



An
Bord
Pleanála

Inspector's Report ABP-320000-24

Development	Re-contouring of land with all associated site works
Location	Balrickard Road, Rowans Big, Walshestown, Lusk, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0358
Applicant(s)	DM Groundworks Ltd C/O Larry Hagan.
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	DM Groundworks Ltd
Observer(s)	None.
Date of Site Inspection	23/08/2024.
Inspector	Alan Di Lucia

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1.0 Site Location and Description

- 1.1. The appeal site is located within a rural area to the west of Lusk, approximately 1.5km west of Junction 5 of the M1 Motorway. The site consists of the southern portion of a larger field and has a site area of 0.9 ha. The site is bounded by an existing hedgerow along the western boundary which extends the total length of the local road, except at the proposed access, which consists of a double gated bell mouth designed agricultural access. The eastern boundary consists of an existing hedgerow and trees with a drain running along the entire boundary. The southern boundary consists of hedgerows and trees, with a drain running along the entire boundary. The area is sporadically populated by rural housing, the nearest residential property is located to the south boundary of the subject site separated by the Balrickard Stream. The field has a slightly sloping topography dropping a height of 10m over a length of 220m in a north to south direction.

2.0 Proposed Development

- 2.1. The proposed development consists of the re-contouring of agricultural land using imported clean inert soil and stones within a farm holding for the consequential benefit to agriculture. A 3-year planning permission is requested, and during this period 18,153 tonnes of inert soil and stones will be imported for the proposed land reclamation. The reclamation of the land involves stripping of the topsoil which will be stored to be used for site restoration, raising the level of the land by a maximum of 2.65m with an average depth of 1.3m. Works to also consist of a new temporary access road, a temporary site office (area 5.5m², height 3.2m), Portaloo and wheel wash, hardcore quarantine area (area 110m²) and to include all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a notification of decision to refuse planning permission for the following reasons:

1. Not satisfied based on the information submitted that revised gradients and levels would not have a negative effect on natural drainage. The proposed development would be contrary to the principles of sustainable drainage which aim to increase infiltration and retention and to slow down the flow of runoff. Therefore, it would materially contravene Objectives GINHO15 and IUO9 of the Fingal Development Plan 2023-2029.
2. Due to the inadequacy of the information contained in the Appropriate Assessment Screening report, particularly in relation to the drainage ditch located south of the subject site and potential links to Balrickard Stream, the Planning Authority cannot be satisfied that the proposed development, individually, or in combination with other plans or projects would not be likely to have significant effect on any Natura 2000 sites. In such circumstances the Planning Authority is precluded from granting permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report had regard to the following planning issues.

Principle of Development

- Subject site location in 'HA' zoning objective (High Amenity) the objective is to *"protect and enhance high amenity areas."* Agriculture is not specified as a permitted use within High Amenity Zoned lands, and the development proposal is to recontour lands for agricultural purposes. Notes that the applicant has not provided adequate information demonstrating how the recontouring will result in better agricultural benefit.

Impact on Visual and Residential Amenity of the Area.

- Concerns are raised regarding the impacts of residential amenity of the area and the impacts on the existing landscape.

Flooding, Services and Drainage

- No issues relating to services and flooding. The proposal will improve drainage into the existing natural drainage network and will accelerate the rate of drainage and altering natural ground flow patterns and rates. This is

contrary to the principles of SuDS which amongst others aims to increase infiltration and retention and to slow down the flow of runoff.

Ecology

- No information has been submitted in relation to other protected species such as badgers or bats, and with the changes to drainage for the potential impacts of protected amphibians such as frogs.

AA Screening

Concerns with Appropriate Assessment Screening report submitted relating to the following:

- No connection to the Balickard Stream as the site is bounded by a drainage ditch. Details submitted recorded 'running water' in ditch, no indication if this ditch discharges to the stream or to ground water.

