



An
Bord
Pleanála

Inspector's Report ABP-307968-20 & ABP-307969-20

Development	Construct 74 x housing units
Location	Castle Street, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Developer	Meath County Council
Applicant	Jason McCann (Ashbourne Greenspace Conservation Group)
Type of Application	EIAR Direction (307968) NIS Direction (307969)
Date of Site Inspection	25 th September 2020
Inspector	Karla Mc Bride

1.0 Introduction

The purpose of this report is to advise the Board on whether it should issue a direction to Meath County Council that the proposed development of 74 x housing units at Castle Street, Ashbourne, County Meath should be subject to Environmental Impact Assessment (EIA) and/or Appropriate Assessment (AA), which would require the preparation and submission of an Environmental Impact Assessment Report (EIAR) and/or a Natura Impact Statement (NIS). The request for a direction has been made by the Ashbourne Greenspace Conservation Group under Article 120(3) (a) and Article 250 (3) (b) of the Planning and Development Regulations 2001 (as amended).

2.0 Site Location and description

The c.2.80ha site is located to the SW of Ashbourne in Co. Meath and the surrounding area is characterised by a mix of residential, commercial and educational uses. It is bound to the E and S by two local distributor roads (Castle Street S & E), to the N by 2-storey houses, and to the W by a vacant/agricultural site with a community school and dwelling houses beyond. Broadmeadow River flows to the S of the site and parallel to Castle Street S.

The site was previously partly occupied by temporary school buildings which have been removed. It is overgrown, traversed by 2 x drainage ditches and the lands slope down gently in a southerly direction towards the local road. There is c.0.9ha flood plain in the SE corner which is separated from the Broadmeadow River by Castle Road S. The site boundaries are defined by fences of various sizes and the main access to the site is off Castle Street S.

The site and environs are not covered by any sensitive heritage designations although the Broadmeadow River to the S drains into Malahide Estuary SAC, SPA and pNHA c.14km to the SE at Dublin Bay. There are several features of heritage interest in the surrounding area including a wetland area around the river which provides a habitat for several protected species including Common frog, and the site of Killelland Castle to the E.

3.0 Proposed Part 8 Development

The proposed development would comprise the construction of 74 x housing units on a part greenfield and part brownfield site which would comprise:

- 16 x duplex units and 48 houses
- Car parking & vehicular access off Castle Road S
- Connection to public water and foul water services.
- Landscaping & park in SE section (floodplain)
- Associated site works

The local authority intends to progress the scheme under S.179 of the Planning and Development Act, 2000, as amended and under Part 8 of the Planning and Development Regulations, 2001.

The following documents were submitted:

- Schedule 7A Information for Sub-Threshold Screening for EIA
- Part 8 EIA Sub-Threshold Screening Determination Sheet
- Report to Inform Screening for AA
- Site Specific Flood Risk Assessment report
- Archaeological Review & Assessment report
- Engineering Services report

4.0 Legislative & Policy Context

Environmental Impact Assessment:

The Planning & Development Regulations, 2000 (as amended) states under Article 120 (1) (a) that where a local authority proposes to carry out a sub-threshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

Article 120 (3) (b) allows for any person who considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, to apply to the Board for a screening determination as to whether the development would be likely to have such effects. Article 120 (3) (c) allows for the Board to require the local authority to submit the information specified in Schedule 7A for the purposes of a screening determination.

Appropriate Assessment:

The Planning & Development Regulations, 2000 (as amended) states under Article 250(1), that where a local authority proposes to carry out a development it is required to carry out a screening of the proposed development to assess if the development individually or in combination with other plans or projects would be likely to have a significant effect on a European site. If on the basis of a screening under 250(1), it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority is required to determine that appropriate assessment of the proposed development is required and to prepare an NIS and submit the proposed development for approval to the Board under section 177AE of the Planning and Development Act, 2000, as amended.

