



An  
Bord  
Pleanála

## Inspector's Report ABP-319808-24

<b>Development</b>	Proposed development of a Recreational Sports Hub.
<b>Location</b>	Rathmore Park Recreational Sports Hub, Lusk, Co. Dublin.
<b>Local Authority</b>	Fingal County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment).
<b>Prescribed Bodies</b>	Department of Housing Local Government and Housing (Development Applications Unit)
<b>Observer(s)</b>	Councillor Robert O'Donoghue Fingal Triathlon Club Lusk Community Council Lusk Community Sports Club Lusk United AFC Round Tower GAA Club Lusk Athletic Club
<b>Date of Site Inspection</b>	17 <sup>th</sup> September 2024
<b>Inspector</b>	Aoife McCarthy

## **1.0 Introduction**

- 1.1. Fingal County Council is seeking approval from An Bord Pleanála to construct a Recreational Sports Hub at Rathmore Park, Lusk, Co. Dublin. The site is adjacent to the Rogertown Estuary SAC, Rogerstown Estuary SPA and North-west Irish Sea SPA designated European sites. There are several other designated European sites (SPAs and SACs) in the wider area. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a Recreational Sports Hub consisting of:
  - An all-weather GAA training area (74m x 28m) with a ball-wall at the northern end of the pitch, 2 no. ball stops, at the south and north of the training area;
  - An all-weather soccer pitch with flood lighting;
  - an all-weather 8 lane athletics running track with flood lighting, enclosed with a 1.2m high mesh fence;
  - Extension to the existing car park of 21 no. spaces including disabled and EV ready parking bays;
  - 1 no. storage container for sports equipment;
  - Landscaping works including boundary treatments;

- Covered bicycle parking (30 no. spaces);
- 'A teenage space' (consisting of a half size basketball court and hang-out zone); and
- all other ancillary works, including re-location of existing play equipment, new signage, footpaths and drinking fountain.

## 2.2. **Accompanying documents**

2.2.1. The application is accompanied by the following:

- Summary Planning Statement
- Cover Letter
- Public notices (Newspaper)
- Natura Impact Statement (NIS) including an Appropriate Assessment Screening Report (AASR)
- Environmental Impact Assessment (EIA) Screening Report
- Flood Risk Assessment
- Outline Construction Environmental Management Plan
- Drawings
- Rendered Images
- Civil and Structural Engineering drawings
- Emails to Prescribed Bodies

## 3.0 **Site and Location**

3.1. The has a stated area of 3.5 ha and is located within Rathmore Park, Rathmore Road, Lusk, Co. Dublin. The site is bound by lands forming part of Rathmore Park to the north; by the R127/Rathmore Road to the south; by Lusk Community College to the east and by a (grass) football pitch to the west. Clonrath (residential) estate is located to the west of the adjoining pitch.

3.2. The subject site is located within the southern portion of Rathmore Park, a recreational park with a stated area of 7.5 ha, and bound to the north by open lands

to the northwest and Rahenny Park residential estate to the northeast. Access to the park is from the R127. The northern section of the park is separated from the southern section by a narrow band of planting and metal fence. Metal fencing is also located around the perimeter of the park.

- 3.3. A watercourse, Rathmooney Stream (also referred to locally as Bride Stream) is located to the south of the site, and north of the Rathmore Road. The watercourse flows in an easterly direction into the Rogerstown Estuary SAC (00208) and SPA (00415).
- 3.4. The site primarily comprises of amenity grassland with small areas of hardstanding including a playground and a car park. The site is open in character, with the wider area primarily residential in character, with educational uses to the east. The site is located to the north of Lusk village.

## 4.0 Planning History

### 4.1. Subject Site

- 4.1.1. None.

### 4.2. Environs of Site

- 4.2.1. A series of residential permissions are located within the vicinity of the site. These have been taken into consideration with respect to the subject development.

## 5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** 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 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.

5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service 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.

5.4. European sites located within proximity to the subject site include:

European site (SAC/SPA)	Distance to Site
Rogerstown Estuary SAC (000208)	2.27km
Rogerstown Estuary SPA (004015)	2.27km
North-West Irish Sea cSPA (004236)	4.7km
Malahide Estuary SAC (000205)	5.89 km
Malahide Estuary SPA (004025)	5.89 km
Rockabill to Dalkey Island SAC (00300)	5.91km
Lambay Island SAC (004201)	9.2km
Skerries Island SPA (004122)	6.05km
Rockabill SPA (004014)	7.53km
Lambay Island SPA (004069)	9.18km
Baldoyle Bay SAC (000199)	12.2km
Baldoyle Bay SPA (004016)	12.3km
River Nanny Estuary and Shore SPA (004158)	13.61km
Ireland's Eye SPA (004147)	14.18km
Ireland's Eye SAC (002193)	14.62km

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

5.6. **Project Ireland 2040 National Planning Framework (NPF), 2018**

5.6.1. The NPF includes the following relevant guidance.

**National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and

enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

**National Policy Objective 28:** Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

#### 5.7. **Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031**

5.7.1. The RSES includes the following relevant Regional Policy Objective:

**Regional Policy Objective 9.15:** Local Authorities shall support the vision and objectives of the National Sports Policy, including working with local sports partnerships, clubs, communities and partnerships within and beyond sport, to increase sport and physical activity participation levels locally.

#### 5.8. **Fingal Development Plan 2023-2029**

#### 5.9. **Land Use Zoning**

5.9.1. The site is subject to land use zoning objective 'OS (Open Space)' with the objective to 'Preserve and provide for open space and recreational amenities'.

5.9.2. The site is identified on the Green Infrastructure mapping with a site-specific Objective **GIM1** which seeks to,

Provide new Active Recreational Hubs in Bremeare Regional Park, St. Catherine's Park (Rush), Lusk, Donabate, Mooretown/Oldtown (Swords), Drinan, Baldoyle Racecourse Park and Phoenix Park Racecourse.

#### 5.10. **Development Plan – Social, Community and Open Space Policies/Objectives**

5.10.1. Section **4.3** of the Plan identifies locations for sport and recreational facilities, including reference to the village of Lusk (Lusk Vision 2030: Lusk for Life' action plan, a community based strategic plan, prepared by Lusk Community Council.

5.10.2. The Plan notes the following with respect to Active Recreational Hubs:

Recreational Hubs include high specification, well-serviced sports facilities designed for high-intensity use, catering for a range of sporting codes and located so that they facilitate ease of access with good connectivity via active travel infrastructure.

Proximity to primary and post-primary schools is also a factor in determining the optimum location for these facilities.

5.10.3. The Plan also notes that,

The intensification of use in these hubs is achieved by the inclusion of professionally designed and constructed grass pitches, all-weather sports pitches and athletics facilities which are floodlit and available for evening use when demand is high.

5.10.4. The Recreational Hub model is predicated on the Council consulting/liasing with relevant local clubs, with a view to these clubs becoming stakeholders in the facilities.

5.10.5. The Plan also includes the following relevant policies/objectives:

**Policy CIOSP6 – Facilities for Children, Teens and Young Adults** - Provide appropriate recreational, community, social and educational facilities for children, teens and young adults.

**Policy CIOSP8 – Sports Facilities** - Ensure that all communities in the County are facilitated with a variety of sporting facilities that are fit for purpose, accessible and adaptable.