Environmental Impact Assessment

A lack of clarity with regards to the nature of the material being imported on site has implications for the need for EIA. Other Technical Reports

3.2.2. Other Technical Reports

Parks and Green Infrastructure Division

- Grant permission subject to conditions.

Transportation Planning Section

- Request further information, relating to avoidance of stormwater onto public road, how traffic movements can be accommodated on the local road network.

Water Services Department (Ecology)

- Request further information in relation to update the appropriate assessment screening report in terms of mitigation proposed but not included and to identify if any other protected species present on site.

Water Services Department (Flood Risk and Surface Water Drainage.)

- No objection from flood risk perspective.

- Refuse permission as proposal would be contrary to the principals of SuDS.

Environment, Climate action Section

- Clarify what regime they will import soil from, waste soil and stone by waste authorisation or by-product soil and stone under article 27 notification or both. Pending the clarification conditions to be added in the event of a grant of permission.

3.3. **Prescribed Bodies**

Uisce Éireann

- Grant subject to conditions

3.4. **Third Party Observations**

One third party submission made, which can be summarised as follows:

- Impacts on residential amenity from increased traffic
- Result in considerable amount of dust
- Road will be damaged and not maintained
- Site will cause flooding on residential property to the South.

4.0 **Planning History**

Subject Site

PA Ref F00A/0883 Permission refused (2000)

Permission refused for a two-storey dwelling, single story stables and ancillary building and provision of wastewater treatment plant.

5.0 **Policy Context**

5.1. **Development Plan**

The Fingal Development Plan 2023-2029 (FDP) is the statutory plan for the area.

- The proposed development is located within the High Amenity 'HA' zoning objective, which is to *'protect and enhance high amenity areas.'* The use of lands for agricultural purposes is not specifically listed in the uses permitted in principle and not listed in the uses not permitted within this zoning objective.
- Zoning Map 2 of the FDP indicates that preserved views along the local road from which it is proposed to access the lands in question. Policy GINHP26 states that it is the policy to *"preserve views and prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County"*
- The Landscape Characteristic Type is classified as *"High Lying Agricultural"*, the landscape value is considered *"High"*, and the landscape Sensitivity is considered *"High"*.
- The Balrickard Stream to the south of the site is identified as an Ecological Corridor. Policy GINHO40 states that it is the policy to *"Protect the ecological functions and integrity of the corridors indicated on the Plan Green Infrastructure maps. An ecological assessment may be required for any proposed development likely to have a significant impact on habitats and species of interest in an ecological corridor or stepping-stone."*
- In relation to Sustainable Water Management Objective GINHO15 states that it is an objective to *"Limit surface water run-off from new developments through the use of appropriate Sustainable Urban Drainage Systems (SuDS) using nature-based solutions and ensure that SuDS is integrated into all new development in the County"*
- Objective IUO9 states that it is an objective to *"Maintain and enhance existing surface water drainage systems in the County and to require SuDS in new developments where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development) / Greater Dublin Regional Code of Practice for Drainage Works)*

5.2. Natural Heritage Designations

The following heritage sites are located within the vicinity of the subject site:

Bog Of The Ring pNHA (Site Code 001204) 1.25 km North of Site

North-West Irish Sea SPA (Site Code 001204) 5.6km east of Site

5.3. EIA Screening

I have carried out a Preliminary Pre-Screening and Preliminary Screening for EIA. (See form 1 and 2 appended to this report). The screening report considers the requirement for EIA against the legislative basis set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Based on the information provided, the nature and extent of the development proposed, I consider that there is no real likelihood of significant effects on the environment and that EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

6.1.1. Response to reason one of decision to refuse

- The importation of inert soil and stone will have a number of positive effects, one of which would make the slope of the field graduated to a more gentle and even slope. The land is wet underfoot and has evidence of free water, the recontouring will maintain the flow of drainage water as it travels down the field and the drainage system of the land will be improved.
- The proposed development will not contravene objectives GINH015 and IU09 of the Fingal County Development Plan as there will be no permanent impermeable surfaces, the imported material improves the surface water by slowing the runoff down, improves filtration, the drainage ditch provides an area to attenuate water within the natural contours of the field and can be

used to allow water to infiltrate into ground water or evaporated from surface water.

