



Appropriate Assessment Screening Report
Kenelm SHD at lands in Deerpark, Howth Road.

prepared for GLL PRS Holdco Ltd.

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This report has been prepared by Scott Cawley Ltd. in accordance with the particular instructions and requirements of our agreement with the Client, the project's budgetary and time constraints and in line with best industry standards. The methodology adopted and the sources of information used by Scott Cawley Ltd. in providing its services are outlined in this report. The scope of this report and the services are defined by these circumstances.

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The conclusions presented in this report represent Scott Cawley Ltd.'s best professional judgement based on review of site conditions observed during the site visit (if applicable) and the relevant information available at the time of writing. Scott Cawley Ltd. has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy.

Table of Contents

1	Introduction	1
2	Methodology	2
2.1	Scientific and Technical Competence Relied Upon	2
2.2	Guidance	2
2.3	Assessment Methodology	3
2.4	Desktop Data Review	4
2.5	Consultations	5
2.6	Baseline Surveys.....	6
3	Provision of Information for Screening for Appropriate Assessment	9
3.1	Description of the Proposed Development.....	10
3.2	Overview of the Receiving Environment.....	11
3.3	Assessment of Effects on European Sites	23
4	Conclusions of Screening Assessment Process.....	32

Appendix I

Scientific and Technical Competence Relied Upon

Appendix II

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site (see Figure 4)

Appendix III

Planning policies/objectives relating to the protection of European sites and water quality

Appendix IV

Landed birds using both the proposed development site and lands within a 300m buffer of the proposed development site (see Figures 6, 7 and 8)

1 Introduction

- 1 This report, which contains information required for the competent authority (in this instance An Bord Pleanála) to undertake a screening for Appropriate Assessment (AA), has been prepared by Scott Cawley Ltd. on behalf of the applicant. It provides information on, and assesses the potential for, the proposed development to impact on the Natura 2000 network (hereafter referred to as European sites)¹. The proposed development consists of a proposed Strategic Housing Development in lands at Deerpark, Howth, Co. Dublin at Irish Grid Reference O 27676 39262 (see **Error! Reference source not found.**).

Figure 1 *Indicative red line boundary for the proposed development site*



- 2 An AA is required if significant effects on European sites arising from a proposed development cannot be ruled out at the screening stage, either alone or in combination with other plans or projects. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European sites, either individually or in combination with other plans or projects.

¹ The Natura 2000 network is a European network of important ecological sites, as defined under Article 3 of the Habitats Directive 92/43/EEC, which comprises both special areas of conservation and special protection areas. Special conservation areas are sites hosting the natural habitat types listed in Annex I, and habitats of the species listed in Annex II, of the Habitats Directive, and are established under the Habitats Directive itself. Special protection areas are established under Article 4 of the Birds Directive 2009/147/EC for the protection of endangered species of wild birds. The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats.

In Ireland these sites are designed as *European sites* - defined under the Planning Acts and/or the Birds and Habitats Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

For the reasons set out in detail in this AA Screening Report, in our professional opinion an **Appropriate Assessment of the proposed development is required in this instance** as it cannot be concluded, on the basis of objective information, that the proposed development, either individually or in combination with other plans or projects, will not have a significant effect on the following European site(s): **Baldoyle Bay SAC, Howth Head SAC, Baldoyle Bay SPA, North Bull Island SPA, Ireland's Eye SPA, Malahide Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Lambay Island SPA, Rogerstown Estuary SPA, and Skerries Islands SPA.**

