



An
Bord
Pleanála

Inspector's Report

ABP-314778-22

Development	Construction of temporary emergency electricity generation power plant
Location	Huntstown Power Station, Johnstown, Co. Dublin
Planning Authority	Fingal County Council
Applicant	Department of the Environment, Climate and Communications
Type of Application	Request under Section 181(2T)(a)(i) of the Planning and Development Act, 2000, as amended, for Appropriate Assessment Screening determination pursuant to Section 177(U) of same act.
Date of Site Inspection	19 th October 2022
Inspector	Máire Daly

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1.0 Introduction

- 1.1. The subject application, received from the Department of the Environment, Climate and Communications, seeks a determination from the Board under Section 181(2T)(a)(i) of the Planning and Development Act 2000, as amended, as to whether the proposed development for the construction of a temporary emergency electricity generating plant at Huntstown, Johnstown, Co. Dublin would be likely to have a significant effect on the environment in accordance with Section 177U of same act.
- 1.2. There is a concurrent request for the Board to make a screening determination in accordance with Section 176A of the Planning and Development Regulations 2001, as amended, as to whether a proposed development would be likely to have significant effects on the environment i.e. Screening determination for environmental impact assessment (ABP-314777-22).

2.0 Pre- Application Consultation

- 2.1. In March 2022 the Minister for the Environment, Climate and Communication requested Pre-Application Consultations under Section 181 (2R) of the Planning and Development Act 2000, as amended, in respect of the construction of a temporary emergency electricity generation power plant at Huntstown, Johnstown, County Dublin. Three pre-application meetings were held with representatives of this department on behalf of the Minister in relation to the requirements under Section 181(2T)(a) of the Act and the prospective applicant's right to apply for a determination under Sections 176A and 176B or Section 177U, as to whether a proposed development would be likely to have a significant effect on the environment. These meetings took place on 5th April, 18th May and 10th August 2022.
- 2.2. It should be noted at the outset that the prospective applicant is not seeking planning permission for the proposed development, as this is provided for by way of the emergency provisions provided in Section 181(2)(a) of the Planning and Development Act 2000, as amended. This application and the assessment in the report that follows concerns solely the provisions as listed under Section 181(2T)(a) of the Planning and Development Act 2000, as amended, in relation to the prospective applicant's right to apply for a determination under Section 177U and as detailed under Section 176B.(1) in relation to Appropriate Assessment Screening.

3.0 Site Location and Description

- 3.1. The subject site which has a total area of c. 4.2ha is located within the existing Huntstown Power Station complex which has been operational since circa 2000. Huntstown Power Station is located c. 1.2km to the northwest of Junction No.5 of the M50 motorway and c. 8km northeast of Dublin city centre. The main elements of the subject development are to be located in an area on the eastern side of the existing power station site that is currently used as a container storage, set down and car parking area. The proposed temporary emergency generation development boundary extends to the west to include a small extension to an existing Above Ground Installation (AGI) boiler house within the Gas Networks Ireland (GNI) compound. Other elements of the site are also to be located along the northern perimeter of the existing power plant with connections to existing on-site utilities infrastructure/services, including new high pressure gas lines.
- 3.2. The site is bound to the east by a grassed area with adjacent treeline and hedgerow. To the east of this is and outside of the site boundary is an existing drainage ditch. A set of 110kV overhead lines traverse the site in a north - south direction towards to the Finglas 220kV substation complex to the south-east of the site. These lines have been subject of a permitted planning application for undergrounding (Planning Ref. FW21A/0144). A large storage shed is located to the centre of the proposed site c. 222m from the front (southern end) of the site. The land is currently zoned "Heavy Industry" under the current Fingal County Development Plan 2017-2023, as varied. The majority of the proposed development site is already levelled and compacted. The northern most area of the proposed site, which is currently beyond the existing Huntstown site fenced perimeter, is comprised of a flat grassed area with a band of deciduous trees beyond this to the north, which in turn delineate the northern boundary of the proposed site.
- 3.3. The surrounding area is chiefly characterised by industrial and commercial uses, including heavy industry (power generation and transmission), commercial warehousing (including a Home and Garden Centre) and logistics, quarrying, agricultural and limited residential uses. The Peter McVerry Trust sheltered housing facility and the Dogs Trust (Dog rescue and rehoming charity), are located to the north and northeast of the site respectively. The site is also bounded to the south by

a vehicular entrance leading to the Huntstown Quarry and an Anaerobic Digestion Plant. Lands to the immediate east are currently under appeal to the Board (ABP-313583-22) for a Data Centre. A number of large logistics warehouse parks are located to the north-east of the site including the Dublin Airport Logistics Park and Vantage Business Park, Coldwinters.

4.0 Proposed Development

4.1. Overview and Project Description

- 4.1.1. The proposed development aims to temporarily reinforce the transmission network and facilitate the provision of temporary emergency power generation to support infrastructure and capacity. The proposed development is required in response to the national emergency relating to a forecasted shortfall in electricity supply for the next 5 winters. The forecasted shortfall for the next 5 winters is predicted as follows: 260MW for 2022/2023, rising to 1050MW in 2023/24 and 1850MW in 2024/25. The shortfalls are expected due to unexpected generator outages and delays in delivery of new gas fired generation capacity; limited interconnector support; poor plant performance and cold weather fronts with record peak electricity demand. The proposed development is therefore a critical temporary emergency power generation and transmission asset, required as a direct response to addressing and mitigating national risk to power disruption, supply and demand. The submitted documents also refer to the wider context of the proposed development in the EU which has highlighted the need for greater energy security of supply by adding new momentum to the objective of the European Green Deal.
- 4.1.2. The proposed development which comprises a temporary, gas fired power generation facility is to be located on an existing power station site that has been in situ for over 20 years. The design of the proposed development is marginalized, and units will be delivered preassembled and will connect to existing on-site utilities infrastructure/services. It is intended that the power generation facility will be operational for a minimum of three years and a maximum of five years. The facility will only be run when the system is in alert or emergency state.

4.1.3. The principal elements of the proposed development include the following:

38 No. 1.43MWe nominal capacity gas generator sets based on the reciprocating internal combustion technology (Janbacher J420 units) to provide a nominal electrical output of 50MW (electrical output). Each generator unit is typically housed in 2 no. stacked ISO shipping containers and, in this case, a top attenuation unit is added, with each generator set comprising/ incorporating the following:

- an engine container (approx. 6.05m L x 2.4m W x 2.6m H).
- an engine cooling module container (approx. 6.05m L x 2.4m W x 2.6m H), stacked on top of each engine container.
- an attenuation unit with an exhaust silencer (approx. 6.05m L x 2.4m W x 2.6m H) that sits on top of the cooling module container.
- one exhaust gas flue exit point with a diameter of approx. 0.4m (at approx. 8m height after the attenuator unit).
- 2 no. to 4 no. exhaust flues each approx. 0.4m in diameter will be extended and grouped/bundled together and supported by a total of 12 no. 25m (above ground level) high chimney structures.