**Objective CIOSO13 - Active Recreational Hubs and Multi-Use Games Areas** - Promote the development of high-quality and multi-functional recreational facilities throughout Fingal, including Active Recreational Hubs and Multi-Use Games Areas to meet existing and future community needs, in accordance with the National Sports Policy 2018–2027.

#### 5.11. **Development Plan – Green Infrastructure**

5.11.1. The site is also subject to ‘Parks/Open Space’ objective on the Green Infrastructure (Map 3).

5.11.2. The Green Infrastructure mapping identifies a river forming part of the Fingal Ecological Network along the southern boundary of the subject site. The watercourse is also identified to be of ‘Moderate’ EPA River Water Quality Status, referring to a reduced diversity of species and the presence of ‘moderate’ status water bodies.

#### 5.12. **Development Plan – Flood Risk Assessment**



5.12.1. **IUO16:** Have regard to the OPW Flood Risk Management Guidelines (2009), as revised by Circular PL 2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans and to require site specific flood risk assessments are to be considered for all new developments within the County. All development must prepare a Stage 1 Flood Risk Analysis and if the flooding risk is not screened out, they must prepare a Site-Specific Flood Risk Assessment (SSFRA) for the development, where appropriate.

#### 5.13. **Lusk for Life - Town Centre First Plan 2024-2032**

5.13.1. This non-statutory action plan was prepared by Lusk Town Team, in collaboration with Fingal County Council, following the publication of Town Centre First (TCF) national policy, launched by the Department of Housing, Local Government and Heritage (DHLGH) and the Department of Rural and Community Development in 2022.

5.13.2. The Plan identifies Lusk Recreation Hub (Project 20) as the most significant outdoor amenity space in the village, noted to be used by multiple sports groups, with opportunities to create links to adjoining school grounds/basketball facilities. The Plan includes a series of proposals across the full extent of Rathmore Park, including 5 no. tennis courts, a 400m running track, a shared indoor sports facility, increased capacity car park with new pedestrian crossing across the R127.

#### 5.14. **Development Plan – Archaeology**

5.14.1. The Development Plan includes the following policy with respect to the protection of archaeological heritage.

Objective **HCAO8 – Archaeological Impact Assessment** Require that proposals for linear development over one kilometre in length; proposals for development involving ground clearance of more than half a hectare; or developments in proximity to areas with a density of known archaeological monuments and history of discovery; to include an Archaeological Impact Assessment and refer such applications to the relevant Prescribed Bodies.

5.14.2. The Development Plan identifies monuments as recorded on the Sites and Monument Record (SMR), maintained by the National Monument Service (NMS). There are no records of sites within the application site. There are 3 no. records within 350m of the subject site, as noted below:

- SMR No.: DU 008-082
- SMR No.: DU 008-054
- SMR No.: DU 008-125

## 6.0 Consultations

6.1. The application was circulated to the following bodies:

- An Taisce
- Department of Housing, Planning and Local Government
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Inland Fisheries Ireland
- The Heritage Council
- Uisce Éireann

6.2. Responses were received from the following:

- **Department of Housing Local Government and Housing (DHLGH)  
Development Applications Unit (DAU)**
  - The submission notes the proposed development to be located in proximity to an area of high archaeological potential established around Lusk (Recorded Monument Ref.: DU008-010 refers).
  - Having reviewed the Planning Statement as submitted with the application, the Department recommend that an Archaeological Impact Assessment (AIA), with the following suggested conditions:
    1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site (to be incorporated into the Construction and Environmental Management Plan (CEMP)). The assessment will include the results of an archaeological geophysical survey. No sub-surface work

should be undertaken in the absence of the archaeologist without his/her express consent.

2. The archaeologist should carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licenced under the National Monuments Act 1930-2004) having consulted the site drawings.
  3. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department in advance of commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.
- The DHLGH notes that in the event that significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required.

### **6.3. Public Submissions:**

6.3.1. 7 no. third party submissions are on file, as below:

- Councillor Robert O'Donoghue
  - The Councillor gives his full support to the application.
  - The submission notes that the population of Lusk has quadrupled over the past 25 years, placing a higher demand on existing community facilities.
  - The submission notes that the site of the subject hub is directly adjacent to schools, increasing the potential daytime use and financial viability of these facilities.
  - The submission notes that it is the intention that a Special Purpose Vehicle (SPV) would be formed with the Lusk Community Sports Group and the Council, to manage the facilities via a Management Agreement.
  - The submission notes that the application has been stewarded by the Lusk Community Sports Group (made up of a number of Sports Clubs

and Community Groups in conjunction with Fingal County Council (FCC)).

- Fingal Triathlon Club
  - The club gives their full endorsement to the proposed development.
  - The club is an active member of Lusk Community Sports Group, with approximately 100 members.
  - If approved, the benefits are considered far reaching and positive; supporting active recreation and social inclusion as part of on-going provision of community services to Lusk and wider Fingal area.
- Lusk Community Council
  - The Council is a member of Lusk Community Sports Group, and fully support the proposal.
  - The submission makes reference to the critical list of community and recreational plans required for the expanded residential community within Lusk and environs, as identified within the updated Lusk for Life 2024-2032 Plan.
- Lusk Community Sports Group
  - The group fully endorse the proposed development.
  - The group consists of a number of community groups, sports clubs, and educational institutes including 5 schools within the Electoral District (ED) of Lusk.
  - The group has engaged with FCC to develop a masterplan for these lands, which is noted to align with the subject proposal.
  - The submission refers to significant growth in population of Lusk and consequent need for community/recreation services to cater for this new population.
- Lusk United AFC
  - The club gives their full endorsement of the proposed development.

- The club is an active member of Lusk Community Sports Group, with approximately 850 members across a wide range of age groups, as well as for wider community groups.
- If approved, the benefits are considered to be far-reaching, in terms of active recreation, social inclusion as part of on-going provision for the growing community.
- Round Towers GAA Club
  - The club welcomes the provision of community facilities, however considers the GAA facilities to be inadequate; noting;
    - There is no flood lighting provided to the GAA ground.
    - There are inconsistencies in the size of the ball wall in the documentation as submitted.
    - The GAA pitch at 74m x 28m is excessively small.
    - The all-weather soccer pitch is also too small to accommodate fixtures for above GAA teams above under 8 age group.
  - The proposal will result in the loss of an open and accessible space community /recreation facility; replaced with a series of fenced in areas, which, in the view of this club, is only accessible to a limited number of sports clubs.
  - There has been insufficient consultation prior to the submission of this application.
  - The facilities are not sufficient to cater for the future growth of camogie in Lusk and wider environs.
- Lusk Athletic Club
  - The club gives its full endorsement of the proposed development.
  - The club is an active member of Lusk Community Sports Group, with approximately 700 members (50:50 adult to juvenile membership).
  - The club primarily uses the facilities at Rathmore Park, noting the use of gravel paths, which are substandard.

- It is considered the health/active recreation benefits are far reaching and would enable the club to continue to grow.

## **7.0 EIA Screening**

- 7.1. The application is accompanied by a report entitled 'Environmental Impact Screening Report', which, in my opinion, comprises information as prescribed under Schedule 7. A Preliminary Examination has therefore been carried out. (Please refer to Appendix 1, Forms 1 and 2.)

## **8.0 Assessment**

- 8.1. Section 177AE (6) of the PDA requires that the Board, before making a decision, shall (inter alia) consider:

- the likely effects on the environment,
- the likely consequences for the proper planning and sustainable development in the area, and
- the likely significant effects of the proposed development upon a European Site.