2 Methodology

2.1 Scientific and Technical Competence Relied Upon

- 3 This Appropriate Assessment Screening Report was authored by Lorna Gill BA MSc. and reviewed by Caroline Kelly BSc. MSc. Senior Ecologist and approved by Andrew Speer Technical Director of Scott Cawley Ltd. The background and experience of the author of this report is set out below with details on reviewers set out in Appendix I.
- 4 Lorna Gill is a Consultant Ecologist with Scott Cawley. Lorna holds an MSc in Conservation and Biodiversity from the University of Exeter and an honours degree in Natural Sciences with a specialisation in Zoology from Trinity College Dublin. Lorna is experienced in carrying out field surveys in Ireland including wintering birds, breeding birds, bats and other protected mammals. Other experience includes monitoring badger sett closures, radiotracking bats, manual bat call analysis and the use of GIS software. At Scott Cawley, Lorna's work also includes data analysis and the preparation of Appropriate Assessment reports and Ecological Impact Assessments for residential and other commercial projects across the country. Recent ecological assessments as part of an EIAR include an assessment as part of an EIAR for Strategic Housing Development (SHD) at Abingdon, Shanganagh Road, Shankill, Dublin 18 (Bord Pleanála Ref: 308418). This is a development of 193 no/ build to rent apartments and associated works. The application has been granted with conditions. An assessment as part of an EIAR for the construction of 2 no. two storey Information Communication Technology (ICT) facilities in Grange Castle West, Milltown, Newcastle, Co. Dublin (Ref SD20A/0324). The application is currently subject to additional information. An assessment as part of an EIAR for the construction of a 110kV GIS substation compound and grid connection at Grange Castle, Co. Dublin (Bord Pleanála Ref: PL06S.309201).

2.2 Guidance

- 5 This Appropriate Assessment Screening Report has been prepared with regard to the following guidance documents, as relevant:
 - *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision)
 - *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities.* Circular NPW 1/10 & PSSP 2/10
 - *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, 2001)
 - *Communication from the Commission on the precautionary principle* (European Commission, 2000), and
 - *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019)
 - *OPR Practice Note PN01. Appropriate Assessment Screening for Development Management* (Office of the Planning Regulator, 2021)

2.3 Assessment Methodology

- 6 The above referenced guidance sets out a staged process for carrying out Appropriate Assessment. To determine if an Appropriate Assessment is required, documented screening is required. Screening identifies the potential for effects on the conservation objectives of European sites, if any, which would arise from a proposed plan or project, either alone or in combination with other plans and projects (i.e. likely significant effects).
- 7 Significant effects on a European site are those that would undermine the conservation objectives supporting the favourable conservation condition of the Qualifying Interest (QI) habitats and/or the QI/Special Conservation Interest (SCI) species of a European site(s).
- 8 Screening for Appropriate Assessment involves the following steps:



- 9 If the conclusions at the end of screening are that there is no likelihood of significant effects occurring on any European sites as a result of the proposed plan or project, either alone or in combination with other plans and projects, then there is no requirement to undertake an Appropriate Assessment.
- 10 In establishing which European sites are potentially at risk (in the absence of mitigation) from the proposed development, a source-pathway-receptor approach was applied. In order for an impact to occur, there must be a risk enabled by having a source (e.g. water abstraction or construction works), a receptor (e.g. a European site or its QI(s) or SCI(s)²), and a pathway between the source and the receptor (e.g. pathway by air for airborne pollution, or a pathway by a watercourse for mobilisation of pollution). For an impact to occur, all three elements must exist; the absence or removal of one of the elements means there is no possibility for the impact to occur.
- 11 The identification of source-pathway-receptor connection(s) between the proposed development and European sites essentially is the process of identifying which European sites are within the Zone of Influence (ZoI) of the proposed development, and therefore potentially at risk of significant effects. The ZoI is the area over which the proposed development could affect the receiving environment such that it could potentially have significant effects on the QI habitats or QI/SCI species of a European site, or on the achievement of their conservation objectives³.
- 12 The identification of a source-pathway-receptor link does not automatically mean that significant effects will arise. The likelihood for significant effects will depend upon the characteristics of the source (e.g. extent and duration of construction works), the characteristics of the pathway (e.g. direction and strength of prevailing winds for airborne pollution) and the characteristics of the receptor (e.g. the sensitivities of the European site and its QIs/SCIs). Where uncertainty exists, the precautionary principle⁴ is applied.