The proposal also includes the following elements:

- a 1250kVA mobile diesel generator for limited occasional black-starting the temporary emergency generation plant (approx. 6.05m L x 2.4m W x 2.6m H).
- 10 no. 6.3MVA Transformers (each approx. 6.05m L x 2.4m W x 2.6m H).
- a ZS1 Switchgear (approx. 6.05m L x 2.4m W x 2.6m H).
- a 70MVA Transformer 11/110kV (approx. 7.3m L x 3.1m W x 3.9m H).
- a 110kV Air-Insulated Switchgear (AIS) System (approx. 31.6m L x 6.6m W x 7m H).
- 2 no. Series Reactors (each approx. 6.5m L x 5m W x 5.6m H).
- a Neutral Earthing Transformer (approx. 2.3m L x 1.9m W x 2m H).
- high Pressure Gas Pressure Reduction Station (approx. 10m L x 6m W x 2.5m H).

- 10 no. Medium Pressure Gas Trains (each approx. 4m L x 1m W x 1.4m H).
- new High Pressure Gas Lines (28 and 42 barg) to the existing Huntstown Power Station Gas Networks Ireland (GNI) site, extension to the existing AGI boiler house within the Gas Networks Ireland (GNI) compound (approx.4.0m L x 3.8m W x 3.5m H), and an increase in the capacity of the existing 28 barg gas supply system.
- above-ground pipe and cable-bridge(s) between the gas pressure reduction stations and the generator units and 110kV transformer.
- 20ft Control room container to house the Supervisory Control and Data Acquisition (SCADA) panel.
- control containers for the Air-Insulated Switchgear equipment comprising one 40ft container and one 20ft container.
- acoustic wall (approx. 102m L x 0.4m W x 7m H) to the immediate north and east of the 38 no. proposed generator units and 5m containers wall on part of the eastern side (approx. 55m L x 2.4m W x 5.2m H). 2.6m high chainmail security fencing topped with barbed wire around the perimeter of the site.
- 2 no. new lightning masts, approx.16m H.
- replacement/ relocated tarmacadam laydown area for existing displaced equipment and car/ vehicle parking and replacement storage buildings/ offices/ workshops.
- new staff welfare facilities comprising a kitchen/diner container, a toilet block container and an offices container (each approx. 6.05m L x 2.4m W x 2.6m H).
- new foul drainage.
- extension to existing site stormwater drainage, including attenuation and hydrocarbon interceptor serving the proposed hardstanding areas.
- 3 no. workshop/stock containers (each approx. 6.05m L x 2.4m W x 2.6m H).
- bunded chemical and oil storage areas.
- lighting to facilitate the proposed development.
- demolition of existing stores building (approx.34m L x 23m W x 8.0m H).

- new permanent stores building (29.5m L x 21.5m W x 10.3m H).
 - site development works and landscaping
- 4.1.4. The total proposed site area is approx. 4.2 ha. An adjacent grassed area with some hedgerow to the east and north will be developed as an area of hardstanding as a replacement parking, storage and laydown area (combination of tarred surface and Clause 804).
- 4.1.5. The development will connect to the existing stormwater system and gas and electricity infrastructure on site. A new foul drainage network will collect all discharges from the temporary welfare facilities and foul wastewater will discharge to an existing septic tank within the Huntstown Power Plant complex which will be emptied, as is current procedure, by a licenced contractor to an approved licenced facility.
- 4.1.6. It is intended that the development will operate on natural gas supplied from an existing GNI AGI, located to the north-west of the proposed temporary emergency power generation facility. Power generated by the temporary emergency generating facility will be exported to the national grid via an underground cable connection to the existing Finglas 220kV substation (consented under Planning ref: FW21A/0144), located c.800m to the south-east of the site.
- 4.1.7. The submitted AA Screening report states that the operation of the plant will be an activity regulated by a revised Industrial Emissions Licence (P0483-04) and must therefore ensure that compliance with the licenced air, stormwater and noise emissions limit values when operational.
- 4.1.8. As required under the EirGrid/ CRU procurement process, the proposed development is a stand-alone, temporary electricity transmission generation plant/ installation. It will not function as, nor is proposed as, an extension to any existing power plant facility and there is no functional dependency between Huntstown 1 and 2 and the proposed temporary emergency generation facility. It does not integrate into the existing plant in any respect, aside from using the same gas supply pipeline, earth grid and limited services infrastructure - this would be the situation with any

development, of any nature, which links into existing service/ utility infrastructure. The temporary emergency generating plant is proposed to be installed and operational as such, for up to five years, from summer 2023 to late 2027.

5.0 Request for Determination

- 5.1. The Minister for the Environment, Climate and Communications has requested that An Bord Pleanála under Section 181(2T)(a)(i) of the Planning and Development Act 2000, as amended, make a determination under Section 177U of same act, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.
- 5.2. The question for determination by the Board is to whether the proposed development is likely to have a significant effect either individually or in combination with other plans or projects on a European site(s) and dependant on this outcome would require a Natura Impact Statement to be carried out. In order to assist the competent authority in its determination a Screening for Appropriate Assessment was submitted to the Board on 4th October 2022.

6.0 Planning History

6.1. Subject site – other developments which directly overlap/directly adjoin current site:

ABP Ref: 311528 – Permission sought for the construction of a 2 storey 220kV GIS substation known as 'Mooretown', 4 underground transmission cables and all associated and ancillary site development and construction works. Decision pending.

ABP Ref: 313583 – Permission sought for the demolition of 2 no. existing residential dwellings and construction of 2 no. data hall buildings. EIAR submitted with application. Decision pending.

Fingal Co. Co. (FCC) ref: FW21A/0144 – Permission granted in October 2021 for the installation of electrical infrastructure between Finglas 220kV Substation and Huntstown Power Station to facilitate the retirement of existing Electricity Supply

Board overhead powerlines and facilitate site clearance for the future development of a data centre and substation (subject to separate planning applications).

6.2. Licences relevant to the subject site:

Ref. P0483-04 - Industrial Emissions Licence for Huntstown 1 CCGT – Licensed February 2013. In accordance with the 2013 amendment of the EPA Act and Waste Management Act and to give effect to the Industrial Emissions Directive, the licence was amended on the 19th December 2013 to incorporate the requirements of an Industrial Emissions Licence.

Ref P0072-02 - Industrial Emissions Licence for Huntstown 2 CCGT – Licensed January 2013.

6.3. Other Industrial, Utility Infrastructure and Commercial Developments within 1km of subject site:

ABP Ref: 312131 - Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility. Decision pending.

FCC Ref: FW22A/0068 – Permission granted in July 2022 for 1 no. building for warehouse/logistics use, to be known as Unit 6, with a gross floor area of 9,821 sq.m. The building will measure 18.1m high (at parapet level) and have 2 storey ancillary offices. Elevational signage will be provided. The unit will form part of Phase 2 of Vantage Business Park along with Units 3, 4 and 5 (permitted under reference FW20A/0211), Phase 1 to the south consists of Unit 1 under construction and Unit 2 complete in 2019.

