

# Dublin Airport Noise Action Plan

## SEA Consideration

**BSM**

Est.  
1968

**Brady Shipman  
Martin**

**Built.  
Environment.**

# Strategic Assessment **Built Environment**

Client:

**Fingal County Council**

Date:

**19 December 2018**

**DOCUMENT CONTROL SHEET**

**6469\_RP01\_SEA Consideration**

**Project No.** 6469  
**Client:** Fingal County Council  
**Project Name:** Dublin Airport Noise Action Plan  
**Report Name:** SEA Consideration  
**Document No.** RP01  
**Issue No.** 03  
**Date:** 19/12/2018

This document has been issued and amended as follows:

<b>Issue</b>	<b>Status</b>	<b>Date</b>	<b>Prepared</b>	<b>Checked</b>
01	Draft	24 Aug 2018	ST	TB
02	Final	03 Sep 2018	ST	TB
03	Final Plan	19 Dec 2018	ST	TB



## Contents

1	Introduction .....	1
1.1	Purpose of Report.....	1
1.2	Dublin Airport Noise Action Plan .....	1
2	Strategic Environmental Assessment (SEA) .....	2
2.1	Context for SEA.....	2
2.2	Methodology to Undertake Strategic Environmental Assessment .....	2
2.3	Relationship between SEA Screening and Appropriate Assessment (AA).....	3
3	Consideration of Requirement for Strategic Environmental Assessment .....	5
4	Recommendation.....	7



# 1 Introduction

## 1.1 Purpose of Report

Brady Shipman Martin has been engaged by Fingal County Council to prepare a report to provide information to the competent authority, Fingal County Council, to allow for a decision on a determination on the requirement, or not, for the Dublin Airport Noise Action Plan to undergo strategic environmental assessment under Directive 2001/42/EC (The SEA Directive). This report comprises a preliminary consideration of SEA only, and does not constitute a SEA Screening Report.

## 1.2 Dublin Airport Noise Action Plan

As stated in the Noise Action Plan, the long-term strategy of Fingal County Council, including proposed policies and objectives, is set out in the Fingal Development Plan 2017-2023. The Development Plan includes aims to safeguard the current and future operation of Dublin Airport, and its ongoing development.

Under the Environmental Noise Regulations 2006 (the 'Regulations') Statutory Instrument 140 of 2006, Fingal County Council (FCC) is the designated Action Planning Authority with responsibility for preparing a Noise Action Plan for Dublin Airport during 2018. These Regulations give effect to the European Union (EU) Directive 2002/49/EC relating to the assessment and management of environmental noise. This Directive is commonly referred to as the Environmental Noise Directive or END, and has the aim of establishing a EU common approach to avoiding, preventing or reducing the harmful effects due to exposure to environmental noise.

This is the first Noise Action Plan for specifically addressing noise from Dublin Airport, and replaces the Dublin Agglomeration Noise Action Plan, which is currently under review.

The Noise Action Plan is designed to manage noise issues and effects associated with Dublin Airport, and where necessary, present measures to reduce the adverse effects of aviation noise where practical. As identified in the Plan, land-use planning is the responsibility of FCC, Meath County Council (MCC) and Dublin City Council (DCC) and relies on appropriate provisions to be made during the planning process to determine the acceptability of development in areas affected by aircraft noise and public safety. It is critical that land-use planning does not lead to inappropriate development and encroachment which could result in the creation of future noise and safety issues.

FCC are currently in the process of revising the Dublin Airport Local Area Plan and reviewing policies in relation to noise-sensitive development and noise around the airport.

## 2 Strategic Environmental Assessment (SEA)

### 2.1 Context for 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.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the following regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004), as amended by European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011 (S.I. 200 of 2011); and
- Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004), as amended by Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (S.I. 201 of 2011).

The former regulations relate to SEA as it applies to plans or programmes prepared for *“agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications and tourism”*.<sup>1</sup>

The latter regulations relate to SEA as it applies to plans or programmes where the context requires, *“a development plan, a variation of a development plan, a local area plan (or an amendment thereto), regional planning guidelines or a planning scheme.”*<sup>2</sup>

### 2.2 Methodology to Undertake Strategic Environmental Assessment

The proposed methodology, as set out by the Environmental Protection Agency<sup>3</sup>, is composed of four procedural “Stages”. The Stages are:

- Stage 1 Screening of Plans and Programmes
- Stage 2 Scoping the SEA
- Stage 3 Identification, Prediction, Evaluation and Mitigation of Potential Impacts
- Stage 4 Consultation, Revision and Post-Adoption Activities.