Local planning policy:

Meath County Development Plan 2013-2019: the site is located within Ashbourne, and it is covered by the provisions of the Development Plan and a Local Area Plan which now forms part of the main Development Plan (Volume 5). The site is zoned A2 for new residential development.

5.0 Request for EIA & NIS Directions

5.1 Applicants request

Jason McCann (Ashbourne Greenspace Conservation Group) requested the Board to issue an EIA and NIS Direction for the following reasons:

- Proximity to wetland sites that may contain amphibians & other species protected under the Wildlife Act & Habitats Directive.
- This wetland would be filled & levelled under the proposal.
- An attempt to drain this wetland onto the Broadmeadow River was carried out in the past.
- The adjacent River Broadmeadow is classified as “At Risk” and not meeting “Good Ecological Status” under the EU WFD.
- Further negative untreated point source contributions from surface water runoff will lead to further degradation of river water quality
- Proximity to downstream SAC/SPA and AA should be undertaken.
- Adjacent flooding issues will be exacerbated by impermeable surfaces & discharge of surface water runoff to the river, as the capacity of the river is stretched and noted in the engineer’s report.
- Adverse cumulative impacts on traffic along Castle Street in-combination with surrounding residential & related development.

5.2 Schedule 7A Information (EIA)

Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the Regulations and to confirm the current status of the Part 8 application.

5.3 Planning authority response

The planning authority’s response to the Board’s request for Schedule 7A and Part 8 information is summarised below.

Schedule 7A (Screening Determination) information:

1. A description of the proposed development, including in particular –

(a) A description of the physical characteristics of the whole proposed development and, where relevant, demolition works:

- 2.4ha brownfield site (former school site).
- 74 x housing units, 135 parking spaces & retain school entrance.
- All associated services & works including provision of a separate foul & surface water drainage network within site.
- IW can facilitate a public water connection.
- Surface water management incorporates SuDs & complies with GDSDG.

(b) A description of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

- 700m W of Ashbourne town centre on A2 residential lands.
- Bound to E by Castle St & S by access road to educational campus.
- Broadmeadow River lies further S & flows E through Ashbourne.
- Floodplain traverses the S portion of the site which will be used for open space & SSRFA has been prepared.
- Bound to N by existing residential & W by agricultural land with residential & educational uses beyond.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development:

- Brownfield site with low biodiversity value.
- Protect some hedgerows & landscaping will enhance biodiversity.
- Negligible risk to human health, use consistent with A2 zoning.
- Adequate absorption capacity for size & scale of development
- No environmental constraints other than floodplain section to S.
- Intermittent, periodic & insignificant construction impacts.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from -

(a) The expected residues and emissions and the production of waste, where relevant,

- None anticipated except during construction & regulated by CEMP.
- Construction waste addressed by C&D WMP
- Operational waste addressed via domestic waste management services & adequate bin storage provided.

(b) The use of natural resources, in particular soil, land, water and biodiversity.

- Previously developed Brownfield site with access road.
- Imperceptible impacts on soil & land with biodiversity enhancement.
- Imperceptible impacts on water (IW Confirmation of Feasibility).
- Surface water management incorporates SuDs & complies with GDSDS to ensure water quality (including Broadmeadow River).

4. The compilation of the information at paragraphs 1 o 3 shall take into account, where relevant, the criteria set out in Schedule 7:

- Impact will be limited to the immediate surrounds.
- Extent of impact will not be significant having regard to the criteria in Schedule 7 (refer to sub-threshold Development – Screening Determination as previously submitted).

5.4 Screening for Appropriate Assessment

The planning authority's Report to Inform Screening for Appropriate Assessment described the proposed development, the assessment methodologies and the receiving environment. It identified the European sites within the Zone of Influence and potential connectivity between the proposed works and these sites (Malahide Estuary SPA & SAC). It identified and characterised the possible implications of the proposed development on the European sites, it concluded that significant effects on the European sites

could be ruled out and that the preparation of an NIS was not required. The report formally concluded that the proposed development is not predicted to result in any Likely Significant Effects on any European sites within the Zone of Influence of the proposed development.