- This type of SuDs does not contravene the principles of sustainable drainage as this aims to increase infiltration and retention and restricts surface water to greenfield runoff rates, it will improve and keep the natural rainfall run off characteristics of the field, is sustainable and will not cause negative effects on the environment.
- The land reclamation works will result in a more graduated slope and better drainage which will improve the productivity of the lands. The proposal will result in productive agricultural land which will extend the grazing period and will be suitable for use for outwintering of stock.
- Highlights judgement in the legal case Lennon v Kingdom Plant Hire, in relation to factors to be taken into account in determining what is land reclamation.

6.1.2. Response to reason two of decision to refuse

- The AA Screening Report submitted states that the drainage ditch intercepts the drainage water from the field and has no impact on the Balrickard Stream as there is no connection between them, the sites southern boundary acts as a stream protection area. As the water from the field does not enter the watercourse, therefore the drainage ditch has no impact on hydrology and without any connection with the Balrickard stream, there is no connection to Natura 2000 sites.
- Highlights Kelly v ABP, determined that conclusions must be capable of removing all reasonable scientific doubt as to whether a development may have significant effects on Natura 2000 sites. Highlights Eco Advocacy v ABP where standard design measures could be taken into account in Stage 1 Screening for AA, where previously they had been regarded as mitigation measures.
- The proposed development will have no significant impact upon surface water quality and will not cause deterioration of water quality, due to absence of any hydrological linkage with any Natura 2000 sites.

- The proposed development will not result in any loss to any Natura 2000 site, no fragmentation of habitats or species, no cumulative impact upon any Natura 2000 sites in combination with any other plans or projects. The proposal will not compromise the maintenance of any Annex 1 habitats and there will be no adverse impact on the integrity of the Natura 2000 network.
- Therefore, on the basis of objective scientific and factual information pertaining to the site and nature of the proposed works, the proposed development either individually or in combination with other plans/ projects will not have any significant effects on any natura 2000 site. Therefore, Appropriate Assessment Stage 2 is not required.

6.2. Planning Authority Response

The Planning Authority confirms that they have no further comments in relation the proposal and request the Board to uphold their decisions. In the event that permission is granted the provision of the Fingal County Council section 48 Development Contribution Scheme would apply.

7.0 Assessment

7.1. Having examined the application details and all documentation on file, including the submission and observation received in relation to the appeal, and inspected the site and having regard to local policies, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Drainage – Refusal 1
- Appropriate Assessment- Refusal 2
- Residential Amenity / Traffic
- Ecology

7.2. Principle of Development

- 7.2.1. The subject site is located within the High Amenity zoning objective area as detailed in the Fingal Development Plan 2023-2029 (FDP). The objective of which is to protect and enhance high amenity areas. Whilst it is noted that agricultural use is not specifically listed in the “permitted uses”, it is also not listed as a use “not permitted” within this zoning objective. Agricultural uses are normally considered in rural areas unless specifically listed in a Development Plan as a non-permitted use. I consider, based on my inspection of the site, that the re-contouring of land by on average 1.3m to facilitate agricultural use, together with the temporary site office (area 5.5m², Height 3.2m), Portaloo, wheel wash, access road, hardcore quarantine area (area 110m²) and operational plant on site, that the proposed development will have a neutral impact on this high amenity area and is therefore, compliant with the High Amenity Zoning Objective of the FDP.
- 7.2.2. I note that the FDP has listed protected views on the local road along the western boundary of the site. I consider that based on a site inspection, that the re-contouring of land by an average of 1.3m, the proposed structures and plant on site will not negatively impact any protected views along this stretch of the public road.
- 7.2.3. I note that the site is located within the High Lying Agricultural landscape character as set out in the FDP and that the landscape value is “High” and that the landscape sensitivity value is High. I consider that, based on a site inspection that the nature and extent of the development proposed as outlined above will not have a negative impact on the landscape character of the area.
- 7.2.4. I conclude, based on the assessment above, that the proposed development is considered agricultural and that the activity will not have a negative impact on the landscape character of the area and therefore, I conclude that the proposed development is acceptable in principle under the provisions of the Fingal Development Plan 2023-2029.