---

<sup>1</sup> Section 9(1)(a) of S.I. 435 of 2004

<sup>2</sup> Section 5(c) of S.I. 436 of 2004

<sup>3</sup> Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland, 2003.

Stage 1 establishes whether the relevant P/P must undergo an SEA. It uses a series of procedural tasks, firstly to consider the overall characteristics of the P/P to see if it falls within the requirements of the SEA Directive.

The pre-screening check is based on questions of an administrative nature, which can be rapidly checked by the authority to determine whether the P/P should be taken to the second screening stage. It allows rapid screening-out of those P/Ps that are clearly not going to have any environmental impact and screening-in of those that definitely do require SEA.

A “decision-tree” or flowchart is provided which simplifies the complex wording of the SEA Directive into a systematic and logical series of questions. This is shown in Fig. 1.

The decision-tree uses the criteria set out in the SEA Directive to decide if SEA is required or not. Unlike the environmental significance screening criteria, the questions in the decision-tree are more “administrative” in nature and are based upon the status of the P/P in question.

As a result of this Task, the following possible outcomes could arise:

1. P/P applies to one or more of the 11 sectors quoted in the SEA Directive and provides a framework for development consent of projects requiring EIA. It should, therefore, be taken forward to Stage 2.
2. P/P will significantly affect a Natura 2000 site and, therefore, requires an assessment under the Habitats Directive. It should, therefore, be taken forward to Stage 2.
3. The P/P does not fall into any of the sectors covered by the Directive, it will not significantly affect a Natura 2000 site, nor does it provide a framework for development consent. It is, therefore, screened-out by the pre-screening check and no further consideration of its possible impacts under SEA is required.
4. The P/P is not screened-out and may require more detailed checks to be undertaken (this will apply to a small scale P/P or minor modifications of a P/P). This may involve the application of “Environmental Significance Screening Criteria” as described below.

### **2.3 Relationship between SEA Screening and Appropriate Assessment (AA)**

The Plan has undergone a screening for Appropriate Assessment (AA) as required by Article 6(3) of the EC Habitats Directive (92/43/EEC) and as implemented in Ireland within the Planning and Development (Amendment) Act 2010 and S.I. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011).

It is noted that in accordance with Circular Letter SEA 1/08 & NPWS 1/08<sup>4</sup>, and outlined above in Section 2.2, the plan would be required to undergo SEA, where following screening for AA, it is found that the plan may have an impact on the conservation objectives of a Natura 2000 site, or that such an impact cannot be ruled out, adopting a precautionary approach – and where an appropriate assessment of the plan must be carried out.

An Information for Screening for Appropriate Assessment Report has been carried out on the Plan has been carried out and has concluded the report provides sufficient relevant information to allow the Competent Authority (Fingal County Council) to carry out a Screening for AA, and reach a determination that the Dublin Airport Noise Action Plan will not affect the integrity of any of the relevant European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.

Therefore, with no potential for effects on a Natura 2000 site, the Noise Action Plan is not subject to a requirement for mandatory SEA under this provision.

---

<sup>4</sup> Department of Environment, Heritage & Local Government, 2008

### 3 Consideration of Requirement for Strategic Environmental Assessment

The Noise Action Plan is not a statutory land use plan (*i.e.* it is not a Development Plan, Local Area Plan etc.), *S.I. No. 435/2004 - European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. 200/2011*, is the relevant legislation for consideration of SEA.

Section 9 (1) of the legislation states:

*Subject to sub-article (2), an environmental assessment shall be carried out for all plans and programmes*

- (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications and tourism, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or*
- (b) which are not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, are likely to have a significant effect on any such site.*

The extract above outlines that the plan or programme should be those which set the *framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive*. The Dublin Airport Noise Action Plan is not a land-use plan nor does it set a framework for any future development.

In addition Stage 1 of the SEA Methodology Guidance (as outlined in Section 2.2) establishes whether the relevant P/P must undergo an SEA. To assist this process, the EPA Guidance includes a decision making tree, as included in Fig. 1 below.