ABP Ref: 309855-21 – Permission granted in October 2021 for the development comprising the provision of 4 No. warehouses with marshalling offices, ancillary office space, staff facilities and associated development. Unit 1 will have a gross floor area of 21,578 sq.m; Unit 2 will have a gross floor area of 9,206 sq.m; Unit 3 will have a gross floor area of 16,525 sq.m; and Unit 4 will have a gross floor area of 7,342 sq.m. A gate house with a gross floor area of 14 sq.m. will be positioned to the south-west corner of the site. The development will also include the repositioning of the access from the L3125 Road to the north of the site to provide a new entrance and a second vehicular access will be provided from the R135/Elm Road to the south-west. Road upgrade works are proposed along the L3125 to the north of the

site. There will also be internal roadways; pedestrian access; 502 No. ancillary car parking spaces etc. The total gross floor area of the development is 5,763 sq.m. (including warehouse structures, gate house and ESB substations).

FCC Ref: FW20A/0211 – Permission granted in May 2021 for development consisting of 3 no. buildings for industrial/warehouse/logistics use (Units 3,4 and 5) with gross floor area of 24,356sq.m. Each building will measure 18.1m high (at parapet level) and have 2 storey ancillary offices. The units will form Phase 2 of the Vantage Business Park, with Phase 1 to the south (units 1 and 2) under construction. The proposed development includes 39 HGV parking spaces, 224 car parking spaces, 134 cycle parking spaces, 29 dock levellers and 7 grade loading bays.

FCC Ref: FW20A/0219 – Permission granted in Feb 2021 for an amendment to the original planning permission, at this site, for a gas peaking facility with 10 no. containerised gas fired generating units, with an export capacity of 20 megawatts (MV) under planning reference FW19A/0090. Amendments proposed to the gas peaking consist of the installation of 6 no. battery storage units with an export electricity capacity of 10-15 MV and 4 no. containerised gas fired generating units with an export electricity capacity of 10MV, in replacement for the 10 no. containerised gas fired generating units, granted under planning reference FW19A/0090. 3 no. inverter transformers will also be added to the site, being the battery storage units.

FCC Ref: FW20A/0021 – Permission granted in July 2020 for development consisting of storage and logistic facilities comprising yards, warehouses, workshops and ancillary offices at Plots 1, 3, 4, 5, 6, 7, and 9 and amendment to permitted development (Reg. Ref. FW19A/0101 and F18A/0139) at Plot 8 and internal road network at Dublin Inland Port. All development to take place on a site of c. 10.4 ha. 10 year planning permission.

FCC ref: FW19A/0090 – Permission granted in January 2020 for Installation of 10 no. containerised gas fired generating units with an export electricity capacity of 20 megawatts and underground cabling route c 1.45km along the R135 road.

FCC Ref: FW19A/0015 – Permission granted in April 2019 for development will consist of a Battery Energy Storage System (BESS) which will include up to 9 no. containerised battery storage modules (up to 14m length, 2.44m wide and 2.9m high) and ancillary equipment.

ABP Ref: 301798-18 – Permission granted in April 2019 for Regional Biosolids Storage Facility (Strategic Infrastructural Development) – as part of Ringsend WwTP upgrade SID.

FCC Ref: FW18A/0159 - Permission granted in Jan 2019 for an increase in the annual volume of waste to be imported to the permitted bioenergy plant at Huntstown, North Road, Finglas, Dublin 11. The proposed increase is 9,900 tonnes, which would take the permitted volume from 90,000 tonnes to 99,900 tonnes.

6.4. **Licences relevant to the nearby sites;**

Ref: P0993-02 - Industrial Emissions Licence for the operation of an anaerobic digestion plant (including the associated wastewater treatment plant) operated by Huntstown BioEnergy Limited). Licensed August 2020.

Ref: W0277-03 - Waste Licence for Huntstown Inert Waste Recovery Facility. This relates to the infill of a quarry void using natural stone and soil and to the recovery of C&D waste at the new C&D waste recovery facility. Licensed October 2018.

7.0 **Policy Context**

7.1. **European Policy and Legislation**

European Green Deal

- 7.1.1. The European Green Deal, approved 2020, is a set of policy initiatives by the European Commission with the overarching aim of making the European Union (EU) climate neutral in 2050. An impact assessed plan will also be presented to increase the EU's greenhouse gas emission reductions target for 2030 to at least 50% and towards 55% compared with 1990 levels. The plan is to review each existing law on its climate merits, and also introduce new legislation on the circular economy, building renovation, biodiversity, farming and innovation.

Recast Renewable Energy Directive (Revision 2018/2001 [REDII])

- 7.1.2. This revision of REDI requires that the EU 2030 target for the share of renewable energy consumed in Member States should be at least 27%, and it established a binding target of at least 32% of renewable energy for the EU by 2030. Member

states are required to establish their contribution to the achievement of that target as part of their integrated national energy and climate plans.

Energy Roadmap 2050

- 7.1.3. This 2011 Roadmap deals with the transition of the energy system in ways that would be compatible with the greenhouse gas reductions targets set out in REDI.

Renewable Energy Directive (2009/28/EC [REDI])

- 7.1.4. This Directive requires a commitment to produce energy from renewable sources and set national binding targets on the share of renewable energy in energy consumption and in the transport sector to be met by 2020. It aimed to make renewable energy sources account for 20% of EU energy by 2020. Ireland had a national target of 16%. The government decided that 40% of electricity consumed in 2020 would be generated by renewables sources. Members States must submit National Renewable Energy Action Plans and Progress Plans to the EC.

Large Combustion Plant Directive (2001/80/EC)

- 7.1.5. This Directive requires reductions in emissions of acidifying pollutants, particles and ozone precursors.

The EU Habitats Directive (92/43/EEC)

- 7.1.6. Appropriate Assessment (AA) comes from the Habitats Directive (92/43/EEC), which seeks to safeguard the long-term survival of Europe's most valuable and threatened species and habitats. The geographical areas of particular importance to these species and habitats have been selected as Special Areas of Conservation (SAC) and Special Protection Areas (SPA) which are collectively referred to (in Ireland) as European sites. Together, these sites comprise the pan-European Natura 2000 network of protected areas.

- 7.1.7. Article 6(3) of the Directive states "*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's*

conservation objectives". Stage 1 of this process is referred to as Screening — the process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

7.2. National Policy and Legislation

Climate Action Plan, 2021

- 7.2.1. This plan seeks to tackle climate breakdown and it commits Ireland to a legally binding target of net-zero greenhouse gas emissions by 2050, emissions reduction of 51% and to meet up to 80% of electricity demand from renewables by 2030.

National Development Plan, 2021-2030

- 7.2.2. This Plan underpins the National Planning Framework. It contains several priorities related to transitioning to a low-carbon and climate resilient society (NSO8) including investment in renewable energy infrastructure.

National Planning Framework, 2018-2040

- 7.2.3. This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. It contains several National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) related to transitioning to a low-carbon and climate resilient society (NSO8), promoting renewable energy use (NPO55), and improving air quality (NPO64).

White Paper: Ireland's Transition to a Low Carbon Energy Future, 2015-2030

- 7.2.4. This document sets out a framework to guide policy and the actions intended to take in the energy sector up to 2030. It takes into account European and International climate change objectives and agreements, as well as Irish priorities.

