Specialist Report to Inspector

ABP-322098-25

Development	Construction of anaerobic digestion facility with all associated site works at Country Crest, Collinstown, Lusk, Co.Dublin.
Planning Authority & Ref	Fingal County Council, F24A/1162E
Applicant(s)	Country Crest ULC
Type of Application	Normal Planning Appeal
Inspector	Stephen Ward
Ecologist	Fiona Patterson
Topic	Specialist support on biodiversity and Natura 2000 sites
Report No	R322098_App 1
Date	20th January 2026

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1.0 Introduction

1.1. Proposed Development

1.1.1. The subject application is for the proposed development of an anaerobic digestion (AD) facility to produce a renewable biomethane gas for direct injection into the national gas grid on a site of circa 7.28 hectares at the townland of Collinstown, Lusk, Co Dublin. The development comprises of AD tanks and processing equipment, feedstock storage facilities and equipment, silage storage clamps, digestate management and storage facilities. The proposed development is described in detail in the Inspectors report and not repeated here.

1.2. Scope of Specialist Ecology report to Inspector

1.2.1. Following review of the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted with this application and the observations/submissions received, specialist ecology support is requested regarding biodiversity, including downstream Natura 2000 sites, having regard to submissions from third parties and An Taisce and Inland Fisheries Ireland.

1.2.2. This report to the Planning Inspector and available to the Commission is a written record of my review and examination of the submitted information and will support the biodiversity assessment of the EIA and Appropriate Assessment (AA).

1.3. Documentation

1.3.1. As part of the preparation of this specialist report, I have read all the documentation attached to this case relating to biodiversity/AA matters including inter alia, the EIAR, NIS, drawings, site layout plans, details of the proposed development and all associated documentation prepared by the Applicant, observations/submissions received and the report of the Planning Authority. I have reviewed the relevant conservation objectives documents of the relevant European sites. I have also reviewed the Commissions in-house Environmental Scientist report on ABP-322098.

1.3.2. I note the proposed development requires an Industrial Emissions licence from the EPA prior to commencing operation.

2.0 Issues examined and suggestions for consideration by the Planning Inspector/Commission

2.1. Competent Experts, Methodology, Baseline

2.1.1. Section 1 of the AA Screening/NIS report states the report has been prepared by Panther Environmental Solutions Ltd (PES). Section 1 states that a study was undertaken by Ms Paula Farrell of Panther Ecology Ltd who has a BSc in Wildlife Biology from Munster Technological University and has experience in elasmobranch, amphibian, bird, invertebrate and floral surveys.

2.1.2. Section 1.7 of the EIAR (*Competent Experts*) state that Panther Environmental Solutions Ltd (PES) were responsible for preparing the Chapter 9 (Ch 9) (*Biodiversity*) of the EIAR. Individual authors are not specifically identified for Ch 9. I note PES and Panther Ecology Ltd are both situated in the Innovation Centre, Carlow.

2.1.3. The AA Screening report is included within Sections 1 to 6 (pgs 1-50) of the overall NIS. Section 1 states that the study undertaken by Ms Farrell comprised a review of the proposed development, a site visit on 28th August 2024 to examine the ecological context of the proposed development, a desk study of the information on European sites within the potential zone of influence of the site and analysis of the information in the context of the guidance to determine if an NIS was required. The AA methodology is set out in Section 3. Section 3.3 of the NIS summarises the site assessment (including surveys) undertaken on 28th August 2024. The existing environment (habitats, flora and fauna and watercourses) is described in Sections 4.2 and 4.3 of the AA Screening/NIS report.

2.1.4. Section 9.3 of Ch 9 of the EIAR sets out the methodology (guidance, study area, desktop, field surveys & ecological valuation criteria) used. Detail is provided in Section 9.3.4 on the field survey methodology for the site assessment undertaken on 28th August 2024. The surveys undertaken included habitat and flora survey, fauna survey (excluding bats), daytime assessment of bat roost potential and general bird survey. Survey limitations are also detailed in Section 9.3. A description of existing environment (including details on designated sites) is provided in Section 9.4 of Ch 9 of the EIAR. A summary of the habitats observed at the proposed development site

is presented in Table 9.9 whilst a habitat map is included as Figure 9.1. A photo log and full list of flora recorded are included in Attachments 9.3 and 9.4.