5.5 Planning authority response

The planning authority did not make a specific response to the applicant's request for an EIAR and NIS Direction.

6.0 Planning History

None specific to the site.

7.0 EIA Assessment

7.1 Requirement for EIA

7.1.1 The proposed development is listed as a type of residential infrastructure development under Part 11 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended).

7.2 EIA Screening Criteria

7.2.1 In accordance with Article 109 (4) (a) the Board shall, in making its screening determination as to whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to -

- The criteria set out in Schedule 7,
- The information submitted pursuant to Schedule 7A,
- Any further information submitted,
- The results from other assessments (e.g. SEA), and
- The location of the project in a sensitive site (e.g. SAC/SPA/NHA),

7.3 Schedule 7 Assessment

The proposed development will be assessed against the Schedule 7 criteria, having regard to the information submitted pursuant to Schedule 7A and the location of the site relative to a sensitive location, under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Characteristics of potential impacts

7.3.1 Characteristics of Proposed Development

Size and Design of Proposed Development:

The proposed development would comprise the construction of 74 residential units and all associated site works including car parking and landscaping. The works would also comprise connections to existing public services including water supply, surface water drainage and the Ashbourne wastewater treatment plant. The size and design of the development would not justify the need for an environmental impact assessment.

Cumulation with Other Projects:

There are no other permitted or proposed developments in the surrounding area that would have a significant cumulative impact when considered in conjunction with the proposed development. Most of the other residential and other sites in the vicinity have been completed or are nearing completion. Any potential cumulative impacts would not justify the need for an environmental impact assessment.

Use of Natural Resources / Waste / Pollution / Nuisances / Accident Risk and Impact on Human Health:

The nature use and scale of development is such that it would not result in a significant use of natural resources. Any waste, pollution or nuisance generated by the development would be balanced against the provision of additional residential accommodation and its limited scale. Similarly, the nature and scale of the development is not such that it would lead to a likely creation of an accident risk or have an adverse impact on human health. Construction activities would be undertaken subject to best construction practices. Any potential impacts on natural resources would not justify the need for an environmental impact assessment.

Conclusion: Having regard to the nature, scale and location of the proposed development on lands that are zoned for residential use within the development boundary of Ashbourne, it is unlikely that the characteristics of the proposed development are such that there would be significant adverse impacts on the environment.

7.3.2 Location of Proposed Development

Existing and Approved Land Use:

The proposed development, which would comprise the construction of 74 x housing units on lands that are zoned for residential use in the Development Plan, would not result in a change of use and there would no significant adverse impacts in terms of land use. Any potential impacts on land use would not justify the need for an environmental impact assessment.

Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources:

The site in its current form comprises a part greenfield and part brownfield site which is a natural resource in the sense that it contains a variety of habitats for flora and fauna. The site is not identified as a European site or a Natural Heritage Area and it is not connected to any such sites. The Broadmeadow River to the S of the site has an aquatic connection to the Malahide Estuary SAC, SPA and pNHA however the confluence is located c.14km to the SE of the proposed works. The surrounding area contains several protected species of aquatic and terrestrial flora and fauna, none of which have been recorded within the footprint of the proposed works. It is noted that the proposed housing units would be located within in an established suburban area and the site would be fenced off during the construction works. The proposed development would not require the felling of any trees and hedgerows, or any significant clearance of natural vegetation.

Conclusion: Having regard to the nature, scale and location of the proposed development within an established suburban area, on lands zoned for residential use and within the development boundary of Ashbourne, it is

unlikely that significant natural resources would be used in its development and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes. Overall, there would no significant adverse impacts in terms of the relative abundance, availability, quality and regenerative capacity of natural resources.