Climate Action and Low Carbon Development Amendment Act 2021 amending
Climate Action and Low Carbon Development Act 2015;

- 7.2.5. This document establishes a framework to develop the national transition towards a low carbon economy. One of the most significant parts of the act is the proposed introduction of carbon budgets, which will become just as important as the annual fiscal budget and will represent the total amount of greenhouse gases (GHG) that may be emitted in the State during the budget period, measured in tonnes of carbon-dioxide equivalent.

7.3. Regional Policy

Regional Spatial & Economic Strategy for the Eastern & Midlands 2019-31

- 7.3.1. The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan and it sets out a strategic vision and policy objectives for the Dublin Metropolitan Area (DMA). It seeks to promote quality infrastructure provision and capacity improvement in tandem with new development aligned with national projects and improvements in water and wastewater, sustainable energy, waste management and resource efficiency. It seeks to reduce emissions and support the transition to a low carbon region by 2050.

Metropolitan Area Strategic Plan (MASP)

- 7.3.2. This provides a strategic plan and investment framework for Dublin metropolitan area which aligns with the outcomes of the RSES including its energy aims.

7.4. Local Policy – Development Plan

Fingal County Development Plan 2017-2023

- 7.4.1. This is the operative County Development Plan for the area. Section 7.3 of the plan outlines the Council's approach to Energy and Climate Change. The following objective is of relevance:

Objective EN22 - *Facilitate energy infrastructure provision at suitable locations, so as to provide for the further physical and economic development of Fingal.*

7.4.2. The site is zoned 'Heavy Industry HI' under the operative plan with a stated purpose to facilitate opportunities for industrial uses, activities and processes that may cause or result in adverse conditions to appropriate locations. Within the Development Plan, there are 293 ha of lands zoned for HI purposes, primarily located in the vicinity of the Huntstown Quarry in northeast Blanchardstown. The vision expressed for this zoning is to *'Facilitate opportunities for industrial uses, activities and processes which may give rise to land use conflict if located within other zonings. Such uses, activities and processes would be likely to produce adverse impacts, for example by way of noise, dust or visual impacts. HI areas provide suitable and accessible locations specifically for heavy industry and shall be reserved solely for such uses'*.

7.4.3. Gensys Power Ltd., T/A Huntstown Power Station, Huntstown Quarry, Finglas, D11 is listed under Table 12.13 of the plan as a Seveso site which has a stated consultation distance of 300m. The following objectives relate:

Objective DMS180 – *'Have regard to the provision of the 'Major Accident Directive' (Seveso III) (European Council Directive 2012/18/EU) and impose restrictions in consultation with the HSA, on developments abutting or within proximity of a Seveso site. The extent of restrictions on development will be dependent on the type of risk present and the quantity and form of the dangerous substance present or likely to be present'*.

Objective DMS183 – *'In areas where Seveso sites exist in appropriate locations with low population densities, ensure that proposed uses in adjacent sites do not compromise the potential for expansion of the existing Seveso use and in particular the exclusion of developments with the potential to attract large numbers of the public'*.

Objective DMS185 – *'Have regard to the advice of the Health and Safety Authority when proposals for new Seveso sites are considered and for all planning applications within the consultation distances stated in Table 12.13'*.

7.5. Other plans and policy documents

- Shaping out Electricity Future (EirGrid, 2021)
- Policy Statement on Security of Electricity Supply (DECC, 2021)
- Delivering a Secure, Sustainable Electricity System (EirGrid, DS3).

- ESB's Brighter Future Strategy.

7.6. National nature conservation designations

7.6.1. The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service (NPWS) are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network. The subject site is not located within or adjacent to any sites with a natural heritage designation. There are eight European Sites within 15km of the site, as follows:

- Malahide Estuary SAC [000205] – 9.8km to the northeast
- North Dublin Bay SAC [000206] – 11km to the east
- South Dublin Bay SAC [000210] – 11.2km to the southeast
- Baldoyle Bay SAC [000199] – 12km to the east
- South Dublin Bay and River Tolka Estuary SPA [004024] – 8.6km to the southeast
- Malahide Estuary SPA [004025] – 9.8km to the northeast
- North Bull Island SPA [004006] – 11.3km to the southeast
- Baldoyle Bay SPA [004016] – 12.1km to the east

7.6.2. The closest surface water body to the Proposed Development is the River Ward located approximately 500m to the north of the subject site. The existing drainage system currently discharges into the River Ward, a tenuous hydrological connectivity is therefore present via the Ward River, through the coastal waters of Malahide Estuary and Baldoyle Bay. This issue is examined further in Section 9 of this report.

7.6.3. No National Parks occurs within the vicinity or have connectivity to the proposed development. North Bull Island and Baldoyle Estuary are designated as a Nature Reserve and are located approximately 13.3km and 13.5km from Huntstown respectively. Dublin Bay is designated as a UNESCO Biosphere reserve.

- 7.6.4. No Ramsar sites were identified within the footprint of the proposed development. The closest recorded sites are: Broadmeadow Estuary located 9.8km to the northeast; North Bull Island located 11.3km to the southeast; and Baldoyle Bay located 12km to the east.
- 7.6.5. No sites of national designation occur within or in proximity to the proposed development site. The closest Natural Heritage Area (NHA) to the site is Skerries Islands NHA (001218) which is located approximately 23km to the north of Huntstown. No source-pathway-links were identified between the NHA and the proposed development. No pNHAs were recorded within the footprint of the works. Several pNHAs were recorded in the wider landscape. A number of these are coincide with one or more European designated sites as outlined. The closest pNHA is the Royal Canal (002103) which is located c. 3.8km south of the proposed site.

8.0 Legislative Context and Guidelines

8.1. Development (Emergency Electricity Generation) Act 2022 (October 2022)

- 8.1.1. This Act provides for emergency measures for electricity generation development to ameliorate and protect security of supply of electricity in the State because of exceptional circumstances which have arisen in the market for that supply and further because of the situation in Ukraine; for disapplication of the Planning and Development Act 2000 for the purpose of such development; for such development to be exempt from the provisions of Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, in accordance with Article 2(4) of that Directive; for application of arrangements for the alternative assessment of such development for the purposes of that Directive and the appropriate assessment of such development for the purposes of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, and for the co-ordination of such assessments; and to provide for related matters.

8.2. **European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)**

8.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a ‘first’ public authority for the same project (under a separate code of legislation) then a ‘second’ public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

8.3. **Planning and Development Acts 2000 (as amended):**

8.3.1. The Habitats Directive (92/43/EEC) and the associated Birds Directive (2009/147/EC) are transposed into Irish legislation by Part XAB of the 2000 Act and the Birds and Natural Habitats Regulations 2011 (as amended)(see Section 8.2 above). The legislative provisions for appropriate assessment screening for planning applications are set out in Section 177U of the 2000 Act.

8.3.2. **Section 181. - Development by State Authorities**

Subsection 181. (2T) (a) states that: “*A prospective applicant who is considering whether to apply for approval for proposed development under subsection (2A) may apply to the Board—*

(i) for a determination under sections 176A and 176B or section 177U, as to whether a proposed development would be likely to have a significant effect on the environment or an adverse effect on the integrity of a European site, as the case may be (and inform the prospective applicant of the determination), or

(ii) for an opinion in writing prepared by the Board on what information will be required to be contained in an environmental impact assessment report or Natura impact statement or both that report and that statement as the case may be, in relation to the proposed development”.

