



An  
Bord  
Pleanála

## **Report to Inspector (Appendix to main report) ABP- 314485-22**

### **Development**

Dublin Airport North Runway

Relevant Action Application (Appeal)

### **Topic:**

Adequateness of information for  
purpose of Screening for Appropriate  
Assessment

### **Appropriate Assessment**

### **Ecologist**

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### **Senior Planning Inspector**

Karen Hamilton

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## **1.0 Introduction**

### **1.1. Scope of 'Report to Inspector'**

- 1.1.1. This report to the Inspector and available to the Board is a written record of my review and examination of the information submitted by the Dublin Airport Authority (DAA) in relation to the requirements for the screening stage (stage 1) of the Appropriate Assessment process for a proposed Relevant Action, seeking to amend condition 3(d) and replace condition 5 of the North Runway Planning Permission.
- 1.1.2. In my capacity of Inspectorate Ecologist, I have the relevant expertise to provide a professional opinion as to the adequacy of the information before the Inspector and the Board to undertake screening for Appropriate Assessment (AA) in the first instance, to determine if likely significant effects on European sites can be excluded.
- 1.1.3. I have reviewed and examined the following document including relevant appendices and figures (plans and particulars):
  - Appropriate Assessment Screening Report, AECOM (2021)
  - Addendum to Appropriate Assessment Screening Report (2023)
- 1.1.4. The document has been reviewed with respect to the following current best practice guidance:
  - EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
  - EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

### **1.2. Background information**

- 1.2.1. An AA Screening Report was submitted as part of the Dublin Airport North Runway Relevant Action application to Fingal County Council (December 2020). In February 2021 Fingal County Council (FCC) requested further information which included clarifications and additional information to be considered in a revised AA

Screening report. In granting the relevant action FCC reached a finding of no likely significant effects on European Sites and screened out the need for AA.

- 1.2.2. Separately, but related, during its considerations, FCC referred case to the Aircraft Noise Competent Authority (ANCA) in relation to any noise issue that could arise. ANCA determined that a Regulatory Decision and Noise Abatement Objective (NAO) were required. As the RD and NAO may set the framework for future development consent for projects, the process was considered to fall under the meaning of a Plan that requires Strategic Environmental Assessment under Directive 2001/42/EC (SEA Directive) and consideration under Article 6(3) of the Habitats Directive. AA Screening was carried out under the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011 based on an early stage of the policy development. As there were no firm details it was not possible to rule out significant effects with certainty and therefore the assessment progressed to stage 2 and an NIS prepared to inform AA. The NIS examined the provisions of the developed RD and NOA in relation to European Sites within a defined zone of influence of Dublin Airport and examined evidence from the scientific literature in relation to disturbance of birds and marine mammals from aircraft overflight. This assessment based on the best available scientific information showed that significant effects could be excluded, and no mitigation measures are required and exclude adverse effects on any European sites. ANCA in their role as Competent Authority undertook AA based on the NIS and concluded that the NAO and Regulatory Decision will not result in adverse effects on the integrity of any European site in view of their conservation objectives, either alone or in-combination with other plans.
- 1.2.3. I note that the revised AA Screening report (AECOM 2021) took account of the screening undertaken by ANCA but that the NIS and AA had not yet been completed by ANCA when the further information was submitted.
- 1.2.4. An addendum to the AA Screening report of September 2021 was submitted as part of the suite of documents for the appeal case to An Bord Pleanála. This report addressed some changes at Dublin Airport such as flightpaths and updated air traffic forecast data and included an examination of the recent designation of the

North-West Irish Sea candidate Special Protection Area (SPA) covering marine and coastal waters off the Dublin, Meath and Louth coast.

## **2.0 Consideration of the Likely Significant Effects on a European Site**

### **2.1. Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB of the Planning and Development Act 2000 (as amended) are considered in this section.

### **2.2. Screening for Appropriate Assessment**

- 2.2.1. The proposed relevant action is not directly connected with, or necessary for, the management of any European Site and consequently is subject to the Appropriate Assessment Screening process.
- 2.2.2. A screening report prepared by AECOM on behalf of the DAA informs the Screening exercise and the screening determination.

The steps to be considered in screening include (OPR 2021):

- Description of the proposed development and local site characteristics
- Identify relevant European sites and compile information in qualifying interest and conservation objectives.
- Assess the likely significant effects in relation to the project alone and in combination with other plans and projects.
- Screening determination: will the project alone or in combination with other plans and projects result in likely significant effects on a European site in view of the sites conservation objectives.

### **Expertise and technical content of Screening Report for AA**

- 2.2.3. The screening report (and addendum) was prepared by a suitably qualified and experienced Ecologist and full member of the Chartered Institute for Ecology and Environmental Management (MCIEEM) from AECOM and also checked and verified by senior AECOM Ecologists. I consider that the scientific information on European

sites, species, and habitats is adequate and up to date (at the time of submission) and included desk study and results from bird survey (disturbance) conducted at Baldoyle Bary SPA and Rogerstown Estuary SPA (2016-2018).