2.1.5. The proposed development predominantly consists of arable land (BC1) defined by drainage ditches (FW4) and hedgerows (WL1). Small areas of recolonising bare ground (ED3), spoil and bare ground (ED2), dry meadows and grassy verges (GS2) are present along the boundaries/margins of the arable crops. The surrounding area is predominantly agricultural farmlands and buildings and artificial surfaces (BL3). The ecological value of the habitats and species are presented in Tables 9.13 and 9.14 respectively of Ch 9 of the EIAR. Most habitats identified within the boundary of the site during the assessment were generally considered to be modified and of low conservation value. Bats are likely to use the hedgerow/field boundaries around the site however no existing trees or hedgerows will be removed as part of this development. The proposed development site does not provide suitable ex-situ foraging/breeding habitat for any qualifying interest species. No evidence of badger was observed during the surveys however Section 9.4.3 of Ch 9 notes that it is possible areas of the development site may be used by badgers for foraging. It also notes that given the majority of the site is modified, the site is unlikely to support protected mammal species however they may forage in along the hedgerows (which will not be removed). Refer to Section 9.4.3 of Ch 9 for further information on fauna observed within the development site and in surrounding areas.

2.1.6. There are no mapped watercourses within the development boundary. Land drains are located along the perimeter of the proposed development site. Section 9.4.3 of Ch 9 notes these ditches would have limited potential in supporting protected species. Section 4.3.1 of the AA Screening/NIS report notes that the southern drain flows eastwards for c218m where it enters into the Palmerstown (also referenced locally as Bride) watercourse. The western drain flows south and the westwards and eventually enters the Rathmooney (also known locally as Jones) watercourse. The Rathmooney joins the Palmerstown confluence and then the Palmerstown discharges into the Rogerstown Estuary which becomes part of the Rogerstown Estuary SAC and SPA. North-west Irish Sea candidate SPA (cSPA) is located offshore of Rogerstown Estuary. A direct hydrological connection between these

three European sites and the drainage ditches within the proposed development boundary has been identified via the Palmerstown and Rathmooney watercourses.

2.1.7. Having reviewed the documentation, I consider that the extent of evidence provided by the Applicant provides sufficient details of biodiversity baseline on the site. I consider that that the surveys and reporting have been carried out with regard to best practice guidance and that there is sufficient detail on the biodiversity baseline within the zone of influence of the development such that a robust impact assessment can be carried out for both EIA and AA. I consider that all of the information required to carry out EIA and AA is presented to the required level of detail in the Biodiversity EIAR chapter and AA Screening/NIS report and the content of both documents is in accordance with good practice.

2.1.8. I note that the baseline information presented is similar in both Ch 9 of the EIAR and in the AA Screening/NIS report. Noting that the surveys carried out on 28th August 2024 have informed both reports, I have inferred that the lead author of the AA Screening/NIS report has had some involvement in the preparation of Ch 9 of the EIAR. Having reviewed the documentation and having regard to the ecological baseline and nature of the proposed development, I consider that the Applicant has demonstrated sufficient biodiversity expertise to carry out the relevant surveys and to prepare the Biodiversity EIAR chapter and AA Screening/NIS report.

2.1.9. Impacts and mitigation are discussed in Section 9.5 and 9.6 respectively of Ch 9. Residual impacts are presented in Section 9.7. I refer the Inspector/Commission to Tables 9.13 (*Ecological value of identified habitats at the proposed development*) and 9.14 (*Ecological value of species present/within the vicinity of the development*). I also refer the Inspector/Commission to Tables 9.16 (*Summary of Predicted Impacts Pre-Mitigation*) and 9.17 (*Summary of Residual Impacts Post-Mitigation*). Having reviewed the documentation, having regard to the nature of the proposed development, in particular the construction phase and operational phase impacts and having reviewed the mitigation proposed, I consider that the proposed development will not result in any likely significant effects on biodiversity, once mitigation measures are in place

2.1.10. In Appendix I of my report, I provide a summary assessment of the adequacy of the EcIA based on the Chartered Institute of Ecology and Environmental Management (CIEEM) (2019) Ecological Impact Assessment (EcIA) checklist.