- 8.3.3. **Section 181. (2U)** then goes on to state that: “*On receipt of such an application under subsection (2T)(a), the Board shall make its determination or give its opinion, as the case may be, as expeditiously as possible*”

Subsection 181 (2V) states that “A prospective applicant shall, for the purposes of—

(a) consultations under subsection (2R), and

(b) the making of a determination or the giving of an opinion by the Board on an application under subsection (2T)(a),

supply to the Board sufficient information in relation to the proposed development so as to enable the Board to assess the proposed development”.

- 8.3.4. **Section 176B. (1)** under **Screening for environmental impact assessment** states that “A planning authority shall, where appropriate, carry out screening for appropriate assessment *in respect of a proposed development as provided for by section 177U(10) at the same time as carrying out a screening for environmental impact assessment in respect of the development under subsection (2).*

- 8.3.5. **Section 177U. (1)** under **Screening for appropriate assessment** states “*screening for appropriate shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site*”

The following subsections of Section 177U are also relevant:

- 8.3.6. **177U. (4)** “*The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site*”.

- 8.3.7. **177U. (5)** “*The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site*”.

- 8.3.8. **177U. (10)** *“In deciding upon an application under section 176A or a determination review or an application referral under section 176C, a planning authority or the Board, as the case may be, shall, where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section*
- 8.3.9. **Section 181. (2U)** states that *“On receipt of such an application under subsection (2T)(a), the Board shall make its determination or give its opinion, as the case may be, as expeditiously as possible”*.
- 8.3.10. **Section 181. (2V)** states that *“A prospective applicant shall, for the purposes of—*
(a) consultations under subsection (2R), and
(b) the making of a determination or the giving of an opinion by the Board on an application under subsection (2T)(a),
supply to the Board sufficient information in relation to the proposed development so as to enable the Board to assess the proposed development”.

8.4. Other Guidance

- 8.4.1. In addition to the various requirements of planning legislation, the following guidance was also considered relevant to the current assessment:
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2001)
 - Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 revision)
 - Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10
 - EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC Commission Notice C (2018) 7621.
 - EC (2021) Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive
 - Office of the Planning Regulator (March 2021). Appropriate Assessment Screening for Development Management. OPR Practice Note PN01.

- Updated Commission guidance document on the strict protection of species of Community interest under the Habitats Directive (October 2021)

9.0 Assessment

9.1. Introduction

- 9.1.1. On 4th October 2022 the Minister of the Environment, Climate and Communications applied to An Bord Pleanála, under Section 181 (2T)(a) of the Planning and Development Act 2000, as amended, for a determination under *sections 176A and 176B (concurrent determination under ABP ref. 314777) and section 177U*, as to whether a proposed development would be likely to have a significant effect on the environment or an adverse effect on the integrity of a European site, as the case may be (and inform the prospective applicant of the determination).
- 9.1.2. This section focuses on the assessment required under Section 177U. (1) of the Planning and Development Act 2000, as amended, which states that prior to any consent being given that a screening for appropriate assessment for the proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.
- 9.1.3. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 9.1.4. A “Screening for Appropriate Assessment” has been submitted to inform the Board’s determination. This report was prepared by Mott MacDonald (dated September 2022) on behalf of Huntstown Power Company Limited to inform the screening determination required under Section 177U of the Planning Acts. The submitted report concluded that, *“in the absence of mitigation, there is no potential for significant effects on any European sites from the proposed project, either alone or in-combination with other plans and/or projects, in view of best scientific information and the sites’ conservation objectives”*.

9.2. Background and Methodology

- 9.2.1. As part of the information submitted in the Screening for AA a comprehensive desk study was initially carried out in February 2022 followed by a subsequent review in July 2022. These desk studies relied on sources of information from the NPWS website and records and existing relevant mapping and databases e.g. Environmental Protection Agency - <http://gis.epa.ie/> , the National Biodiversity Data Centre - <http://maps.biodiversityireland.ie> and the National Parks and Wildlife Services - <http://www.npws.ie/mapsanddata/> , and the Forestry Service.
- 9.2.2. Two site surveys were carried out on 21st January and 16th of March 2022 by Mott MacDonald ecologists. These entailed mapping of habitats at and in the vicinity of the proposed works and all the associated infrastructure. The area was also searched for evidence of invasive plant species listed in Part 1 and non-native animal species listed in Part 2 of the Third Schedule of S.I No. 477 of 2011, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). The presence/location of drains was also noted in order to identify any potential pathways for surface water pollutants to connect into the wider environment.
- 9.2.3. The results of the habitat surveys conducted for the site noted that the proposed development is located in an area primarily comprised of existing hardstanding surfaces. The survey also noted that there are small areas of managed amenity grassland (GA2) and shrub and tree (Alder) planting scattered throughout the site. Other habitats noted during the surveys included an area of degraded dry calcareous and neutral grassland (GS1), located to the north of the existing hard standing, however it was also recorded that this area had been heavily grazed by horses and damaged by vehicular traffic. Outside of the proposed works area treelines (WL2) were noted along the northern boundary, mainly comprised of beech (*Fagus sylvatica*), alder (*Alnus glutinosa*), and ash (*Fraxinus excelsior*). Hedgerow (WL1) was also noted to the immediate east and north of the proposed site, part of which was considered overgrown in places, grading into scrub (WS1). Species recorded included willow (*Salix spp.*), elder (*Sambucus nigra*), blackthorn (*Prunus spinosa*), and hawthorn (*Crataegus monogyna*). A planted broadleaf woodland (WD1) dominated by ash and beech was recorded immediately adjacent to the north and east of the proposed site's boundaries. No habitats listed on Annex 1 of the Habitats Directive were noted on the site, nor were any invasive species noted.

- 9.2.4. No evidence of any Qualifying Interest, or Special Conservation Interest (SCI) species were recorded within or in proximity to the proposed development during site visits and no mobile SCI bird species were recorded.
- 9.2.5. The report notes that Peregrine (listed Annex 1 Birds Directive) do breed in the adjacent quarry (c. 500m from the subject site) however no risk of impact to this locally breeding species is likely.
- 9.2.6. No drainage ditches were recorded on site however an existing surface water collection system for the adjacent quarry was noted to the west. The report notes that the storm water drains from the plant combine with the storm drains from the Huntstown plant (IEL Licence P0483) facility prior to discharge. The discharge point is equipped with a 24hr flow proportional composite sampler. The storm water from the site is then discharged via the adjacent Roadstone Limited Quarry licensed discharge point to the Huntstown Stream which discharges to the Ballystrahan Stream, a tributary of the Ward River which in turn links c. 9.8km downstream to Malahide Estuary SAC [000205] and Malahide Estuary SPA [004025].

9.3. **Screening for Appropriate Assessment - Test of likely significant effects**

- 9.3.1. The first test of Article 6(3) is to establish if the proposed development could result in significant effects on a European site. This is considered Stage 1 of the appropriate assessment process i.e., screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and AA (NIS) carried out.
- 9.3.2. The proposed project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

9.4. **Brief description of the development**

- 9.4.1. The subject site has already been described under Section 3 above and a description of the main elements of the proposed development is included under

Section 4. Section 3.2 of the submitted AA Screening report also contains a description of the proposed development.