The Absorption Capacity of the Natural Environment:

The site is partly developed and partly undeveloped, the N section was previously occupied by temporary school buildings, and it is located within a suburban area that is surrounded by a mix of residential, commercial and educational uses. The proposed nature of the proposed residential use would be consistent with surrounding land uses, and the scale and design of the proposed development would be compatible with the existing environs of the site.

In terms of **natural heritage**, there are no features of significance in terms of designated European sites, Ramsar sites, Biospheres, Nature Reserves or Natural Heritage Areas that could be impacted by the proposed development. The site is located to the N of the Broadmeadow River which has an aquatic connection to the Malahide Estuary SPA, SAC and pNHA c.15km to the SE, and the surrounding riparian wetlands are ecologically sensitive and there are indications that they provide habitats for various species of aquatic and terrestrial flora and fauna. The Report to Inform Screening for Appropriate Assessment concluded that the proposed development is not likely to have a significant effect on any European site.

As previously stated, the proposed residential development would be located within an established suburban area on lands zoned for residential use and the site would be fenced off during the construction works. The proposed development would not require the felling of any existing trees and hedgerows, or any significant clearance of natural vegetation.

In relation to **specific species**, the desktop studies and field surveys did not identify the presence of any rare or protected, terrestrial or aquatic, plant or animal species within the footprint of the site. The Common frog is present in the riparian habitats along the Broadmeadow River and there may be suitable habitat available in the 0.9ha flood plain area located in the low-lying SE section of the site, however it is noted that this area will be incorporated into a linear park and will continue to function as a floodplain for the watercourse.

In terms of **built heritage**, there are several features of interest in the wider area which are of archaeological, historical and cultural significance. The proposed development has been the subject of a Desk Based Review and Assessment which concluded that the site does not contain any Recorded Monuments, Protected Structures or Architectural Conservation Areas. Furthermore, the site is not located within any identified zone of archaeological significance or within 100m of a Recorded Monuments, and the likely impact of the development on archaeology and heritage is therefore considered to be negligible to low.

Conclusion: Having regard to the nature, scale and location of the proposed development on lands that are zoned for residential development within the development boundary of Ashbourne, the absence of sensitive natural or built heritage features within the footprint of the works, and the proposed and construction methodologies, significant adverse impacts are unlikely in terms of the absorption capacity of the natural environment or built heritage.

7.3.3 Characteristics of the Potential Impact

Nature, Magnitude and Extent of the Impact: Having regard to the foregoing and to the medium scale and density of development in the surrounding area, I am satisfied that the extent of the potential impact in terms of geographical area and the size of the population is limited. During construction, there will be some limited impacts on local residents and environments arising from construction traffic, noise and dust. These impacts will be short term and would be mitigated by good construction practices.

Having regard to the nature, scale and location of the proposed development, the project would have a minor localised visual impact on Castle Street S and E and from along the Broadmeadow River, and some minor local impacts on traffic, however there would be limited adverse impacts on the wider environment. There would be some localised temporary impacts on ecology and biodiversity, however there would be no significant loss of habitat or species in terms of population numbers.

Ecology and biodiversity: There will be no likely adverse impacts on biodiversity given that there are no sensitive habitats or protected or rare species of flora or fauna within the footprint of the development. The existing floodplain (c.0.9ha) located in the SE section of the site would be incorporated into a landscaped parkland area. The site would be fenced off during the proposed works and the nearby riparian area along Broadmeadow River to the immediate S of Castle Road will be protected during the construction phase.

Land & soils, water quality, air & climate, noise & vibration and material assets: Having regard to the nature and scale of the proposed development which would include connections to the existing public water supply and wastewater treatment facilities, the impact on land and soils is likely to be negligible and it will not give rise to a significant risk to water quality, subject to adherence to best construction practices. The project has been the subject of a Flood Risk Assessment which concluded that it is not likely to give rise to a significant flood risk, and the floodplain (c.0.9ha) located in the SE corner of the site would be retained and incorporated into a landscaped parkland area. In relation to air and climate, and noise and vibration, there is potential for impacts during the construction phase however given the nature and scale of the proposed development, it is considered that subject to the use of good construction practices, environmental impacts under these headings will not be significant. Given these limited impacts, and the design and layout of the proposed development, the medium scale and density of development in the surrounding area, and the relationship to surrounding properties and lands, it

is not considered that the proposed development would have a significant negative impact in terms of material assets.