The structure of the assessment follows these headings.

### **8.2. Likely Effects on the Environment**

- 8.2.1. Having examined the application details and all other documentation on file, including submission, having inspected the site and having regard to the relevant local and national policies and guidance, I consider that the substantive issues with respect to the likely effects on the environment are as follows:

- Archaeology
- Biodiversity
- Flood Risk

- 8.2.2. These are discussed below.

### **8.3. Archaeology**

- 8.3.1. The Planning Statement accompanying this application includes a statement with respect to archaeology.
- 8.3.2. I note that the subject site is located to the north of the Zone of Notification of Lusk, (RMP Ref: DU008-010) as defined on the DHLGH database, and as noted within the Fingal Development Plan 2023-2029.
- 8.3.3. As noted above, there are no monuments on the Sites and Monuments Record (SMR) within the subject site. The closest records are located to the south (SMR No. DU008-082) and to the northeast of Rathmore Park (No. DU008-054, No. DU008-125).
- 8.3.4. The report as submitted by the Applicant notes that archaeological remains have not been identified as part of National Monuments Service (NMS) approved excavation works within the wider environs of the subject site. On this basis, the Applicant has suggested that a pre-construction archaeological assessment is undertaken to determine any required testing for unidentified archaeological material. The applicant also recommends liaison with the Council's Heritage Officer during both pre-construction and construction phases, and monitoring during ground works if recommended in the pre-construction assessment, to best practice standards.
- 8.3.5. In this context, the submission as received from the DHLGH considers that having regard to the scale of the site and location in proximity to the zone of archaeological potential, that an Archaeological Impact Assessment (AIA) should be prepared and agreed in advance of commencement of construction works.
- 8.3.6. In this context, having regard to the nature of the proposal, the location of the subject site at a distance from the proposed Zone of Archaeological Notification for Lusk, and lack of SMR records within or immediately bounding the subject site, I am satisfied that the preparation of an AIA in this instance, is unnecessary.
- 8.3.7. Nonetheless, in the event that the Board are minded to grant approval for the subject proposal, I recommend the inclusion of a condition of permission requiring the notification of the DHLGH and the NMS, in the event that archaeological material is discovered in the course of site works, in the interests of preserving archaeological material during the course of development.

8.3.8. In conclusion, on implementation of the above noted condition, I am satisfied that the proposed development would not result in adverse impacts to the archaeological heritage of the subject site and environs.

#### **8.4. Flood Risk**

8.4.1. The application is accompanied by a Flood Risk Assessment (FRA), prepared on behalf of the applicant. The assessment confirms that fluvial flooding within the site boundary is confined to the watercourse (Rathmooney stream) on the southern boundary of the site, and in the event of a flood would not flood out-of-bank and form a floodplain. This is based on OPW FEM FRAMS (Fingal East Meath Flood Risk Assessment and Management Study) map/database and the Strategic Flood Risk Assessment (SFRA) prepared for the Fingal Development Plan 2023-2029.

8.4.2. The Report notes that the application does not include any works to the watercourse crossing at the site entrance, with development located fully outside of the floodplain. As a result, the proposed development is not considered to be at risk of flooding.

8.4.3. In this context, the site is wholly within Flood Zone C (where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). The proposal will also have no potential to impact flood risk elsewhere.

8.4.4. With respect to potential surface water (pluvial) flood risk, the report notes that the lands to the south, east and west are at similar or lower levels to the subject site. Surface water run-off from these areas would therefore not be directed towards the site. Potential surface water drainage from the north of the site is noted to follow preferential flow paths provided by the public roads, and spread over a wide area. The report therefore notes that the site is not at risk of pluvial flooding originating from surrounding lands.

8.4.5. With respect to pluvial flooding, the proposed development is noted to include a series of Sustainable Urban Drainage System (SuDS) measures in order to mitigate surface water run-off from the site. This includes permeable paving sub-base storage beneath the pitches and car park; a filter drain to the athletics track, inspection chambers and connections to attenuation storage area. The development also includes the provision of green roofing to both proposed cycle parking areas and the covered teenage hangout facility.



- 8.4.6. The report notes that SuDS proposals will be subject to detailed design, at which stage discharge via infiltration and/or attenuation will be confirmed. In this context, it is recommended that in the event that the Board decide to grant approval, that the final surface water drainage is agreed, prior to the commencement of development.
- 8.4.7. In this context, in my opinion, the FRA as submitted with the application constitutes a robust technical assessment; and that the subject site represents a suitable location for the proposed development, primarily due to the site's designation within Flood Zone C, and that in the event of flood risk, that the Rathmooney stream is not anticipated to flood beyond this watercourse corridor, forming a floodplain.
- 8.4.8. In addition, in my opinion, the proposed development includes bespoke site-specific SuDS measures to optimally address surface water drainage to the Rathmooney stream during construction and operational phases.
- 8.4.9. In conclusion therefore, I am satisfied that the proposed development would not give rise to flood risk within the subject site or wider environs. I therefore consider the proposed development to be acceptable with respect to flood risk.

## **8.5. Biodiversity**

- 8.5.1. The closest European sites (Rogerstown Estuary SAC and Rogerstown Estuary SPA) is located within approximately 3km of the subject site. These European sites contain habitats and species which are sensitive to water quality and siltation.
- 8.5.2. As noted above, the site is primarily composed of amenity grassland, with small areas of hardstanding relating a surface car park, pathways and playground areas.
- 8.5.3. The proposal will result in the permanent loss of c. 2 ha of amenity grassland. In this context, the wintering bird survey forming part of the Appropriate Assessment Screening Report) AASR and Natura Impact Statement (NIS) has confirmed that habitat on site does not have any significant value for supporting Special Conservation Species (SCI). It is therefore considered that that the loss of this habitat, will not result in significant effects on the SCI species within adjoining European sites, or those otherwise utilising the site.
- 8.5.4. As noted above, the Rathmooney stream, which runs to the south of the site is a pathway for potential significant effects via surface water and sediment/soil works run-off during the construction phase, potentially resulting in a loss and/or reduction

in habitat area. This could also lead to a reduction in species density via a reduction in water quality within the Rogerstown Estuary SAC and SPA.

- 8.5.5. In this context, the application has included a series of SuDS measures which are noted to address the potential impact to water quality via surface water. Notably, this includes microplastic filtration system, which in my opinion, supports the reduction in amenity grassland arising from the proposed development.
- 8.5.6. The subject application also includes a series of mitigation measures relating to the protection of water quality during construction and operational phases which have been introduced, taking account of a range of potential risk factors as outlined within the AASR and NIS and Outline CEMP, as discussed below.
- 8.5.7. The site otherwise does not contain any significant tree cover, with linear planting along the site boundaries, particularly to the north and south of the site. The proposed development will include limited additional planting to the west of the additional car parking spaces. Notwithstanding, in my opinion, this measure along with maintenance of existing boundary treatments will have a minor positive impact to the overall biodiversity within the subject site.
- 8.5.8. I note that the AASR and NIS confirms that no third schedule invasive species were found within or surrounding the subject site.
- 8.5.9. Having regard to the above, it is considered that, on the implementation of all mitigation measures, that the proposed development will result in negligible adverse impacts on the habitats and SCI species within the subject site and environs, referring the Board to Section 8.13 of this Report relating to Appropriate Assessment.