9.4.2. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:

- Construction related pollution - Surface Water Run-Off During Construction Phase, Dust emissions associated with demolition and Increases in Noise emissions.
- Habitat loss/fragmentation – Any direct loss.
- Habitat/species disturbance (during construction and/or operation/decommissioning) - Disturbance effects due to construction machinery, traffic and increased human presence.

9.5. **Submissions and Observations**

9.5.1. Submissions from two landowners, Huntstown Power Company Ltd and Roadstone Dublin Ltd have been received in relation to the proposed development. No concerns or observations were noted in either submission.

9.5.2. A submission was also received from the Environmental Protection Agency (EPA). This submission was mainly concerned with the EIA process and the process involved where the EPA receives a licence application. This is discussed in more detail within the concurrent determination under ABP Ref. 314777. Given that the current determination is concerned with Appropriate Assessment Screening pursuant to Section 177(U), matters in relation to EIA will not be discussed further in this report. I would ask the Board to refer to the determination under ABP Ref. 314777 for further information on the EIA Screening determination process.

9.6. **European Sites**

9.6.1. The development site is not located in or immediately adjacent to a European site, however I note that certain projects have the potential to impact on European sites beyond the footprint of the project itself. Screening for Appropriate Assessment should be carried out for any European Site within the likely 'Zone of Influence' of a plan or project. The Zone of Influence (Zoi) must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of

the ecological receptors, and the potential for in combination effects. In order to establish a Zol the submitted AA screening report outlined that nationally available data on protected habitats and species was mapped using Geographic Information System (GIS) and relevant Zols were established from this information for the various construction and operational phases and any potential resultant impacts on qualifying interests or SCIs.

- 9.6.2. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in table 9.1 overleaf. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 9.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.				
European Site (site code)	List of Qualifying Interest /Special Conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Special Area of Conservation (SAC)				
Malahide Estuary SAC [000205]	<ul style="list-style-type: none"> - [1140] Mudflats and sandflats not covered by seawater at low tide - [1310] <i>Salicornia</i> and other annuals colonising mud and sand - [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) - [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) - [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) - [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) 	c. 9.8km (northeast)	Hydrological connection exists through surface water from the site which discharges to the existing drainage system within Huntstown Power Station which in turn discharges into the River Ward located approximately 500m to the north. The River Ward ultimately discharges into the Malahide Estuary SAC which is c. 9.8km downstream of the proposed development site. As the ZoI for surface water emissions is catchment wide a possible source-pathway-receptor link is identified.	Y – see further assessment below from Section 9.7 onwards.
North Dublin Bay SAC [000206]	<ul style="list-style-type: none"> - [1140] Mudflats and sandflats not covered by seawater at low tide - [1210] Annual vegetation of drift lines - [1310] <i>Salicornia</i> and other annuals colonising mud and sand - [1330] Atlantic salt meadows 	c. 11 km (southeast)	No direct avenues of connectivity. No direct hydrological connectivity is present. A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide Estuary and North Dublin Bay, however, given the nature of this link i.e., through coastal waters	N (due to separation distance, lack of connectivity and dilution factor)

	<ul style="list-style-type: none"> - [1410] Mediterranean salt meadows - [2110] Embryonic shifting dunes - [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) - [2130] Fixed dunes (grey dunes)* - [2190] Humid dune slacks - [1395] Petalwort (<i>Petalophyllum ralfsii</i>) 		<p>which would dissipate any surface waters considerably, this is not a viable source-pathway-receptor link. The North Dublin Bay SAC is not located within the Zol of any other impacts associated with the proposed development. The project is not capable of giving rise to any impacts which are capable of affecting the North Dublin Bay SAC.</p>	
<p>South Dublin Bay SAC [000210]</p>	<ul style="list-style-type: none"> - [1140] Mudflats and sandflats not covered by seawater at low tide - [1210] Annual vegetation of drift lines - [1310] Salicornia and other annuals colonising mud and sand - [2110] Embryonic shifting dunes 	<p>c. 11.2 km (southeast)</p>	<p>No direct avenues of connectivity. No direct hydrological connectivity is present. A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide Estuary and South Dublin Bay, however, given the nature of this link i.e. through coastal waters which would dissipate any surface waters considerably, this is not a viable source-pathway-receptor link. The South Dublin Bay SAC is not located within the Zol of the proposed development. The project is not capable of giving rise to any impacts which are capable of affecting the South Dublin Bay SAC</p>	<p>N (due to separation distance, lack of connectivity and dilution factor)</p>
<p>Baldoyle Bay SAC [000199]</p>	<ul style="list-style-type: none"> - [1140] Mudflats and sandflats not covered by seawater at low tide - [1310] Salicornia and other annuals colonising mud and sand 	<p>c. 12km (east)</p>	<p>No direct avenues of connectivity. No direct hydrological connectivity is present. A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide</p>	<p>N (due to separation distance, lack of</p>

	<ul style="list-style-type: none"> - [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) - [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 		<p>Estuary and Baldoyle Bay itself., however, given the nature of this link i.e. through coastal waters which would dissipate any surface waters considerably, this is not a viable source-pathway-receptor link. Baldoyle Bay SAC is not located within the Zol of the Proposed Development. The project is not capable of giving rise to any impacts which are capable of affecting the Baldoyle Bay SAC.</p>	<p>connectivity and dilution factor)</p>
Special Protection Area (SPA)				
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p>	<ul style="list-style-type: none"> - [A046] Light-bellied brent goose (<i>Branta bernicla hrota</i>) - [A130] Oystercatcher (<i>Haematopus ostralegus</i>) - [A137] Ringed plover (<i>Charadrius hiaticula</i>) - [A141] Grey plover (<i>Pluvialis squatarola</i>) - [A143] Knot (<i>Calidris canutus</i>) - [A144] Sanderling (<i>Calidris alba</i>) - [A149] Dunlin (<i>Calidris alpina</i>) - [A157] Bar-tailed godwit (<i>Limosa lapponica</i>) - [A162] Redshank (<i>Tringa totanus</i>) - [A179] Black-headed gull (<i>Chroicocephalus ridibundus</i>) 	<p>c. 8.6 km (southeast)</p>	<p>No - Due to distance and the lack of any relevant ex-situ factors of significance to these species.</p> <p>There is no potential for direct impact to supporting habitat or for disturbance effects to core roosting or foraging habitat for any SCI species.</p> <p>Following site surveys and analysis of desk study information/records there is no evidence of utilisation of the works area by SCI species.</p> <p>A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide Estuary and South Dublin Bay.</p> <p>However, given the nature of this link i.e., through coastal waters which would dissipate any surface</p>	<p>N (due to separation distance, lack of connectivity, no evidence of use of the subject site by SCIs and dilution factor)</p>

