or project¹. Therefore, no further assessment is required.

Date: _____ September 2020

Signed: 

Signatory
Approved Officer

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:
a) No alternative solution available,
b) Imperative reasons of overriding public interest for the plan to proceed; and
c) Adequate compensatory measures in place.