Landscape and visual amenity: Having regard to the nature, scale and location of the proposed development within lands that are zoned for residential use, the proposed development would have an overall neutral effect on landscape quality and visual amenity.

Cultural heritage: As previously outlined in this report, the relationship of the proposed development to protected structures in the wider area is such that any potential adverse impacts would be mitigated by the proposed construction methodologies and adherence to best construction practices, and the potential for significant impacts is therefore low to negligible.

Potential interactions: There is some limited potential for interactions between environmental factors, mainly between water and ecology, air and climate and noise and vibration. Subject to best practice methodologies during the construction phase significant interactions are not considered likely or such as would give rise to likely significant additional environmental impacts.

Probability, Intensity and Complexity of Impacts: Having regard to the nature, scale and location of the proposed development within a brownfield site, it is likely that the existing habitats will not be substantially lost or modified.

Duration, Frequency and Reversibility: Having regard to the nature, scale and location of the proposed development on a brownfield site, it is predicted that the impacts will be short term and that the works will be readily reversible.

Trans frontier Nature of the Impact: No trans frontier impacts would arise as result of the proposed development as the international border with Northern Ireland is located c.60km to the N.

7.4 Results of other assessments

The proposed development, which would be located within an area that is covered by the current Meath County Development Plan, would be in accordance with the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive.

7.5 Conclusion

Having regard to the nature, scale and location of the proposed development on a part greenfield and part brownfield site and on lands that are zoned for residential use within an established suburban area and the development boundary of Ashbourne, and to all of the foregoing, the characteristics of the potential impacts would not be likely to have significant effects on the environment and would not justify the need for an environmental impact assessment.

8.0 Screening for Appropriate Assessment

The proposed development would comprise a 74-unit housing scheme and ancillary works which would be connected to existing public water, surface water drainage and waste water services along Castle Street to the S of the site. The site is not located within or immediately adjacent to any European site and the nearest site is Malahide Estuary SAC and SPA c.14km to the SE.

Drainage arrangements:

The foul wastewater generated by the proposed development would utilise the existing foul wastewater management system related to the former school buildings on the site. It would be treated at the nearby Wastewater Treatment Plant which discharges treated water to the Broadmeadow River. The construction of the 5,000PE treatment plant in c.2007 sought to accommodate the construction of 1,500 dwellings units, a GAA football complex and 2 schools. Surface water would be managed in accordance with the Greater Dublin Strategic Drainage System approach using SuDS techniques. Runoff would drain to the main surface water sewer along Castle Street, via a petrol

and oil interceptor and attenuation area, which outfalls to the Broadmeadow River. This river flows SE to Malahide Estuary.

Desktop and field surveys:

Several surveys were conducted as part of the ecological assessment of the site. The surveys assessed the site and nearby Broadmeadow River for mobile species of Qualifying Interest and/or Special Conservation Interest for the further afield European sites (including Otter, Kingfisher and several other species of bird). The lands were surveyed for the presence of invasive species and the ecological characteristics of the site were described. The main habitat consists of overgrown grassland with a section of floodplain associated with the Broadmeadow River. No QI or SCI, rare or protected aquatic or terrestrial plant or animal species were recorded on or in the vicinity of the site during the field surveys. The site is outside the favourable reference range for most QI/SCI species and/or does not contain suitable habitat or foraging potential for any rare or protected species. The historic presence of Otter (QI) and Golden Plover (SCI) in the vicinity of the site was recorded in the desk-top studies. No scheduled invasive species were recorded.