**8.6. The likely consequences for the proper planning and sustainable development of the area**

8.6.1. I consider the following to be the substantive issues relating to the proper planning and sustainable development of the area:

- Principle of Development
- Justification / Rationale for Project
- Design and Layout
- Residential Amenity
- Access and Transportation

**8.7. Principle of Development**

8.7.1. As noted above, the subject site is subject to Open Space zoning objective. It is noted that Community Facility, Golf Course, Open Space and Recreational/Sports Facility uses are Permissible in Principle under this zoning objective.

8.7.2. Notably, the principle of the proposed development is also supported by Site Specific Objective GIM1, supporting the provision of a new active recreational hub in Lusk.

8.7.3. Having reviewed the documentation, in my opinion, the proposed active recreational hub aligns with the Recreational/Sports facility use as referenced in the Development Plan.

8.7.4. I note that Rathmore Park is classified as a Local Park under the Development Plan. In this context, the Plan notes that the active recreational hub will have an intended catchment radius of between 500m-1km.

8.7.5. As noted above, the park is bound by established residential uses to the north, south and west, and with extant permission for additional residential development to the north of the site (P.A. Reg. Ref.: F23A/0503 refers). The site also bounds the established educational facilities to the immediate west of the site.

8.7.6. As referenced above, the Lusk for Life Action Plan 2024-2032 includes an indicative layout, relating to the full extent of Rathmore Park, noting that the subject proposal is located within the southern section of the Park only.

- 8.7.7. By way of comparison, the proposal includes a 400m running track and all-weather soccer pitch. The proposed all-weather GAA training area is not specifically referenced in the indicative layout. I note that the proposed development does not include tennis courts. Notwithstanding, in my opinion, the proposed development is sufficiently consistent with the indicative layout of this non-statutory Action Plan.
- 8.7.8. It is considered that the principle of providing this facility at this location is acceptable, supporting the established and prospective residential communities within the vicinity of the subject site, consistent with Policy Objectives CIOSP6, CIOSP8 and CIO013 of the Development Plan.
- 8.7.9. The proposed development is considered to support the delivery of sustainable communities through the provision of accessible services; as well as the supporting the changing role and function of urban centres, in tandem with population growth, supporting national planning policy, as referenced above.
- 8.7.10. In conclusion therefore, I consider that the principle of the proposed development accords with relevant provisions of the Development Plan.

#### **8.8. Justification / Rationale for Project**

- 8.8.1. The proposed development is considered to align with the Open Space zoning objective of the subject site and is consistent with objectives of the Development Plan. This includes a specific objective for the provision of an Active Recreation Hub at this site, serving a population within 1km radius catchment of the subject site.
- 8.8.2. In this context, the population of Lusk has increased by c. 29.5% over the intercensal period between 1996 and 2022 to 10,774 persons (Source: Census of Ireland), as noted by the applicant and third parties. This is considered to represent a significant growth in population, supporting the requirement for the delivery of the subject development proposal.
- 8.8.3. In my opinion, the site is also suitably located to serve established and prospective population within Lusk, noting the 1km radius includes established residential areas to the west (Clonrath); southeast (Barneswall) and north (Rahenny Park). The proposal will also serve lands subject to RA (New Residential) Zoning Objective under the Fingal Plan to the northwest and southeast of the site (P.A. Reg. Ref.: F23A/0503 and F20A/0523 refer).

- 8.8.4. To the south, the 1km catchment extends approximately to Station Road therefore serving the majority of the population resident within Lusk village.
- 8.8.5. As noted above, the site is also located adjacent to the established educational uses to the immediate east of the site. In this context, this site, is, in my view, suitably spatially located to serve the existing and future residential populations within Lusk.

#### **8.9. Design and Layout**

- 8.9.1. Having reviewed the full application, I am satisfied that the layout will provide a highly functional and efficient use of this portion of the park. Notably the proposed soccer pitch is enclosed by the proposed running track. The proposed all-weather GAA training area, located within the western side of the site. Flood lights are provided to both the proposed GAA training area (8. no) and running track.
- 8.9.2. I note commentary from Round Tower GAA Club, noting that this training area is considered to be excessively small and without flood lighting. In this context, there is no standard at national planning level or within the Fingal Plan to dictate the size of these facilities. I can confirm however, that this training area is, in my view, provided with suitable flood lighting and that the development provides an acceptable design and layout.

#### **8.10. Residential Amenity**

- 8.10.1. I note that the GAA training is bound by a 6m high ball stop fence. Boundary fence treatments around the perimeter of the site are 1.2m in height.
- 8.10.2. Having regard to the distance between these facilities and adjoining residential areas, I am satisfied that the proposed ball and boundary fencing is acceptable, enhancing the safety to the wider residential community. I also consider that the proposed fencing around the perimeter of the site to be acceptable with respect to the visual amenities of the site and wider environs, having regard to the extent of established planting to the south of the site and intervening distances between established residential uses.
- 8.10.3. I therefore consider the proposed development to be acceptable with respect to the visual and residential amenities of the site and environs.

#### **8.11. Access and Transportation**

- 8.11.1. The proposed development will be accessed via the existing vehicular entrance to the site from the R127 Rathmore Road, which provides access to an existing surface level car park, expanded to the west by 2 no. rows of car parking spaces. Vehicular access is also provided to the south-west corner of the athletics track, with the provision of a maintenance vehicle set-down area.
- 8.11.2. The scheme includes a shared path around the perimeter of the proposed GAA pitch to the west, and athletics track to the east. Tie-ins are also provided to Rathmore Road to the south and existing path network within Rathmore Park to the north of the site. The scheme includes 2 no. covered bicycle facilities (each including 30 no. bicycle parking spaces) located to the west of the GAA pitch and at the western end of the site.
- 8.11.3. In this context, in my opinion, the minor extension to the car park and access road, along with expanded shared path network, constitutes an efficient/appropriate expansion of the existing infrastructure, with high levels of visibility in this area. The extension to the footpath network will provide links to ensure cycle and pedestrian permeability between the scheme and wider hinterland.
- 8.11.4. I am satisfied that the proposed development will not give rise to adverse impacts with respect to traffic and transportation and will ensure the delivery of a permeable facility to serve the established and emerging residential community within the catchment of the subject site.

## 8.12. **Conclusion**

- 8.12.1. Having regard to the above, I am satisfied that the proposed development is acceptable in principle that the proposed development is fully justified, supporting the provision of community facilities to serve an established and emerging residential community in Lusk.

8.13. **The likely significant effects on a European site:** The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

8.14. **Compliance with Articles 6(3) of the EU Habitats Directive:** The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that 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. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

8.15. **The Natura Impact Statement**

- 8.15.1. The application was accompanied by a Natura Impact Statement (NIS) which described the proposed development, the project site and the surrounding area. The NIS contained an Appropriate Assessment Screening Report (AASR) which concluded that a Stage 2 Appropriate Assessment was required.
- 8.15.2. The NIS document outlined the methodology, including the source-pathway-model, used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.
- 8.15.3. The AA Screening Report identified 12 (no.) European sites within the Zone of Influence, in this instance, relating to a 15km radius of the proposed development. The potential for hydrological links beyond this radius was also assessed.
- 8.15.4. It concluded that significant effects could not be ruled out for following 3 (no.) sites, namely:

- Rogerstown Estuary SAC
- Rogerstown Estuary SPA
- North-west Irish Sea SPA

8.15.5. The NIS was informed by the following:

- A desk top study (based on best scientific knowledge).
- Subsequent ecological survey of site and environs, May 2023.
- Winter bird surveys for winter season 2023 / 2024 covering 6 (no.) days over the period from November 2023 to February 2024.
- An examination of relevant national and regional databases including EPA NPWS, Birdwatch Ireland, National Biodiversity Data Centre databases and resources.