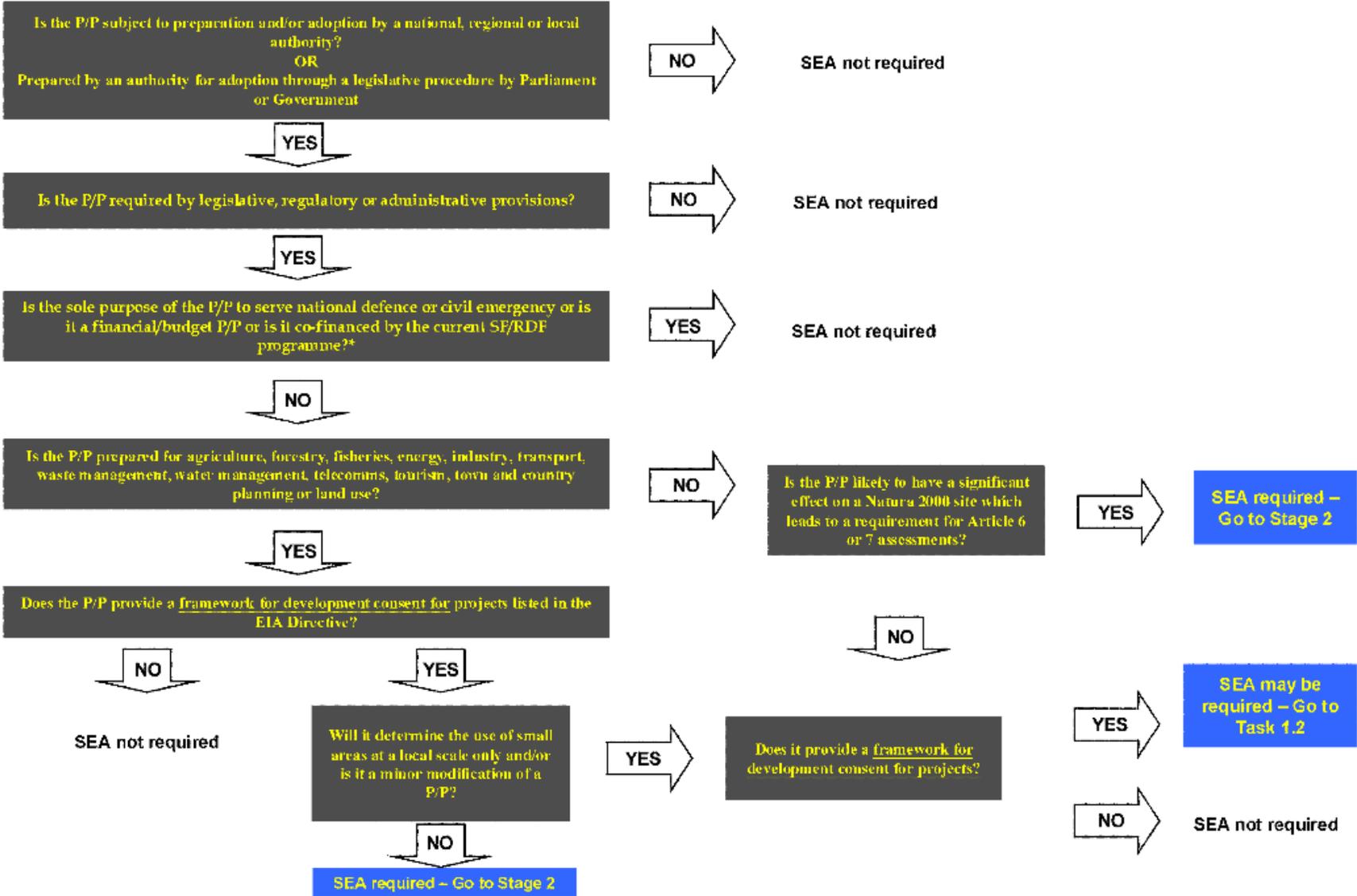
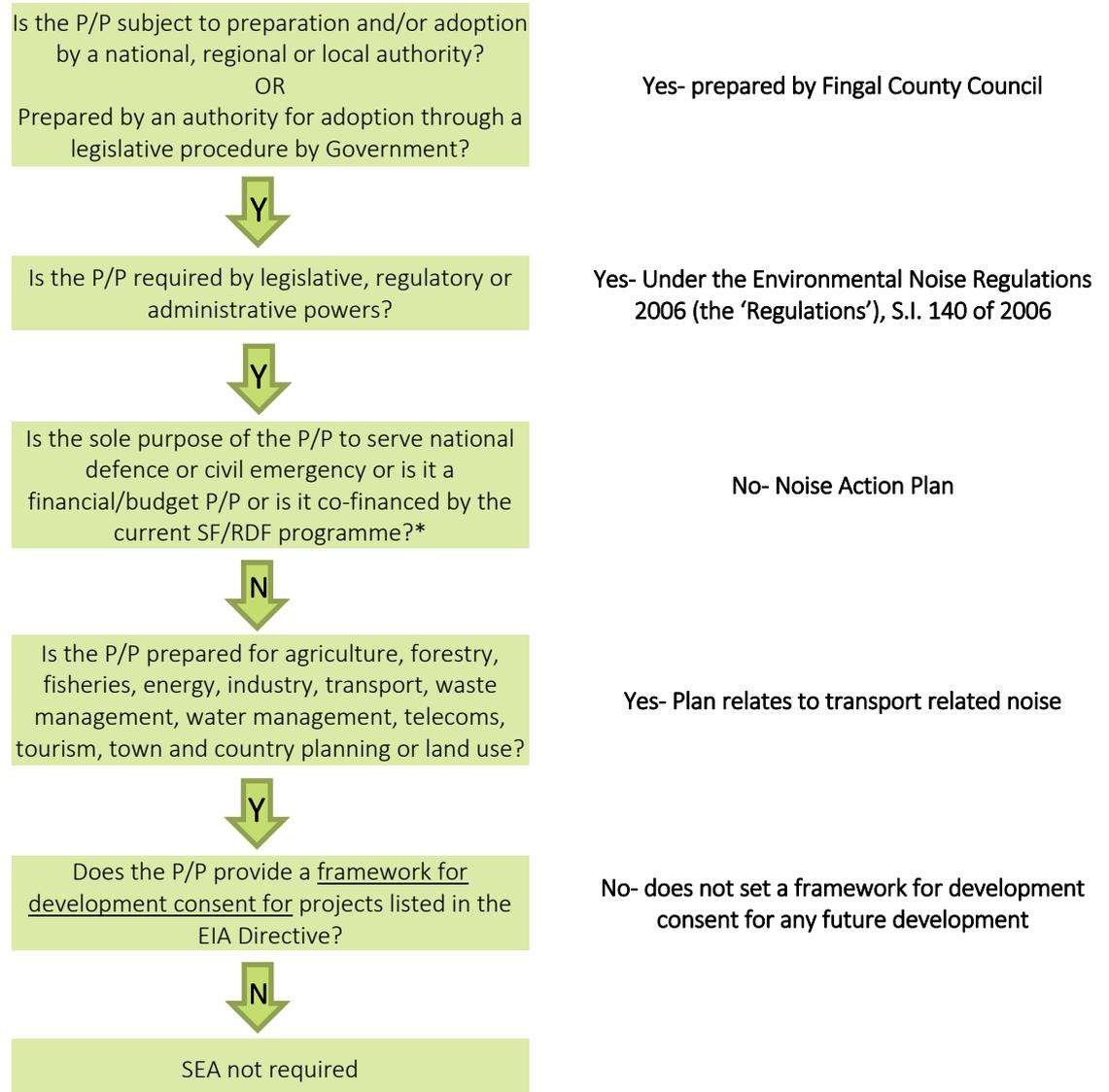


Fig. 1: SEA Decision Making Tree



Consideration of the decision tree, for the purposes of pre-screening, against the objectives of the Dublin Airport Noise Action Plan is carried out as follows:

**Dublin Airport Noise Action Plan**



## 4 Recommendation

Having considered the objectives of the Dublin Airport Noise Action Plan under both legislative and best practice requirements in relation to Strategic Environmental Assessment it is considered that the Plan is not a land use plan nor does it set the framework for future development consent as set out in Section 9 (1) of S.I. No. 435/2004. Neither is it a plan which will significantly affect a Natura 2000 site. Therefore it is our opinion that Strategic Environment Assessment (SEA) is not required for this plan.

## Brady Shipman Martin

### **DUBLIN**

Canal House  
Canal Road  
Dublin 6  
+353 1 208 1900

### **CORK**

Penrose Wharf Business Centre  
Penrose Wharf  
Cork  
+353 21 242 5620

### **LIMERICK**

11 The Crescent  
Limerick  
+353 61 315 127

[mail@bradyshipmanmartin.com](mailto:mail@bradyshipmanmartin.com)  
[www.bradyshipmanmartin.com](http://www.bradyshipmanmartin.com)