7.3. Drainage – Refusal 1

- 7.3.1. The Agronomic Report submitted with the planning application notes the following
- the field is enclosed by hedgerows and drains, two of which had running water.

- the watercourse along the southern boundary
- highlights a 12m wide grass buffer zone, hedgerow and open drain between the parcel of land and watercourse.
- that the soil demonstrates impeded drainage and low percolation rates.
- that the water in the drain will infiltrate to groundwater.

7.3.2. The proposal is to regrade the existing natural land profile to improve drainage into the existing drainage network. The imported soil and stone will improve surface water management by slowing the runoff down, improve infiltration and the drainage ditch provides an area for water to attenuate and infiltrate to ground water.

7.3.3. I note that on the date of inspection there was no water present in the drainage ditch, however the site inspection was carried out during a dry spell in August. The applicants noted that there was water running in the drainage ditch in January. It is unclear, as to how the drainage ditch can act as a water attenuation system, if water was running through the ditch, there is no indication as to where this water run-off was discharging too.

7.3.4. I acknowledge that the importation of soil and stone and regrading of the lands will likely improve drainage of the lands, and that the applicant states that the drainage ditch will act as a water attenuation. In my opinion however, the applicant has not provided any clear evidence that the drainage system has the capacity or percolating properties within the underlying ground characteristics to provide a sufficient water attenuation system on site. Specifically, no information has been provided as to the depth to the existing winter-water table or the ground water flow, there is also no information provided as to how the drainage system will be operated over the three-year period during which the regrading process will occur.

7.3.5. I am not satisfied based on the information provided by the applicant that the proposed recontouring/reggrading of the lands in question will provide a sufficient water attenuation system that complies with the underlying principles of SuDS. Therefore, I recommend that permission be refused based on the lack of detail provided to ensure that the alteration to the existing hydrology of the site will not have a negative impact on the Balrickard Stream. I concur with the Planning Authority that the lack of detail provided in relation to surface water attenuation on

site does not comply with the provisions of the FDP in relation to sustainable surface water management.

7.4. Appropriate Assessment- Refusal 2

7.4.1. I note the Appropriate Assessment Screening report carried out by the Planning Authority, which concluded that Appropriate Assessment could not be carried out as there was uncertainty in relation to the following:

- The applicants concluded that there was no hydrological link to the Balickard Stream
- A silt fence is proposed along the ditch and is not described in the AA screening Report, and if mitigation is required for the protection of the stream or any downstream Natura 2000 sites.
- Details submitted outline a network of drainage pipes will be installed prior to replacement of any topsoil; it is not clear if this will increase flow to the drainage ditch or any potential overflow to the stream

7.4.2. I have carried out an Appropriate Assessment Stage 1 Screening and concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 004236, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. (Refer to Section 8 of this report and Appropriate Assessment Screening Stage 1 appended to this report)

7.5. Residential Amenity

7.5.1. Access to the site is from the R132 to the East of the site, along the Bhailsigh Local Road (L1140) for a distance of 1.5km to the Balrickard Road along which the site is accessed. On the date of inspection I noted 12 residential properties from the R132 to the site location. I also noted that the carriageway width along this local road has limited capacity for passing vehicles.