8.15.6. The report concluded that, following an examination, analysis and evaluation in view of best scientific knowledge, in view of objective information of the proposed development, in respect of the qualifying interests and special conservation interests of the relevant European sites, and in view of each sites' conservation objectives; it concluded that, on implementation of appropriate mitigation measures contained within the NIS that the proposed development does not pose a risk of any adverse effects, alone or in combination with other plans and projects, to the integrity of the Sites assessed.

8.15.7. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 8 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

## 8.16. **Stage 1 Appropriate Assessment Screening**

8.16.1. The site of the proposed development is not located within the boundaries of a European site. In addition, the proposed Rathmore Recreational Sports Hub is not directly connected with or necessary to the management of any European site.



8.16.2. The Irish coast is within 4.7km to the east of the site, with extensive lands in agricultural use to the north of Rathmore Park, and within 3km of Rogerstown Estuary SPA, and therefore considered for ex-situ foraging potential.

8.16.3. Having regard to the information and submissions available, the nature of the proposed development and receiving environment of the subject site, and its likely direct and indirect effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 1 appropriate assessment, on the basis of likely significant effects.

8.16.4. European sites within Zone of Influence (ZOI) considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying /Special Conservation Interests	Distance
Rogerstown Estuary SAC (000208)	Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	2.27km SE
Rogerstown Estuary SPA (004015)	Greylag Goose ( <i>Anser anser</i> ) [A043], Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046], Shelduck ( <i>Tadorna tadorna</i> ) [A048] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Redshank ( <i>Tringa totanus</i> ) [A162]	2.27km SE

European site (SAC/SPA)	Qualifying /Special Conservation Interests	Distance
	Wetland and Waterbirds [A999]	
North-west Irish Sea SPA (004236)	Red-throated Diver ( <i>Gavia stellata</i> ) [A001], Great Northern Diver ( <i>Gavia immer</i> ) [A003], Fulmar ( <i>Fulmarus glacialis</i> ) [A009], Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013], Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Shag ( <i>Phalacrocorax aristotelis</i> ) [A018], Common Scoter ( <i>Melanitta nigra</i> ) [A065], Little Gull ( <i>Larus minutus</i> ) [A177], Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] Herring Gull ( <i>Larus argentatus</i> ) [A184] Great Black-backed Gull ( <i>Larus marinus</i> ) [A187] Kittiwake ( <i>Rissa tridactyla</i> ) [A188] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193], Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Little Tern ( <i>Sterna albifrons</i> ) [A195] Guillemot ( <i>Uria aalge</i> ) [A199] Razorbill ( <i>Alca torda</i> ) [A200] Puffin ( <i>Fratercula arctica</i> ) [A204]	4.7km NE-E
Malahide Estuary SAC (000205)	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	5.89 km S
Malahide Estuary SPA (004025)	Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005],	5.89 km S

European site (SAC/SPA)	Qualifying /Special Conservation Interests	Distance
	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046], Shelduck ( <i>Tadorna tadorna</i> ) [A048], Pintail ( <i>Anas acuta</i> ) [A054], Goldeneye ( <i>Bucephala clangula</i> ) [A067], Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069], Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130], Golden Plover ( <i>Pluvialis apricaria</i> ) [A140], Grey Plover ( <i>Pluvialis squatarola</i> ) [A141], Knot ( <i>Calidris canutus</i> ) [A143], Dunlin ( <i>Calidris alpina</i> ) [A149], Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156], Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157], Redshank ( <i>Tringa totanus</i> ) [A162], Wetland and Waterbirds [A999]	
Rockabill to Dalkey Island SAC (00300)	Reefs [1170], Phocoena phocoena (Harbour Porpoise) [1351]	5.91km NE
Skerries Island SPA (004122)	Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Shag ( <i>Phalacrocorax aristotelis</i> ) [A018], Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046], Purple Sandpiper ( <i>Calidris maritima</i> ) [A148], Turnstone ( <i>Arenaria interpres</i> ) [A169], Herring Gull ( <i>Larus argentatus</i> ) [A184]	6.05km NE
Rockabill SPA (004014)	Purple Sandpiper ( <i>Calidris maritima</i> ) [A148], Roseate Tern ( <i>Sterna dougallii</i> ) [A192], Common Tern ( <i>Sterna hirundo</i> ) [A193], Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]	7.53km NE
Lambay Island SPA (004069)	Fulmar ( <i>Fulmarus glacialis</i> ) [A009], Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Shag ( <i>Phalacrocorax aristotelis</i> ) [A018], Greylag Goose ( <i>Anser anser</i> ) [A043], Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183], Herring Gull ( <i>Larus argentatus</i> ) [A184], Kittiwake ( <i>Rissa tridactyla</i> ) [A188], Guillemot ( <i>Uria aalge</i> ) [A199],	9.18km SE

European site (SAC/SPA)	Qualifying /Special Conservation Interests	Distance
	Razorbill ( <i>Alca torda</i> ) [A200], Puffin ( <i>Fratercula arctica</i> ) [A204]	
Lambay Island SAC (000204)	Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], <i>Phocoena phocoena</i> (Harbour Porpoise) [1351], <i>Halichoerus grypus</i> (Grey Seal) [1364], <i>Phoca vitulina</i> (Harbour Seal) [1365]	9.2km SE
Baldoyle Bay SAC (000199)	Mudflats and sandflats not covered by seawater at low tide [1140], <i>Salicornia</i> and other annuals colonising mud and sand [1310], Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330], Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	12.2km SE
Baldoyle Bay SPA (004016)	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046], Shelduck ( <i>Tadorna tadorna</i> ) [A048], Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137], Golden Plover ( <i>Pluvialis apricaria</i> ) [A140], Grey Plover ( <i>Pluvialis squatarola</i> ) [A141], Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157], Wetland and Waterbirds [A999]	12.3km SE
River Nanny Estuary and Shore SPA (004158)	Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130], Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137], Golden Plover ( <i>Pluvialis apricaria</i> ) [A140], Knot ( <i>Calidris canutus</i> ) [A143], Sanderling ( <i>Calidris alba</i> ) [A144], Herring Gull ( <i>Larus argentatus</i> ) [A184], Wetland and Waterbirds [A999]	13.61km NW
Ireland's Eye SPA (004147)	Cormorant ( <i>Phalacrocorax carbo</i> ) [A017], Herring Gull ( <i>Larus argentatus</i> ) [A184], Kittiwake ( <i>Rissa tridactyla</i> ) [A188], Guillemot ( <i>Uria aalge</i> ) [A199], Razorbill ( <i>Alca torda</i> ) [A200]	14.18km SE

European site (SAC/SPA)	Qualifying /Special Conservation Interests	Distance
Ireland's Eye SAC (002193)	Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	14.62km SE

8.16.5. In this context, potential effects (direct and indirect (either alone or in combination with other plans and projects) on these European sites, in the absence of any control, conditions or mitigation measures as identified within the AASR and NIS relate to the following:

#### Water Quality

8.16.6. The Rathmooney stream, runs adjacent to the southern boundary of the site, connects to the Rogerstown Estuary, approximately 3km downstream to the east of the site before emptying into the Irish Sea, representing a direct surface hydrological connection between the proposed development and Rogerstown Estuary SAC, SPA and the North-west Irish Sea SPA. The proposed development will have significant earthworks activity during the construction phase, with the removal of significant portions of grassland and works to introduce artificial permeable surfaces, thus introducing potential sources for effects such as surface water run-off from earthworks, which could interact with water quality and sensitive receptors of the Rogerstown Estuary SAC downstream. In addition, the construction phase will include the laying of artificial playing pitch surfaces which could result in the introduction of microplastics to the Rathmooney stream via surface water run-off. There are therefore sources with pathways with a likelihood of significant effects via water quality and run-off during the construction phase.