### **Description of the proposed development**

- 2.2.4. I am satisfied that all aspects proposed relevant action that could result in any impacts are considered by the applicant. Assessment scenarios are set out in section 1.11-1.20 of the AA Screening report, detailing predicted annual passenger numbers, air traffic numbers and nighttime air traffic numbers.
- 2.2.5. A comprehensive literature of scientific studies related to noise levels and bird hearing and the effects of aircraft noise and visual stimuli on birds (non-breeding waterbirds and breeding seabirds) and marine mammals including cetaceans is presented. The literature review found few studies related to commercial aircraft and birds with most studies involving light aircraft or military aircraft. Studies showed that noise levels of around 60dB(A) or lower are unlikely to result in disturbance responses with noise levels greater than this eliciting responses in some studies. Results were similar for marine mammals with the height of overpassing aircraft of significance.

### **European Sites**

- 2.2.6. European sites likely to be within a possible zone of influence are defined in Section 3 of the AA screening report, and the addendum report adds the NW Irish Sea cSPA. This zone included all European sites which noise modelling showed to be subject to noise levels of greater than 60DB(A) from passing aircraft and which have animal species as QI/SCI. On a precautionary basis, sites in and around Dublin Bay have been included to account for rate exceedances of 60DB (A) LMax.
- 2.2.7. A total of 12 European site (part of the Natura 2000 network) located between 4 and 20 km from Dublin Airport were considered, their qualifying interest /special conservation interests set out, conservation objectives detailed, and current conservation condition described inline with best practice. These sites are:
- Malahide Estuary SPA;

- Baldoyle Bay SPA;
- Rogerstown Estuary SPA;
- South Dublin Bay and River Tolka Estuary SPA;
- North Bull Island SPA;
- Rockabill to Dalkey Island SAC;
- Ireland's Eye SPA;
- Howth Head Coast SPA;
- Lambay Island SPA;
- Lambay Island SAC;
- Dalkey Islands SPA.
- North West Irish Sea candidate SPA

### **Field survey**

- 2.2.8. Information is provided of vantage point surveys comprising 252 hours survey, undertaken in June 2016 to Dec 2017 and in April and May 2018 at locations in Baldoyle Bay SPA and Rogerstown Estuary SPA. Both SPA sites are beneath the flight paths of aircraft coming into and departing Dublin airport with an almost continuous stream of air traffic overhead.
- 2.2.9. The results of the survey showed that no disturbance events caused by aircraft passing overhead on established flight paths to or from Dublin Airport were recorded.

### **Assessment of likely significant effects**

- 2.2.10. The examination presented in the AA Screening report is focused on the only feasible impacts that could arise from the proposed Relevant Action which are noise and visual disturbance from overflying aircraft and collision risk impacts.
- 2.2.11. Based on the scientific information presented by the applicant, I am satisfied that the Inspector and the Board have adequate information which conforms to the

requirement being objective and of best scientific knowledge, upon which to base their screening determination.

- 2.2.12. I consider that the evidence gathered from the scientific literature, field surveys conducted at Baldoyle Bar and Rogerstown Estuary and noise modelling for the proposed relevant action show clearly that there will be no likely significant effects from noise or visual disturbance to European sites within a zone of influence in view of the conservation objectives of those sites.
- 2.2.13. Dublin Airport implements a wildlife management plan which prevents flocks of birds including species that SCI species of SPA sites amassing in and around the airport in the interest of public safety. The proposed relevant action will not change the current likelihood of bird strike occurring.
- 2.2.14. In combination effects with other plans and projects has been considered and no significant in combination effects are likely to occur.

### **ANCA Reports**

- 2.3. I have also considered the screening report (and addendum) in view of the AA Screening and AA undertaken by ANCA. I am satisfied that the rationale that drove the assessment of the RD and NAO to stage two AA was due to uncertainty relating to the provisions of the fully developed RD and NAO and not due to uncertainty regarding possible effects on European Sites. The literature review of published scientific information presented in the NIS reaches the same conclusions as those found by the DAA in this case (screening) and significant effects were excluded and no additional mitigation measures were required as part of the assessment undertaken to reach that determination. I do not consider that there is any conflict between the two separate assessments. The rationale for progression to AA by ANCA does not undermine or conflict with the findings of no likelihood of significant effects for the Relevant Action.

## **3.0 Summary and Conclusion**

- 3.1. I consider that the information is adequate for the Board to make a robust screening determination.



- 3.1.1. I consider that the information submitted to inform the AA Screening of the relevant action conforms to the requirements for best available scientific knowledge in terms of the surveys and assessments undertaken and the scientific information available on protected sites at the time of preparation of the application.
- 3.1.2. The possibility of significant effects such as disturbance of SCI bird species and bird collision has been excluded. The possibility of in-combination effects has been considered and dismissed as no impact has been identified that could combine to generate an in-combination effect with other plans and projects.
- 3.1.3. The addendum to the AA Screening report addresses the recently designated North-West Irish Sea candidate SPA. Based on the scientific rationale employed to exclude likely significant effects on other SPA sites within a possible zone of influence, I am satisfied that the Board can be confident that no likely significant effects will occur in view of the recent conservation objectives set for this site.
- 3.1.4. Based on the objective information submitted and scientific examination presented in the AA Screening report and addendum report I am satisfied that the likelihood of significant effects on European sites can be excluded with confidence and that there is no requirement for Appropriate Assessment of this 'relevant action' for Dublin Airport.

Signed:



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Maeve Flynn BSc. PhD, MCIEEM  
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13<sup>th</sup> December 2023