2.2. Consideration of Likely Significant Effects on a European Site

2.2.1. Section 5 of the AA Screening/NIS report identifies European sites within the zone of influence of the proposed development whilst Section 6 provides an assessment of likely significant effects. Three European sites were screened in for construction phase impacts. Table 5.1.1 of the report presents details of the three sites screened in and distance from the proposed development site. These are: Rogerstown Estuary SAC (000208) & SPA (004015) (4.4km SE as the crow flies, 5.2km hydrologically) and North-west Irish Sea cSPA (004236) (4.9km SE, hydrological distance not provided but will be greater than 5.2km). A direct hydrological connection between these three European sites and the drainage ditches within the proposed development boundary has been identified via the Palmerstown and Rathmooney watercourses.

2.2.2. The drainage strategy for the development is as described in Section 4.1 of the AA Screening/NIS report. This includes two sealed catchment basins and flow controls and petrol interceptor before discharge into a drainage ditch to the south. Thus, potential water quality impacts on European sites from operational surface water discharges are minimised. In-stream works during construction will be required for the installation of two new headwalls within the drainage ditch to the south to facilitate the proposed surface water drainage network.

2.2.3. Section 5 of the AA Screening/NIS report includes both the Rogerstown Estuary SAC and Rogerstown Estuary SPA within the zone of influence of the proposed development due to a direct hydrological connectivity and potential deterioration of water quality during in-stream construction works. Section 5 (pg 45) of the report notes that "*while the risk is considered low, there is potential for deterioration in water quality of some of the qualifying habitats*" of the Rogerstown Estuary SAC. Section 6.3.1 notes that *"while the risk is considered low, given the direct hydrological connection, the North-west Irish Sea SPA (Site Code: 004236) is also screened in as a precaution".* It states that *"a deterioration in water quality has the potential to have an indirect impact on the qualifying interests of the Rogerstown*

Estuary SPA and the North-west Irish Sea SPA by having a significant impact on prey. Construction mitigation measures will be required to prevent a deterioration in water quality during the construction phase of this development".

2.2.4. The AA Screening/NIS report notes that foul water will be treated via a new package treatment system and percolation area. There will be no process effluent emissions from the site, with all liquid digestate stored within earth covered lagoons, awaiting collection for landspreading activities. Section 4.1 of the AA Screening/NIS report notes that "*Digestate would be collected by an appointed contractor and applied within the applicant's and partner farmers lands in the area in accordance with Nutrient Management Plans and the Nitrates Regulations as a matter of good environmental practice. The regulations provide for controls designed to protect groundwater and surface water from impacts due to the application of fertiliser on agricultural lands. Acceptable spreading times are limited, prohibitions on weather and ground conditions are defined and set back distances from waterbodies and wells/springs and limitations for areas of extreme groundwater vulnerability are established*". I note the Nutrient Management Plan is included as Attachment 2.4 to the EIAR.

2.2.5. Potential air quality impacts from ammonia and nitrogen on European sites are discussed in Section 6.4 of the AA Screening/NIS report. It references an air quality assessment undertaken by Katestone Environmental Ltd as part of the EIAR and EPA guidance "*Assessment of the impact of ammonia and nitrogen on Natura 2000 Sites from intensive agricultural installations. (EPA, 2023)"*. It notes that according to the air quality assessment report "*Predicted concentrations of NO_3 comply with the 1% threshold of significance at all sensitive ecological locations for the operation of sources of emissions at the proposed development in isolation. Predicted concentrations of NH_3 comply with the 1% threshold of significance at all sensitive ecological locations for the operation of sources of emissions at the proposed development in isolation. Predicted deposition rates of nitrogen comply with the 1% threshold of significance at all sensitive ecological locations for the operation of sources of emissions at the proposed development in isolation*." Therefore, the AA Screening/NIS report concludes that the operation of the proposed anaerobic

digestion plant will not result in significant additional air quality impacts at nearby sensitive receptors or upon European sites.

2.2.6. The NIS is included within Sections 7 to 9 (pgs 50-81). The NIS further appraises the potential for construction phase impacts, via the surface water pathway on these three European sites. Section 8.0 of the NIS includes mitigation measures prior to, during and after in-stream works, water quality measures and biosecurity measures for the duration of the construction works.

2.2.7. In my opinion, I consider that construction water quality mitigation measures proposed by the Applicant as presented in both the EIAR and NIS are required primarily to protect water quality in the Palmerstown and Rathmooney watercourses, regardless of the presence of a European site downstream. However, having regard to the documentation provided by the Applicant and following a review of the conservation objectives, I consider that the precautionary approach taken in the AA Screening Report in relation to *screening in* Rogerstown Estuary SAC and Rogerstown SPA is acceptable. I consider that the mitigation measures proposed by the Applicant are sufficient for the prevention of adverse effects on these two European sites, they are based on standard construction industry methodologies, normally implemented on similar development sites and proven to work successfully.