7.5.2. I note from the information provided on file, that traffic movements to the site is estimated at 4-5 vehicles per day. I consider that that the proposed development gives rise to negligible daily, weekly or annual heavy road trips per day. I consider that for a distance of 1.5km that such vehicles are required to travel along this route

and the frequency of such trips that the proposed development is unlikely to have any material traffic impact of the operational capacity of the local road network at this location. I note that the land reclamation works are temporary, and all traffic will cease when reclamation is complete. Therefore, I consider that the proposed haul route and traffic movements will not have any significant impact on existing residential properties at this location.

- 7.5.3. I note from the information provided that once initial site works have been completed, that machinery on site will consist of a bulldozer to carryout reclamation operations and a tractor with a brush attachment will be used for cleaning the proposed access road and hardstand quarantine area. It is estimated that the plant will be idle for the majority of the project and will operate for approximately 7 hours per week. The noise levels are not anticipated to exceed the levels of current local agricultural machinery used on the lands.
- 7.5.4. The applicant proposes to implement a number of dust suppression measures relating to dust generated on site. The site haul road and uploading areas will be maintained to prevent mud depositions and to allow for sweeping. Work areas will be sprayed with clean water during dry periods.
- 7.5.5. The material accepted at the proposed development for land reclamation is inert and organic and will not attract birds or vermin.
- 7.5.6. I conclude, based on the above assessment, that the traffic generated along the proposed haul route, and environmental considerations such as noise and dust generation will have negligible impact on the residential amenity of properties in the vicinity of the site.

7.6. Ecology

- 7.6.1. I note that the Balrickard Stream has been identified as an Ecological Corridor in the Fingal County Development Plan 2023-2029. Objective GINHO40 of the plan states that it is the policy to protect the ecological functions and integrity of these corridors. I note that the applicant has not provided any ecological assessment demonstrating that the proposed recontouring / regrading and alteration to the hydrological characteristic of the lands will not significantly impact on any habitats and/or species of interest in this ecological corridor.

- 7.6.2. Having carried out an Appropriate Assessment Screening, I concluded that due to distance from any Natura 2000 site and the conservation objectives and qualifying interest areas that the proposed development would not be likely to give rise to significant effects on any other European site. However, I consider that the proposed development may have more localised impact on biodiversity which has not been addressed by the applicant.
- 7.6.3. I am not satisfied based on the lack of detail provided that the proposed development will not be likely to have any significant impact on any habitats or species that may be present within this ecological corridor. Therefore, I recommend that permission be refused.

(This is a new issue not addressed by the Planning Authority in their reasons to refuse and the Board may wish to seek the views of the parties.)

8.0 AA Screening

I examined the Appropriate Assessment Screening submitted by the applicant and I was not satisfied with the conclusion that there is no connectivity from the site to the Balrickard Stream in that the drainage ditch and distance would ensure that surface water runoff from the site would not enter the stream. No hydrological analysis or data has been submitted to confirm this conclusion. However, I was satisfied based on the information available from the NPWS and EPA websites, and relating to the nature and extent of the development proposed and Source-Pathway-Receptor model to carry out an Appropriate Assessment Screening.

I carried out Appropriate Assessment Screening in accordance with Article 6(3) of the Habitats Directive. (Refer to AA Screening Report appended to this report) I examined the Water Framework Catchment area within which the proposed development is located to determine all Natura 2000 sites that are within or partially within the Water Framework Catchment Area. Three Natura 2000 sites were identified. Utilising the source-pathway-receptor best practice approach I concluded that the North West Irish Sea SPA (004236) required further screening.

I examined the Qualifying Interests and conservation objectives of the North West Irish Sea SPA and identified potential significant effects, if any, on each qualifying

interests. The screening exercise identified that no qualifying species required a further screening assessment.