	<ul style="list-style-type: none"> - [A192] Roseate tern (<i>Sterna dougallii</i>) - [A193] Common tern (<i>Sterna hirundo</i>) - [A194] Arctic tern (<i>Sterna paradisaea</i>) - [A999] Wetland and waterbirds 		waters considerably, this is not a viable source-pathway-receptor link. South Dublin Bay and River Tolka Estuary SPA is not located within the Zol of the Proposed Development. The project is not capable of giving rise to any impacts which are capable of affecting this SPA.	
Malahide Estuary SPA [004025]	<ul style="list-style-type: none"> - [A005] Great crested grebe (<i>Podiceps cristatus</i>) - [A046] Light-bellied brent goose (<i>Branta bernicla hrota</i>) - [A048] Shelduck (<i>Tadorna tadorna</i>) - [A054] Pintail (<i>Anas acuta</i>) - [A067] Goldeneye (<i>Bucephala clangula</i>) - [A069] Red-breasted merganser (<i>Mergus serrator</i>) - [A130] Oystercatcher (<i>Haematopus ostralegus</i>) - [A140] Golden plover (<i>Pluvialis apricaria</i>) - [A141] Grey plover (<i>Pluvialis squatarola</i>) - [A143] Knot (<i>Calidris canutus</i>) - [A149] Dunlin (<i>Calidris alpina</i>) - [A156] Black-tailed godwit (<i>Limosa limosa</i>) - [A157] Bar-tailed godwit (<i>Limosa lapponica</i>) 	c. 9.8km (northeast)	<p>There is no potential for direct impact to supporting habitat or for disturbance effects to core roosting or foraging habitat for any SCI species.</p> <p>Following site surveys and analysis of desk study information/records there is no evidence of utilisation of the works area by SCI species. No relevant ex-situ factors of significance.</p> <p>The closest surface water body to the proposed development is the River Ward located approximately 500m to the north. The existing drainage system within Huntstown Power Station discharges into the River Ward. The River Ward ultimately discharges into the Malahide Estuary SPA. As the Zol for surface water emissions is catchment wide a possible source-pathway-receptor link is identified.</p>	Y – see further assessment below from Section 9.7 onwards.

	<ul style="list-style-type: none"> - [A162] Redshank (<i>Tringa totanus</i>) - [A999]Wetland and Waterbirds 			
North Bull Island SPA [004006]	<ul style="list-style-type: none"> - [A046] Light-bellied Brent goose (<i>Branta bernicla hrota</i>) - [A048] Shelduck (<i>Tadorna tadorna</i>) - [A052] Teal (<i>Anas crecca</i>) - [A054] Pintail (<i>Anas acuta</i>) - [A056]Shoveler (<i>Anas clypeata</i>) - [A130] Oystercatcher (<i>Haematopus ostralegus</i>) - [A140] Golden plover (<i>Pluvialis apricaria</i>) - [A141] Grey plover (<i>Pluvialis squatarola</i>) - [A143] Knot (<i>Calidris canutus</i>) - [A144] Sanderling (<i>Calidris alba</i>) - [A149] Dunlin (<i>Calidris alpina</i>) - [A156] Black-tailed godwit (<i>Limosa limosa</i>) - [A157] Bar-tailed godwit (<i>Limosa lapponica</i>) - [A160] Curlew (<i>Numenius arquata</i>) - [A162] Redshank (<i>Tringa totanus</i>) - [A169] Turnstone (<i>Arenaria interpres</i>) - [A179] Black-headed gull (<i>Chroicocephalus ridibundus</i>) - [A999]Wetland and Waterbirds 	c. 11.3km (southeast)	<p>No - Due to distance and the lack of any relevant ex-situ factors of significance to these species.</p> <p>There is no potential for direct impact to supporting habitat or for disturbance effects to core roosting or foraging habitat for any SCI species.</p> <p>Following site surveys and analysis of desk study information/records there is no evidence of utilisation of the works area by SCI species.</p> <p>A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide Estuary and North Dublin Bay. However, given the nature of this link i.e., through coastal waters which would dissipate any surface waters considerably, this is not a viable source-pathway-receptor link. The North Bull Island SPA is not located within the Zol of the proposed development. The project is not capable of giving rise to any impacts which are capable of affecting this SPA.</p>	N (due to separation distance, lack of connectivity, no evidence of use of the subject site by SCIs and dilution factor)

<p>Baldoyle Bay SPA [004016]</p>	<ul style="list-style-type: none"> - [A046] Light-bellied brent goose (<i>Branta bernicla hrota</i>) - [A048] Shelduck (<i>Tadorna tadorna</i>) - [A137] Ringed plover (<i>Charadrius hiaticula</i>) - [A140] Golden plover (<i>Pluvialis apricaria</i>) - [A141] Grey plover (<i>Pluvialis squatarola</i>) - [A157] Bar-tailed godwit (<i>Limosa lapponica</i>) - [A999] Wetland and waterbirds 	<p>12.1km (east)</p>	<p>No – Due to distance and the lack of any relevant ex-situ factors of significance to these species.</p> <p>There is no potential for direct impact to core supporting habitat for SCIs. Likewise, there is no potential for disturbance effects to core roosting or foraging habitat for any SCI species. No evidence of utilisation of the works area by SCI species was noted during the site walkover and no sites were noted in the area based on a desk study.</p> <p>No direct hydrological connectivity is present. A tenuous hydrological connectivity is present via the Ward River, through the coastal waters of Malahide Estuary and Baldoyle Bay itself. However, given the nature of this link i.e. through coastal waters which would dissipate any surface waters considerably, this is not a viable source-pathway-receptor link. Baldoyle Bay SPA is not located within the Zol of the proposed development. The project is not capable of giving rise to any impacts which are capable of affecting this SPA</p>	<p>N (due to separation distance, lack of connectivity, no evidence of use of the subject site by SCIs and dilution factor)</p>
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9.7. Identification of Likely Significant Effects

- 9.7.1. As was demonstrated under Table 9.1 above viable source pathway receptor links were identified for Malahide Estuary SAC (000205), and Malahide Estuary SPA (004025) via the existing drainage system within Huntstown Power Station which in turn discharges into the River Ward located approximately 500m to the north, which in turn discharges into the Malahide Estuary SAC c. 9.8km downstream of the proposed development site. Although admittedly this link is tenuous, given that one does exist this issue requires further consideration. The potential for impact to these European Sites associated with the proposed works is discussed under Section 4 of the submitted AA screening.
- 9.7.2. The submitted report outlines that there will be no land take within or adjacent to any European sites, the proposed development is located within the existing Huntstown Power Plant lands and all works locations and potential access routes to same are located outside of European sites. Therefore, there is no potential for effects due to the size, scale, area, or due to land take associated with the proposed works.

Examination of Construction, Operational and Decommissioning Phase Impacts

- 9.7.3. Construction phase activity on the site will include a requirement to excavate material (c. 5,000m² of topsoil) and remove buildings within the footprint of the works. There is a requirement for additional hardstanding surface, within currently grassed areas on the northern end of the site where the existing grassland will be replaced with tarmacadam and hardcore chippings. The habitats within the proposed development site are either existing made ground or grassland subject to a high degree of disturbance due to the existing infrastructure and industry associated with Huntstown and the surrounding environs. No evidence of utilisation of the works area by any SCI species was noted during the site walkover.
- 9.7.4. All waste arisings resulting from excavation works will be managed in accordance with the Waste Management Act, 1996 and associated regulations. Excavated material will be tested on site prior to disposal off site or reuse on site. Excavated material will be re-used on site where possible in accordance with the Construction Resource and Waste Management Plan (Appendix A to the CEMP – see associated EIA Screening).