The site is connected to the Broadmeadow River via an on-site drainage ditch which is culverted under Castle Street, and this river discharges to the Malahide Estuary SAC and SPA c.14km to the SE. An EPA monitoring station located c.55m downstream of the culvert outfall indicates “Poor” water quality status in this section of the river, the transitional Broadmeadow Waterbody WFD status c.14km downstream of the site is “Poor” and the Coastal Waterbody status at Malahide Estuary is “Moderate”. The groundwater body is classified as “Good” and the site is underlaid by a Locally Important Aquifer which is moderately productive with Moderate Vulnerability. This section of the Broadmeadow River is prone to flooding and the S portion of the site is covered by an arterial drainage scheme and Flood Relief Scheme. The Site-Specific Flood Risk Assessment concluded that the proposed development would have an imperceptible impact on flows discharging to the watercourse and that a Stage 3 FRA was not required.

Concerns raised:

Concerns have been raised that the proposed development has the potential to result in significant effects on European sites in the surrounding area. The proposed development is not necessary to the management of any European site, however it has a direct aquatic connection to the Malahide Estuary SAC and SPA and this triggers the requirement for Screening for AA.

Potential impacts:

The potential impacts that could arise during the construction and operational stages of the proposed development are:

- Release of sediment and pollutants and potential for discharge to surface water, particularly during heavy rainfall, during construction period.
- Potential for spillages such as oils, fuels or other pollutants into groundwater during the construction stage.
- Loss of habitat/resting places used by QI and SCI species.
- Noise and disturbance QI and SCI species.

The following European sites lie within a potential Zone of Influence:

European site (SAC/SPA)	Qualifying Interests/Special Conservation Interests	Distance
Malahide Estuary SAC (000205)	Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows (Glauco-Puccinellietalia maritimae) Mediterranean salt meadows (Juncetalia maritimi) Shifting dunes along the shoreline with Ammophila arenaria (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)	c.14km

European site (SAC/SPA)	Qualifying Interests/Special Conservation Interests	Distance
Malahide Estuary SPA (004025)	Great Crested Grebe Light-bellied Brent Goose Shelduck, Pintail & Goldeneye Red-breasted Merganser Oystercatcher Golden Plover & Grey Plover Knot, Dunlin & Redshank Black-tailed & Bar-tailed Godwit Wetland and Waterbirds	C.14km

Potential Impacts on European Sites and test of Likely significant effects

Malahide Estuary SAC:

This European site is located c.14km SE of Ashbourne. It is situated to the immediate N of Malahide and E of Swords, and it is the estuary of the River Broadmeadow. The site has been selected for a variety of coastal habitats including mudflats, sandflats, salt meadows and dunes and the estuary is an important wintering bird site. The conservation objective is to maintain the favourable conservation condition of the habitats for which the SAC has been selected, subject to a list of targets and attributes (including area, distribution, physical structure & vegetation structure).

During the construction phase, works associated with the development will take place entirely within the boundaries of the site. There will be no **direct impacts** on qualifying habitats or species arising from the proposed development. The proposed development would be located a substantial distance upstream of this SAC and outside the favourable reference range for most of the QI species, and it does not contain suitable habitat or foraging potential for any QI species (including fisheries and otter). This removes the

potential for ***indirect effects*** on the SAC and its qualifying habitats and species arising from any deterioration in water quality.

During the operational stage surface water runoff and treated foul effluent will be discharged via the existing wastewater infrastructure to the Broadmeadow River, which has the potential to impact on water quality within the designated site and the habitat and species its supports. The local authority submission states that surface water runoff will be discharged via a petrol/oil interceptor and attenuation area, and that the WWTP which treats wastewater to a high standard (bathing quality) is currently operating within its design capacity.