8.16.7. The Rogerstown Estuary and the Irish Sea are noted to contain European sites that have Qualifying Interests and Special Conservation Interests that are sensitive to hydrological interactions.

8.16.8. In addition, there are indirect hydrological links between the site of the proposed development and these sites via infiltration of rainwater through the soft surface amenity grassland within the site; and with Rogerstown Estuary via underground surface water drainage.

8.16.9. In conclusion there are therefore sources for likely significant effects via hydrology to the Rogerstown Estuary SAC, Rogerstown Estuary SPA and the Irish Sea SPA, and further consideration for mitigation is therefore required.

#### Noise

8.16.10. The construction phase of the proposed development has potential effects for noise disturbance to ex-situ foraging SCI species. The potential effect via noise during the construction phase will be temporary (i.e., less than one year) and localised. In addition, whilst SCI species are noted to be sensitive to disturbance effects, in general, distances of in excess of 2 km are seen to be sufficient to preclude such effects. Given that the closest SPA is the Rogerstown Estuary SPA, at approximately 3 km from the proposed development, it is considered that this is sufficient distance to ensure that there is no likelihood for significant effects via noise disturbance during the construction phase of the proposed development.

#### Dust

8.16.11. In this context, there will be an increase in dust emissions during the construction phase. However, given the distances between the proposed development site and the closest European sites of c.3 km, in combination with the small scale of the proposed development and temporary nature of the construction phase, it is considered that there are no sources with pathways for likely significant effects via construction related dust as a result of the proposed development.

#### Habitat

8.16.12. As noted above, the site is primarily composed of areas of amenity grassland, which is intensively managed as a short sward. The operational phase will result in the permanent loss of amenity grassland habitat. Special Conservation Interest (SCI) species regularly forage ex-situ from their designated site, in inland agricultural and amenity grasslands.

8.16.13. The wintering bird survey has confirmed that the site does not support significant populations of any SCI species of designated SPAs. (The survey recorded 3 (no.) SCI species (Black-headed Gull, Common Gull, Curlew, Herring Gull at low numbers). Therefore, loss of foraging habitat is not a pathway for potential effects as a result of the proposed development.

### Surface Water Run-off

- 8.16.14. In my opinion, the proposed development does not introduce any sources for potential effects with respect to surface water run off as the proposed use is in keeping with the existing use. There will be a slight increase in the area of impermeable surfaces as the running track will be composed of impermeable surfaces, however I note that the new pitch will have a filter drain, which will collect and filter run-off from the proposed athletics track via a silt trap and sump, subsequently run-off will connect with the Rathmooney stream via a proposed outfall. The proposal will also include a microplastics filter. The documentation notes that this filter is intended as compliance with an amendment made to the REACH Regulations regarding the use of microplastics in artificial playing pitches, and not therefore intended as a measure to avoid likely significant effects of European sites. As such, surface water run-off in the operational phase is not foreseen to present a source for likely significant effects as a result of the proposed development.
- 8.16.15. Based on my examination of the AASR and NIS and all supporting information including Draft CEMP, FRA, the NPWS website, aerial and satellite imagery, the scale and nature of the proposed development, the nature of the likely effects, limited separation distances, and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I conclude that a Stage 2 Appropriate Assessment (AA) is required for Rogerstown Estuary SAC, Rogerstown, Estuary SPA and North-west Irish Sea SPA.
- 8.16.16. The remaining sites at Baldoyle Bay SAC, Baldoyle Bay SPA, Malahide Estuary SAC, Malahide Estuary SPA can be screened out from further assessment having regard to the nature and small scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack any direct or indirect hydrological links or other source pathway receptors between the proposed works and the European sites.
- 8.16.17. In addition, European sites Ireland's Eye SAC, Ireland's Eye SPA, Rockabill SPA, Skerries Island SPA, Rockabill to Dalkey Island SAC, Lambay Island SAC, Lambay Island SPA, River Nanny Estuary and Shore SPA are noted to have indirect hydrological links between the proposed development via the marine environment,

however, these sites can be screened out from further assessment having regard to the nature and small scale of the proposed works, the significant dilution factor within the marine environment, the lack of any direct hydrological link or other source pathway receptors between the proposed works and the European sites.

8.16.18. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European Site No.s 000205, 004025, 00300, 004122, 004014, 004069, 000204, 000199, 00416, 04158, 004147, 002193 in view of the site(s) Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

#### **8.17. Stage 2 Appropriate Assessment**

8.17.1. As noted above, the AASR identified 3 no. European sites with potential to be adversely affected by the implementation of the proposed development; namely:

1. Rogerstown Estuary SAC (Site Code 000208)
2. Rogerstown, Estuary SPA (Site Code: 00415)
3. North-west Irish Sea SPA (Site Code 004236)

#### **Site 1: Rogerstown Estuary SAC**

8.17.2. Rogerstown Estuary is situated about 2 km north of Donabate in Co. Dublin. It is a relatively small, narrow estuary separated from the sea by a sand and shingle bar. The estuary is divided by a causeway and narrow bridge, built in the 1840s to carry the Dublin-Belfast railway line.

8.17.3. This SAC is designated for its importance to a wide variety of habitats, and the full list of Qualifying Interest (QI) habitats and species set out in the Table above.

#### **Conservation Objectives**

8.17.4. The Conservation Objectives for the various habitats and species in the SAC which are defined by a specific list of attributes and targets, as set out in the table below.



Qualifying Interests	Conservation Objectives	Attributes and targets
Estuaries	Maintain	Habitat area (stable or increasing); Community extent (maintain); Community structure (conserve high quality species); and Community distribution (conserve community types).
White & Grey dunes	Restore/Maintain	Habitat area (increasing) distribution (no decline) Physical structure (maintain sediment supply) Vegetation structure (maintain range of coastal habitats)  Vegetation composition (maintain health of dune grasses and limit non-natives).
Mudflats & sandflats	Maintain	Habitat area (stable or increasing) Community extent (maintain) Physical structure (maintain sediment supply creeks and pans, and flooding regime); Community structure (maintain range, structure and cover); Vegetation composition (maintain species poor communities); Vegetation structure (no significant expansion of Cordgrass).
Salicornia and other annuals	Maintain	Habitat area (stable or increasing); Community extent; Physical structure (maintain sediment supply, creeks and pans, and flooding regime); Vegetation structure (maintain range of coastal habitats, variation, height and cover).
Atlantic salt meadows and Mediterranean salt meadows	Restore  Maintain	Habitat area and distribution (No decline); Physical structure (maintain sediment supply, creeks & pans, and flooding regime);  Vegetation structure (maintain range of saltmarsh habitats, structural variation and cover); Vegetation composition (maintain); and Vegetation structure (no significant expansion of Cordgrass).