2.2.8. I note that the North-west Irish Sea cSPA is an important resource for seabirds, that is, birds that travel into marine environments to obtain food. Site specific conservation objectives have been set for the individual species listed for the cSPA, related to the marine environment. Notwithstanding that there may be some uncertainty that potential for significant effects on prey cannot be excluded for the Rogerstown SPA located within the estuary due to construction-related pollution risks, I consider that any such risk in the marine environment would be rapidly dispersed and diluted to non-significant levels. I consider that the development would not result in impacts that could affect conservation objectives related to population trends, cause disturbance of birds in the marine environment, their spatial distribution, forage distribution and abundance or cause barriers to access to the cSPA or other ecologically important sites outside the cSPA. I also note that the cSPA is not designated for wetland habitats. I am satisfied the proposed development would not result in impacts of such magnitude that could undermine the

conservation objectives set for this cSPA site. Therefore, I consider that this cSPA can be *screened out* for likely significant effects.

2.2.9. Potential in-combination/cumulative effects of development are also adequately addressed within the NIS. In relation to land spreading of the digestate, I note that there are new GAP Regulations (S.I. No 588/2025 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 which revoke the earlier 2022 GAP regulations (S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended). I am satisfied that subject to the proper implementation of the provisions of the 2025 GAP Regulations, the use of digestate on agricultural lands will not lead to enrichment of waters including those which are designated as European sites.

3.0 Conclusion

3.1.1. Having examined the documentation on the file, I consider that the proposed development will not result in any likely significant effects on biodiversity, once mitigation measures are in place.

3.1.2. I consider that the North-west Irish Sea cSPA (004236) can be *screened out* for likely significant effects. I consider that the Applicant has demonstrated that proposed development with the implementation of the mitigation measures presented in the NIS, either alone or in-combination with other plans/ projects will not result in adverse effects on site integrity of any European site. I consider that an in-combination assessment of landspreading activities associated with the digestate has been adequately addressed in the NIS.

3.1.3. In the event of a grant of permission, a condition should be provided to ensure that all mitigation outlined in the Applicants EIAR and NIS is adhered to.

Signed:

20th January 2026

Fiona Patterson, Inspectorate Ecologist, BSc, MSc, MISEP CEnv.

Appendix 1 Checklist for Biodiversity/EcIA

Based on CIEEM (2019) *EcIA Checklist*[1] and amended to Irish context

A suggested tool for use when examining and evaluating a Biodiversity Chapter in an EIAR as part of EIA, or a Biodiversity/ Ecology section in an Environmental /Planning Report

Biodiversity and Ecological impact Assessment Criteria		Yes No n/a	Paragraph reference number (s)
Pre-app/scope	1. Where pre-application advice has been received from a statutory body (e.g. DAU /NPWS, IFI), and/or relevant NGO it has been fully accounted for in the EcIA.	N/A	No response from NPWS
	2. The scope, structure and content of the EcIA is in accordance with published good practice[i], [ii] , [iii] and/or industry specific guidance[iv]	Y	Section 9.3
Surveys, Sites, Species and Habitats	3. Adequate and up-to-date[v] : a. Desk study has been undertaken b. habitat survey has been undertaken[vi] c. more detailed ecology surveys have been undertaken (where necessary e.g. habitat specific and/or species specific)	Y	Sections 9.3, 9.4
	4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified (e.g. SAC, SPA, NHA, pNHA, National parks, Nature reserves, local biodiversity areas).	Y	Sections 9.3, 9.4. See also NIS
	5. All protected species[vii] likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline.	Y	Sections 9.3, 9.4. See also NIS
	6. Any invasive non-native plant species present are clearly and correctly identified.	N/A	Section 9.4.6
	7. Where separate detailed surveys are required, these have been undertaken in full and results submitted with the application (or lack of such surveys is justified).	N/A	
Impacts and Effects	8. The assessment is based on clearly defined development proposals along with relevant drawings/plans **Or**	Y	Sections 9.5.1-9.5.4