The proposed development is of a medium scale, consisting of 74 housing units and according to the Council's submission there is adequate capacity in existing services to accommodate the proposal. As such it would not constitute a significant change in the loading to the treatment plant and its receiving waters. I consider that it is reasonable to conclude on the basis of the high level of treatment afforded by the treatment plant and its capacity to deal with the additional effluent, that the proposed development will not result in significant effects on designated habitats and water dependent species for which Malahide Estuary SAC is selected.

Malahide Estuary SPA:

This European site corresponds to a large extent with Malahide Estuary SAC and it has been selected for a wide variety of birds and wetlands. The estuary is an important wintering bird site and holds an internationally important population of Brent Goose and nationally important populations of a further 15 species. The Conservation Objectives for each species seek to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA, subject to a list of targets and attributes (including population trend & distribution). A second objective seeks to maintain or restore the favourable conservation condition of the wetland habitat at Malahide Estuary SPA as a resource for the regularly occurring migratory waterbirds that use the site, subject to a single attribute and target related to habitat area and stability.

There will be no **direct effects** on the SPA or any species of conservation interest arising from the proposed development having regard to the substantial separation distance between the proposed development and the European site. None of the species of Special Conservation Interest for which the SPA is selected were recorded during the surveys of the site and environs, and the habitats and foraging potential of the lands are not suitable for these bird species. While the proposed development will remove potential foraging and breeding habitat for the local passerine birds that use the area, there is no evidence of any connectivity between the proposed development and the SPA and there would be no **indirect effects**.

In-combination effects:

The potential for in-combination effects with other plans and projects was considered in the AA Screening Report (including proposed commercial, educational & residential developments, land reclamation, infrastructure projects, agriculture, and amenity works). The lands would drain to a relatively recently constructed wastewater treatment plant to accommodate development in the surrounding area. The development site, which lies within the boundary of the Ashbourne and it is zoned for residential development. I note that the LAP has been incorporated into the current Meath County Development Plan which was subject to an Appropriate Assessment, which concluded that the implementation of the plan is not likely to give rise to significant effects on any European site or its qualifying interests.

Conclusion on AA Screening Report

Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SAC and Malahide Estuary SPA or any other European Site, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

10. Recommendation

Having regard to my assessment above, I consider that the proposed development of 74 x housing units and all associated site development works would not be likely to have significant effects on the environment or the integrity of Malahide Estuary SAC or Malahide Estuary SPA, therefore, recommend that the Board does not direct the local authority to prepare an Environmental Impact Assessment Report or Natura Impact Assessment report in respect of the development based on the reasons and considerations set out below.

Reasons and Considerations (1)

Having regard to:

- (a) the location of the site on lands that are zoned for residential use in the Ashbourne Local Area Plan (which has been incorporated into the Meath County Development Plan 2013 to 2019) and the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive,
- (b) the nature, scale and location of the proposed development in a part brownfield site in a suburban area,
- (c) the design and construction methodology response to the natural heritage in the surrounding area,
- (d) the design and construction methodology response to the protected structures in the surrounding area,
- (e) the substantial separation distance to any designated European Sites,
- (f) the submissions made including that of Meath County Council and to the Part 8 Report submitted,
- (g) the guidance set out the '*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*' issued by the Department of the Environment, Heritage and Local Government,

- (h) to the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 (as amended), and
- (i) to the report and recommendation of the Inspector,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

Reasons and Considerations (2)

Having regard to:

- (a) The nature and scale of the proposed development,
- (b) The substantial separation distance between the proposed development site and the Malahide Estuary SAC and SPA,
- (c) the length of the hydrological connection between the site and European sites,
- (d) the treatment processes and capacity in the Ashbourne Wastewater Treatment Plant and the separation distance to European Sites,
- (e) the submission made by the local authority, including the Appropriate Assessment Screening Report dated 15th May 2020.
- (f) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on the Malahide Estuary SAC or Malahide Estuary SPA, or any other European sites, in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

Karla Mc Bride
Senior Planning Inspector
27th November 2020