## Potential adverse effects

### Potential indirect adverse effects

8.17.5. Identified threats relate to this European site normally include pollution, human habitation, coastal protection works, amenity/leisure activities, direct land use management, land take, built environment and agriculture. Due to the separation distance and nature of the proposed development, the proposed development does not present any sources for these activities/works on this site.

- 8.17.6. There is, however, a direct hydrological connection between this site and the proposed development site. In addition, the nature of the proposed development introduces sources for potential effect via pollution via water quality and siltation.
- 8.17.7. Taking account of the nature of the proposal, and sensitivities of the SCIs of this European site in the context of their Conservation Objectives, the sources for adverse effects on this site therefore relates to impacts to water quality due to increased risk of sediment/surface run-off.

### **Mitigation measures**

- 8.17.8. Mitigation measures to reduce or avoid potential adverse effects from the identified sources from the proposed development on the integrity of the 3 (no.) European sites, include the following, as set out in Section 8 of the NIS and included within the Outline CEMP. I note that these have also been referenced on an accompanying construction phase drawing, submitted with the application.

#### Water Quality (increased risk of sediment/surface run-off)

##### Sediment Control

- Selection of location for the storage of excavated soil materials (outside 15m ecological buffer zone), and insertion of silt fencing prior to excavation works.
- Installation of silt fencing on both sides of Rathmooney stream, at the southern end of the site, taking account of existing berms, prior to commencement of all works, to specific design specifications, and subject to regular inspection.
- All silt fencing works to be installed to best practice buildings standards and supervised by an ECoW.
- Potential for an exceedance of the retention capacity of silt fencing through increased surface water flow during periods of prolonged rain/storm event to be managed through trigger-response system, including monitoring weather forecasts during construction phase. Post rain event monitoring to also be undertaken.
- The programme allows for works within the ecological buffer zone, in order to install the proposed outfall to the stream.

- Potential for hydrocarbons to get into watercourse to be mitigated by restricting refuelling of construction machinery and vehicles to designated areas, subject to best practice.
- To reduce potential for oil leaks, only vehicles/machinery that is mechanically sound will be allowed on site.
- Implementation of measures to manage oil spills and environmental emergencies on site, including preparation of an Emergency Response Plan. An Emergency Response Plan will be put in place in the event of accidental release of hazardous substance (such as fuel or oil spill), concrete spill, flood event, breach of environmental buffers/exclusion zones, breach of material and waste storage areas, in the event of fire or environmental issue or concern.
- An Ecological Clerk of Works (EcOW) will be appointed to review method statements, monitor construction phase activities and measures to ensure all environmental controls and NIS mitigate measures are implemented in full.

#### **Potential in-combination effects**

- 8.17.9. The NIS as submitted includes a review of relevant planning permissions (within 200m and within the last five years) for projects with applications to the local authority and An Bord Pleanála. The projects primarily relate to permissions for residential development, which have undergone appropriate assessment.
- 8.17.10. The proposed development has a small scale, temporary construction phase and the operational phase is consistent with the current land use. In addition, the land use zoning objective of the Fingal Development Plan 2023-2029 (which has also undergone Appropriate Assessment), for 'OS-Open Space', consistent with the proposed use. As a result of these factors, it is not foreseen that proposed development would have any significant in-combination effects with the Fingal Development Plan, 2023-2029, Fingal Biodiversity Action Plan 2022-2030 and Fingal Climate Action Plan 2024-2029.
- 8.17.11. There is also the possibility of cumulative/in combination with other projects within the wider Fingal landscape, and the cumulative loss of ex-situ foraging habitat for SCI species of SPAs. As noted in the NIS, the Fingal Biodiversity Action Plan contains objectives regarding the creation of ecological corridors, retention of

agricultural habitat and retention of foraging lands for SCI species particularly surrounding the Rogerstown Estuary and other sensitive sites for wintering species.

- 8.17.12. As detailed below, having incorporated mitigation measures, it can be concluded that the proposed development will not give rise to any effect on the integrity of any European sites, alone or in-combination with other plans/projects.

### **Residual effects**

- 8.17.13. Upon application of the mitigation measures, the proposed development poses no risk of adverse residual effects on the conservation objectives or favourable conservation condition, of the qualifying interest habitats of the European site, either alone or in combination with other plans or projects.

**NIS Omissions:** None noted.

**Conclusion:** I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives subject to the implementation of mitigation measures outlined above.

### **Site 2: Rogerstown Estuary SPA**

- 8.17.14. Rogerstown Estuary is situated about 2 km north of Donabate in north County Dublin. It is a relatively small, funnel shaped estuary separated from the sea by a sand and shingle peninsula; the site extends eastwards to include an area of shallow marine water. The estuary receives the waters of the Ballyboghil and Ballough rivers and has a wide salinity range, from near full seawater to near full freshwater.

### **Conservation Objectives**

- 8.17.15. The conservation objective seeks to maintain the favourable conservation condition of the (Special Conservation Interest) SCI species within the Rogerstown SPA. The attributes and targets for respective SCI species is set out in the table below.

Special Conservation Interests	Conservation Objectives	Attributes and targets
Greylag Goose	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing or use of areas, other than natural variation).

Special Conservation Interests	Conservation Objectives	Attributes and targets
Brent Goose	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing or use of areas, other than natural variation).
Shelduck	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing or use of areas, other than natural variation).
Shoveler	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing or use of areas, other than natural variation).
Oystercatcher	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Ringed Plover	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Grey Plover	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Knot	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Dunlin	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Black tailed Godwit	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Redshank	Maintain	Long term population trend (stable or increasing); Distribution (no significant decrease in range, timing and intensity of use of areas, other than natural variation).
Wetlands (habitat)	Maintain	Habitat area (stable, no significant decrease other than natural variation.)

### Potential direct adverse effects

### Potential indirect adverse effects

- 8.17.16. Identified threats relate to this European site normally include pollution, human habitation, coastal protection works, amenity/leisure activities, direct land use management, land take, built environment and agriculture.
- 8.17.17. Due to the distance between the subject site and this European site, and nature of the proposed development, the proposed development does not present any sources for these activities/works for this SPA.
- 8.17.18. As noted above, there is a direct hydrological connection between this site and the proposed development site. In addition, the nature of the proposed development introduces sources for potential effect via pollution via water quality and siltation.
- 8.17.19. Taking account of the nature of the proposal, and the threats and sensitivities of the SCIs of this European site in the context of the sites Conservation Objectives, the sources for adverse effects on this site relate to impacts to water quality due to increased risk of sediment/surface run-off.

**Potential in-combination effects**

- 8.17.20. See above for Rogerstown Estuary SAC.

**Mitigation measures**

- 8.17.21. Please refer to as above for Rogerstown Estuary SAC.

**Residual effects**

- 8.17.22. Upon application of the mitigation measures, the proposed development poses no risk of adverse residual effects on the conservation objectives or favourable conservation condition, of the qualifying interest habitats of the European site, either alone or in combination with other plans or projects.

**NIS Omissions:** As above.

**Conclusion:** I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

### Site 3 North-west Irish Sea SPA

- 8.17.23. The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

### Conservation Objectives

- 8.17.24. The conservation objective seeks to maintain the favourable conservation condition of the Special Conservation Interests (SCI) within this SPA. The attributes and targets for respective SCI are set out in the table below.