- 9.7.5. Transportation to the works areas will be via the existing road network. The works will result in a temporary increase in local traffic volumes during the construction phase of the works, however this increase is not expected to result in an significant impacts.
- 9.7.6. The proposed development will generate noise in the local vicinity during the construction, operation and decommissioning phases., however Malahide Estuary SAC has no noise sensitive QIs associated with it. I note that no evidence of utilisation of the proposed site area by any SCI species was recorded during the site surveys. Furthermore, Malahide Estuary SPA is located a significant distance from the proposed works area and therefore there is no potential for direct impact to core supporting habitat for SCIs. Likewise, there is no potential for disturbance effects to core roosting or foraging habitat for any SCI species. As such, given the location of the works relative to the European sites, there is no potential for impact to any European sites caused by noise and vibration associated with the proposed development including the construction. operation and decommissioning phases.
- 9.7.7. A new foul drainage network comprising a limited extent of underground pipework, will be provided around the extents of the proposed new welfare facilities. Foul wastewater will discharge to an existing septic tank within the Huntstown Power Plant complex which will be emptied, as is current procedure, by a licenced contractor to an approved licenced facility. There are no process wastewaters generated by the proposals.
- 9.7.8. There is limited potential for surface water run-off associated with site clearance, excavations, and stockpiled materials. It is proposed to collect runoff from hardstanding via a series of filter drains provided around the extents of the proposed site. The filter drains will convey flows to the existing outfall on the northwest boundary. Before discharging into the existing storm network, flows will be attenuated to 5.48l/s which is calculated as the greenfield runoff rate for the application boundary. Attenuation will be provided via below ground geo-cellular tanks. Rainfall/ runoff on the permeable gravel surfaces will percolate through the build-up. The formation below will be graded towards the filter trenches. The non-permeable laydown areas will be drained via traditional gullies or channels which will discharge into the filter drains (Refer to Appendix B drawings 229101133-MMD-00-XX-DR-D-0001 and 229101133-MMD-00-XX-DR-D-0002). None of the above

measures are considered mitigation in any form given that they form part of the development works and will feed into an existing system within the Huntstown Power Plant. None of the measures to be implemented are considered necessary for the protection of any European sites.

- 9.7.9. All chemicals and oils will be stored in suitably bunded areas. Table 3.1 of the AA Screening provides quantities for each substance and storage locations.
- 9.7.10. The Filter Trenches and Porous / Granular open grading surface to be incorporated into the design of the facility will ensure that the appropriate treatment of run-off in relation to the contamination risk for each surface type has been considered. In the event that there is insufficient settlement to prevent the fines from entering into the Ward River, it is of note that the hydrological route to the European sites is significant in length (9.8km). The combination of surface-water inputs, and the coastal waters within Malahide Estuary will further attenuate any discharge such that there is no potential for impact to habitats within the European sites. In addition, the habitats and species associated with these European Sites are coastal in nature. The input of sediment to these systems takes place as part of their natural processes. As such, there is no potential for significant effects to any European sites as there are no sensitive species or habitats associated that may be impacted by the works.
- 9.7.11. Additional pollution control measures are outlined in Section 3.3 of the submitted AA Screening and these form part of the proposed development and will ensure local surface water to the development is protected from pollution and compliance with the existing EPA license (IEL Licence P0483-04). Again, these measures should not be construed as mitigation measures in any form. In addition, given that the site is EPA licenced, there is a pre-existing requirement to monitor surface water discharge from the entire site – which will include this discharge once the project is operational. The emission limit values under this licence will control surface water discharge as happens currently.
- 9.7.12. Considering the above information, I am satisfied that there is no potential for significant effects on any European Sites caused by surface water emissions associated with the proposed development from the construction, operation and decommissioning phases

9.7.13. In my opinion the intervening land uses, and the separation distance means that water quality in the European sites will not be negatively affected by any contaminants, such as silt from site clearance and other construction activities and if such an event were to occur, due to dilution and settling out over such a distance no significant effects would be likely. Therefore, the construction, operational and decommissioning phases of this development will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

9.8. In-combination Effects

9.8.1. All recent extant and proposed planning applications in the area have been screened for appropriate assessment and where necessary an examination of relevant Natura Impact Statements has been conducted. Section 4.1 of the submitted AA screening report provides an assessment of the potential impacts of the proposed works in combination with any other relevant plans or projects. The subject site is zoned for Heavy Industry under the operative Fingal County Development Plan 2017-2023. I note that the surrounding area is predominantly comprised of other industrial and commercial uses. Several developments which overlap with, or are in proximity to the proposed development, or are within the same river catchment were considered to have the potential for in-combination effects on European sites. Those specific developments which warranted further investigation are discussed in more detail under Section 4.1.2 of the AA Screening and include:

1. Greater Dublin Drainage Project [Irish Water] (ABP SID Application GDD: PA0055 & PA06F.312131) – NIS submitted which included mitigation measures in relation to surface water pollutants and disturbance to SCI (bird) species at adjacent SPA sites. I note that these features are not within the ZOI of the proposed development.
2. Renewable Bioenergy Plant Upgrades [Huntstown BioEnergy Limited] (FW18A/0082) - A screening for Appropriate Assessment was carried out for this project and concluded that "*the proposed modifications to the WwTP at the Renewable Bioenergy Plant at Huntstown, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 site(s)*".

3. Data Hall Buildings [Huntstown Power Company Ltd] (FW21A/0151) – NIS submitted which ensured suitable precautionary mitigation to ensure no adverse effects are likely to distant European sites.
4. 'Mooretown' 220kV substation [Huntstown Power Company Ltd] (FW21A/0151); - AA Screening submitted concluded; *"It can be excluded, on the basis of objective information and in the absence of mitigation measures, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site"*.
5. Electrical infrastructure between Huntstown Power Station and Finglas substation [TLI Group Ltd] (FW21A/0144) - The AA Screening submitted concluded; *"It can be excluded, on the basis of objective information and in the absence of mitigation measures, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site. An appropriate assessment is not, therefore, required"*.

9.8.2. I am satisfied that given the nature and scale of the proposed development, its location in relation to European sites, and results of the assessments (AA Screening and NIS where required) for the projects listed above, that no potential for in combination effects exists and that the current proposal will not cause any likely significant effects that would result in any significant in-combination effects. There are therefore no identified plans or consented projects which have the potential to act in-combination with the proposed development during all phases including construction, operation and decommissioning.

9.9. Mitigation Measures

9.9.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

10.0 Screening Determination

10.1. Finding of no likely significant effect

10.1.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out

Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Malahide Estuary SAC (000205), Malahide Estuary SPA (004025) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

10.1.2. This determination is based on the following: the distance of the proposed development from European sites, dilution factor of both the freshwater and marine environments and lack of ecological connections to those sites.

Máire Daly
Planning Inspector

08th November 2022