[1] https://cieem.net/resource/ecological-impact-assessment-ecia-checklist/

	9. The residual ecological effects are not significant at any geographical scale irrespective of the detailed development proposals, and the assessment is based on a worst-case-scenario.		
	10. The report describes and assesses all likely significant ecological effects (including cumulative effects) clearly stating the geographical scale of significance (where relevant); Cross reference with AA Screening Report/ NIS (as relevant).	Y	Sections 9.5.1-9.5.6
Mitigation, Compensation and Enhancement	11. The mitigation hierarchy has been clearly followed: e.g. Avoidance, minimization, mitigation by remedy, compensation.	Y	Section 9.6
	12. The report: a. Clearly identifies the proposed mitigation and any compensation measures and explains how these will adequately address all likely significant adverse effects. b. Includes, where necessary, proposals for post-construction monitoring. c. Recommends how proposed measures may be secured through planning conditions/obligations and/ or any necessary licenses.	Y	Section 9.6
	13. A summary table of proposed mitigation and compensation measures has been provided.	Y	Section 9.7
	14. The need for any mitigation/derogation licenses required in relation to protected species is clearly identified; any approved derogations licenses are included with the application.	N/A	
Competence/ Good Practice	15. Any limitations of the ecological work have been correctly identified and the implications explained.	Y	Section 9.3.4
	16. All relevant key timing issues (e.g., site vegetation clearance or roof removal) that may constrain or adversely affect the proposed timing of development have been identified.	Y	Section 9.6
	17. All ecological work and surveys accord with published good practice methods and guidelines. **OR** 18. Any deviation from such guidelines is made clear and fully justified, and the implications for subsequent conclusions and recommendations made explicit in the report.	Y	Sections 9.3, 9.4
	19. All ecologists and surveyors have the necessary (demonstrated) competencies to carry out the work undertaken and/or hold appropriate species licenses (where relevant)	Y	See Inspectorate Ecologist comment in Section 2.1.8 above

Conclusions	20. The report clearly identifies where the proposed development complies with relevant legislation and policy, highlighting any possible non-compliance issues, and highlighting circumstances where a conclusion cannot be drawn as it requires an assessment of non-ecological issues (such as socioeconomic ones)	N/A	
	21. The report provides a clear summary of losses (and any gains) for biodiversity	Y	Section 9.7
	22. Justifiable conclusions based on sound professional judgement have been drawn as to the significance of effects on any designated site, protected or priority habitat/species or other ecological feature, and a justified scale of significance has been stated.	Y	Section 9.7. Refer also to NIS

References and links

[i] Guidelines on the information to be contained in environmental impact assessment reports. Environmental Protection Agency, 2022. https://www.epa.ie/publications/monitoring--assessment/assessment/guidelines-on-the-information-to-be-contained-in-environmental-impact-assessment.php

[ii] CIEEM (2017) Guidelines for Ecological Report Writing: https://cieem.net/resource/guidelines-for-ecological-report-writing/

[iii] CIEEM (2024) Guidelines for Ecological Impact Assessment in the UK and Ireland Terrestrial, Freshwater, Coastal and Marine : https://cieem.net/wp-content/uploads/2018/08/EcIA-Guidelines-v1.3-Sept-2024.pdf

[iv] *For Example*: TII Guidelines for Assessment of Ecological Impacts of National Roads Schemes (2008), https://www.tii.ie/technical-services/environment/planning/Guidelines-for-Assessment-of-Ecological-Impacts-of-National-Road-Schemes.pdf and other TII documents: https://www.tii.ie/technical-services/environment/planning/

EirGrid: Ecology Guidelines for Electricity Transmission Projects. http://www.eirgridgroup.com/site-files/library/EirGrid/Ecology-Guidelines-for-Electricity-Transmission-Projects.pdf

[v] CIEEM (2019) Advice note on the Lifespan of Ecological Reports and Surveys: https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/

[vi] The Heritage Council, A Guide to Habitats in Ireland, (Fossitt, 2000): https://www.npws.ie/sites/default/files/publications/pdf/A%20Guide%20to%20Habitats%20in%20Ireland%20-%20Fossitt.pdf

also https://www.heritagecouncil.ie/content/files/best_practice_guidance_habitat_survey_mapping_onscreen_version_2011_8mb.pdf

[vii] Checklist of protected and threatened species in Ireland (2019). Wildlife Manuals, No. 116. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, https://www.npws.ie/sites/default/files/publications/pdf/IWM%20116%20Checklists%20Protected%20and%20Threatened%20Species%202019.pdf

Also: IWM 116 Checklists Protected and Threatened Species Version 4.0 16 June 2025.xlsx