Special Conservation Interests	Conservation Objectives	Attributes and targets
Red-throated Diver	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA)
Great Northern Diver	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the

Special Conservation Interests	Conservation Objectives	Attributes and targets
		site population's access to SPA or other ecologically important sites outside the SPA)
Fulmar	Restore	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA)
Manx Shearwater	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA. )
Cormorant	Restore	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Shag	Restore	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial



Special Conservation Interests	Conservation Objectives	Attributes and targets
		distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Common Scoter	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Little Gull	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Black-headed Gull	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape

Special Conservation Interests	Conservation Objectives	Attributes and targets
		and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Common Gull	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Lesser Black-backed Gull	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Herring Gull	Restore	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Great Black-backed Gull	Maintain	Non-breeding population (No significant decline); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site

Special Conservation Interests	Conservation Objectives	Attributes and targets
		(intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Kittiwake	Restore	Population (stable or inc.); Spatial Distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Roseate Tern	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Common Tern	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).

Special Conservation Interests	Conservation Objectives	Attributes and targets
Arctic Tern	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Little Tern	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Guillemot	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Razorbill	Maintain	Breeding pop. (no sig. decline.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance

Special Conservation Interests	Conservation Objectives	Attributes and targets
		across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity and site use (No., location, shape and area of barriers do not significantly impact the site population's access to SPA or other ecologically important sites outside the SPA).
Puffin	Restore	Breeding pop. (stable or inc.); Spatial distribution (sufficient no. of locations, area and availability (timing and intensity of use) of suitable habitat to support pop; Forage spatial distrib., extent and abundance and availability (sufficient no. of locations, area of suitable habitat and forage biomass to support pop); Disturbance across site (intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution); Barriers to connectivity (No., location, shape and area of barriers do not significantly impact the population's access to SPA or other ecologically important sites outside the SPA).

### Potential direct adverse effects

- 8.17.25. There are no significant potential direct adverse effects on this site during the construction and operational phases as the proposed development would not be located within these sites.

### Potential indirect adverse effects

- 8.17.26. Identified threats relate to this European site normally include pollution, human habitation, coastal protection works, amenity/leisure activities, direct land use management, land take, built environment and agriculture.
- 8.17.27. Due to the distance between the subject site and this European site, and nature of the subject proposal, again, the proposed development does not present any sources for these activities/works for this SPA.
- 8.17.28. As detailed above, there is a direct hydrological connection between this site and the proposed development site. In addition, the nature of the proposed development introduces sources for potential effect via pollution via water quality and siltation.

8.17.29. Taking account of the nature of the proposal, and the threats and sensitivities of the SCIs of this European site in the context of the site's Conservation Objectives, the sources for adverse effects on this site relate to impacts to water quality due to increased risk of sediment/surface run-off.

**Potential in-combination effects**

8.17.30. See above for Rogerstown Estuary SAC.

**Mitigation measures:** As above for Rogerstown Estuary SAC.

**Residual effects**

8.17.31. Upon application of the mitigation measures, the proposed development poses no risk of adverse residual effects on the conservation objectives or favourable conservation condition, of the qualifying interest habitats of the European site, either alone or in combination with other plans or projects.

**NIS Omissions:** None noted.

**Conclusion:** I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

**8.18. Appropriate Assessment Conclusions**

8.18.1. Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the following European sites or any other European site, in view of the site's Conservation Objectives.

- Rogerstown Estuary SAC (Site Code: 000208)
- Rogerstown Estuary SPA (Site Code: 00415)
- North-west Irish Sea SPA (Site Code: 004236)

## 9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the AASR and NIS.

### Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Rogerstown Estuary SAC (Site code: 000208), Rogerstown Estuary SPA (site code: 00415), North-west Irish Sea SPA (site code: 004236) and
- (e) the policies and objectives of the Fingal Development Plan, 2023-2029,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement and Appropriate Assessment Screening Report,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

**Appropriate Assessment:**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Rogerstown Estuary SAC (site code: 000208), Rogerstown Estuary SPA (site code: 00415), North-west Irish Sea SPA (site code: 004236), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Rogerstown Estuary SAC (Site code: 000208), Rogerstown Estuary SPA (site code: 00415), North-west Irish Sea SPA (site code: 004236) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.



### **Proper Planning and Sustainable Development and Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the archaeological heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

**Reason:** In the interest of protecting the environment and European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Outline CEMP and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include a Traffic Management Plan and Emergency Response Plan.

**Reason:** In the interest of protecting European Sites and traffic safety.

4. Water supply and drainage arrangements including the attenuation and disposal of surface water and water supply shall comply with the details as submitted. Measures required by Irish Water shall be incorporated into the arrangements. Where such measures require details to be agreed, all such details shall be placed on file and retained as part of the public record.

**Reason:** In the interests of public health and to ensure a proper standard of development.

5. The following nature conservation requirements shall be complied with:
  - (a) No vegetation removal shall take place during the period 1<sup>st</sup> March to 31<sup>st</sup> August (inclusive).

**Reason:** In the interest of nature conservation and to ensure the protection of the European sites.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. A suitably qualified Ecological Clerk of Works (ECoW) shall be retained by the local authority to oversee pre-commencement surveys, site clearance, site set-up and construction of the proposed development. The ECoW shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of protection of biodiversity and the European sites.

8. If, during the course of site works any archaeological material is discovered, the local authority and any agent acting on its behalf shall

notify the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

9. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

**Reason:** In the interest of residential amenity and traffic safety.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Friday inclusive, and not at all on Saturdays, Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances.

**Reason:** To protect the amenities of nearby residential properties.

## 10.0 Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Aoife McCarthy  
Planning Inspector  
25<sup>th</sup> November 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319808-24		
<b>Proposed Development Summary</b>	Rathmore Recreational Sports Hub		
<b>Development Address</b>	Rathmore Park, Rathmore Road, Lusk, Co. Dublin.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b> X	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10(b)(iv) Urban development.	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	Class 10(b)(iv) Urban development.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: 25<sup>th</sup> November 2024

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP-319808-24
<b>Proposed Development Summary</b>	Rathmore Recreational Sports Hub
<b>Development Address</b>	Rathmore Park, Rathmore Road, Lusk, Co. Dublin
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is on a limited site of 3.5 ha, does not require the demolition of buildings, comes forward as a standalone project. The project includes change of ground cover from amenity to artificial surfaces across 2 ha, therefore requiring the use of substantial natural resources. The project will not give rise to significant waste during both construction and operation phases, or give rise to significant risk of pollution or nuisance.</p> <p>The construction of the proposed development has potential to cause significant adverse effects on the</p>

	<p>environment due to water pollution caused by accidents and/or disasters.</p> <p>The project characteristics pose no significant risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated on amenity grasslands, resulting in a marginal reduction in the availability of this grassland and its biodiversity value in the vicinity of the development site. The Rathmooney stream runs to the south of the site.</p> <p>There are 3 no. recorded monuments within 350m of the subject site. The site otherwise removed from sensitive natural habitats, designated Protected Structures and landscapes of significance as identified in the Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location, and environmental effects (anticipated to be localised, short term to temporary (during construction) and permanent (after construction)) and absence of in combination effects, it is not likely that the effects on the environmental factors, will be significant.</p>
<p><b>Conclusion</b></p>	



<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: \_\_\_\_\_ Date: 25<sup>th</sup> November 2024

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)