Therefore, I concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 004236, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

Having considered the contents of the application, the grounds of appeal, my site inspection and my assessment of the planning issues. I recommend that planning permission be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The Board is not satisfied based on the information provided, that the proposed development, by reason of the importation of subsoil to achieve the revised gradient and levels would not have a negative effect on the natural drainage at this location. Therefore, it is concluded that the proposed development would be contrary to the principals of sustainable drainage which aims to increase infiltration and retention and to slow down the flow of surface water runoff. Therefore, it is considered that the proposed development would be contrary to the provisions of Objective GINH015 of the Fingal Development Plan 2023-2029, which seeks to limit surface water runoff from new developments and would therefore be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied based on the information submitted that surface water attenuation proposed for the proposed development complies with the principles of sustainable drainage and that the importation of soils and stone to regrade and recontour the lands would not have a negative impact on the natural drainage of the area. Therefore, it is concluded that any changes to the natural drainage of the area have not been adequately

assessed to demonstrate that the proposed development would not have potential to significantly impact on any habitats and/or species of interest within the ecological corridor identified in the Fingal Development Plan 2023-2029, located along the adjoining Balrickard Stream. Therefore, It is considered that the proposed development would materially contravene development objectives GINHO40 and UIO9 of the Fingal Development Plan 2023-2029 which seeks to protect the ecological function and integrity of these ecological corridors and would therefore be contrary to the proper planning and sustainable development of the area.

(This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to other substantive reasons for refusal set out above, it may not be considered necessary to pursue the matter)

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.

Alan Di Lucia
Senior Planning Inspector

10th February 2025

Appendix 1 - Form 1

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP		
Case Reference	ABP-320000-24		
Proposed Development Summary	Recontouring of land with all associated site works		
Development Address	Balrickard Road, Rowans Big, Walshestown, Lusk, Co. Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes No	✓ Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class/Threshold..... Schedule 5 Part 2 1 (a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320000-24
Proposed Development Summary	Recontouring of land with all associated site works
Development Address	Balrickard Road, Rowans Big, Walshestown, Lusk, Co. Dublin
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development	The proposes is for the importation of 18,000 tonnes of inert soil and stones to recontour 0.9 hectares of land over a three-year period.
Location of development	The location is within a rural area, and the recontouring is not considered significant in terms of the location
Types and characteristics of potential impacts 1.Extent of Impact 2. Transboundary Nature of Impact 3. magnitude and complexity relating to population and Human health, Biodiversity, Land and soils, water. Air, climate, noise and vibration, material assets, cultural	1) The extent of the impact would not be significant due to size and location of the operation. 2) There are no transboundary implications. 3) The magnitude and complexity relation to the overall environmental considerations

heritage, landscape and visual, traffic and transport	could be considered localised, and whilst there may be some impacts they would not be considered significant.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No
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.	Schedule 7A information submitted with application.
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed Anaerobic Digestion Plant in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been prepared by *Cassidy Consultants* on behalf of the applicant and the information presented in that report informs this screening determination.

1.1 Description of the proposed development

The proposed development consists of the re-contouring of agricultural land using imported clean inert soil and stones within a farm holding for the consequential benefit to agriculture. A 3-year planning permission is requested, and during this period 18,153 tonnes of inert soil and stones will be imported for the purposes of land reclamation. Works to also consist of a new temporary access road, temporary site office, Portaloo, and wheel wash and to include all associated site works.

1.2 European Sites

Using the methodology outlined in the OPR AA Screening Assessment and the EPA website, it was determined that 4 no. Natura 2000 sites are located within or partially within the catchment area. Using the source-pathway-receptor best practice approach. (See Table 1 below)

Table 1

AA Screening Identification of Relevant Natura 2000 Sites Using Source-Pathway-Receptor Model

Natura 2000 Sites Identification Matrix				
Natura 2000 Site	Site Code	Distance to Proposed Development (km)	Connections (Source-Pathway-Receptor)	Considered Further in Screening (Yes/No)
North-West Irish Sea SPA	004236	5.6km East	Due to proximity and hydrological link to Natura 2000, further examination is required.	Yes
Rogerstown Estuary SAC	000208	7.5 km Southeast	Given the separation distance from the site and the lack of ecological/hydrological pathways, the site has	No

			been scoped out for further consideration.	
Rogerstown Estuary SPA	004015	7.5km Southeast	Given the separation distance from the site and the lack of ecological/hydrological pathways, the site has been scoped out for further consideration.	
Roacabill to Dalkey Island SAC	003000	10.8 km East	Given the separation distance from the site and the lack of ecological/hydrological pathways, the site has been scoped out for further consideration.	No

One European site was identified as being located within a potential zone of influence of the proposed development. The North-West Irish Sea SPA

The qualifying interests and conservation objectives for the North-West Irish Sea SPA are outlined in Table 2 below:

Table 2

Qualifying Interests and Conservation Objectives

The North-West Irish Sea SPA		
Qualifying Interests (Qis)	Code	Site Specific Conservation Objective.
Species		
Red-throated Diver	A001	Maintain Favourable Conservation Condition
Great Northern Diver	A003	Maintain Favourable Conservation Condition
Fulmar	[A009]	Restore Favourable Conservation Condition
Manx Shearwater	[A013]	Maintain Favourable Conservation Condition
Cormorant	[A017]	Restore Favourable Conservation Condition
Shag	[A018]	Restore Favourable Conservation Condition
Common Scoter	[A065]	Maintain Favourable Conservation Condition

Little Gull	[A177]	Maintain Favourable Conservation Condition
Black-headed Gull	[A179]	Maintain Favourable Conservation Condition
Common Gull	[A182]	Maintain Favourable Conservation Condition
Lesser Black-backed Gull	[A183]	Maintain Favourable Conservation Condition
Herring Gull	[A184]	Restore Favourable Conservation Condition
Great Black-backed Gull	[A187]	Maintain Favourable Conservation Condition
Kittiwake	[A188]	Restore Favourable Conservation Condition
Roseate Tern	[A192]	Maintain Favourable Conservation Condition
Common Tern	[A193]	Maintain Favourable Conservation Condition
Arctic Tern	[A194]	Maintain Favourable Conservation Condition
Little Tern	[A195]	Maintain Favourable Conservation Condition
Guillemot	[A199]	Maintain Favourable Conservation Condition
Razorbill	[A200]	Maintain Favourable Conservation Condition
Puffin	[A204]	Restore Favourable Conservation Condition

1.3 Potential significant effects on the European sites in view of the conservation objective.

Table 3 below assesses all Qualifying Interests for the European Sites in view of their conservations objective to determine potential significant effects.

Table 3

Identification of Potential Significant Effects

The North-West Irish Sea SPA		
Qualifying Interests (Qis)	Potential Significant Effects	Screening Conclusion. (In/Out)
Species		
Red-throated Diver	Habitat located approximately 6km downstream, habitat is coastal, and foraging is sea based	Out

Great Northern Diver	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea or river based	Outt
Fulmar	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Manx Shearwater	Habitat located approximately 6km downstream, habitat is coastal, and foraging is sea based	Out
Cormorant	Habitat located approximately 6km downstream, habitat is coastal, and foraging is sea based	Out
Shag	Habitat located approximately 6km downstream, habitat is coastal, and foraging is sea based	Out
Common Scoter	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Little Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Black-headed Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Common Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Lesser Black-backed Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is both sea and terrestrial	Out
Herring Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is both sea and terrestrial	Out
Great Black-backed Gull	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is both sea and terrestrial	Out
Kittiwake	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Roseate Tern	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Common Tern	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Arctic Tern	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out

Little Tern	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Guillemot	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Razorbill	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out
Puffin	Habitat located approximately 6km downstream, habitat is mainly coastal, and foraging is mainly sea based	Out

The Screening exercise has indicated that no qualifying species required a further screening assessment.

1.8. Mitigation measures

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

1.9. Screening Determination

Finding of no likely significant effect

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 004236, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

The Qualifying interests and conservations objectives of the Natura 2000 sites, the hydrological connection, and the distance from the European Site.

Inspector: _____ Date: _____