2.4 Desktop Data Review

- 13 The desktop data sources used to inform the assessment presented in this report are as follows (accessed on the 17th of February 2021):
 - Online data available on European sites and protected habitats/species as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie⁵, including conservation objectives documents
 - Online data available on protected species as held by the National Biodiversity Data Centre (NBDC) from www.biodiversityireland.ie
 - Information on the surface water network and surface water quality in the area available from www.epa.ie

² The term qualifying interest is used when referring to the habitats or species for which an SAC is designated; the term special conservation interest is used when referring to the bird species (or wetland habitats) for which an SPA is designated.

³ As defined in the *Guidelines for Ecological Impact Assessment in the UK and Ireland* (CIEEM, 2018)

⁴ The precautionary principle is a guiding principle that derives from Article 191 of the Treaty on the Functioning of the European Union and has been developed in the case law of the European Court of Justice (e.g. ECJ case C-127/02 – Waddenzee, Netherlands).

The guidance document *Communication from the Commission on the Precautionary Principle* (European Commission, 2000) notes that the precautionary principle “covers those specific circumstances where scientific evidence is insufficient, inconclusive or uncertain and there are indications through preliminary objective scientific evaluation that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the chosen level of protection”.

Applying the precautionary principle in the context of screening for appropriate assessment requires that where there is uncertainty or doubt about the risk of significant effects on a European site(s), it should be assumed that significant effects are possible and AA must be carried out.

⁵ The following SAC and SPA GIS boundary datasets are the most recently available at the time of writing: SAC_ITM_2019_12 and SPA_ITM_2019_12.

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- Information on groundwater resources and groundwater quality in the area available from www.epa.ie and www.gsi.ie
 - Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie
 - Information on the location, nature and design of the proposed development supplied by the applicant's design team
 - Fingal Development Plan 2017-2023⁶
 - Fingal Biodiversity Action Plan 2010 - 2015⁷
 - National Biodiversity Action Plan 2017 – 2021⁸

2.5 Consultations

- 14 A consultation letter was submitted by email to the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht on 09 February 2021. The letter included an outline description of the proposed development, and a request for any comments on the proposal. No response has been received by Scott Cawley prior to submission of the planning application for the proposed development.
- 15 The Board in their Opinion on SHD proposals directed the Applicant to the statutory bodies that must be notified of the making of the application. One of those statutory bodies included was the Department of Culture, Heritage and the Gaeltacht. A full copy of the application will be sent to the Department of Culture, Heritage and the Gaeltacht at the time of lodgement to An Bord Pleanála.

⁶ The Fingal Development Plan 2017-2023 (Fingal County Council, 2017)

⁷ The Fingal Biodiversity Action Plan 2010 - 2015 (Fingal County Council, 2010)

⁸ National Biodiversity Action Plan 2017-2021 (NPWS, 2017)

2.6 Baseline Surveys

- 16 This section describes the ecological surveys carried out to inform the assessment of likely significant effects on European sites.

Table 1 *Ecological surveys and survey dates*

Survey	Survey Date(s)	Surveyor(s)
Habitat and flora surveys	22 nd October 2019 3 rd June 2020	Scott Cawley Ltd.
Terrestrial mammal surveys	22 nd October 2019 3 rd June 2020	Scott Cawley Ltd.
Breeding bird surveys	3 rd June 2020 11 th June 2020	Scott Cawley Ltd. and independent ornithologist John Fox
Wintering bird surveys	22 nd October 2019 15 th November 2019 29 th November 2019 12 th December 2019 23 rd December 2019 10 th January 2020 29 th January 2020 13 th February 2020 26 th February 2020 12 th March 2020 24 th March 2020 26 th November 2020 10 th December 2020 15 th December 2020 25 th January 2021 29 th January 2021 16 th February 2021 25 th February 2021 11 th March 2021 15 th March 2021	Scott Cawley Ltd. and independent ornithologists Hugh Delaney and Kathryn Sheridan
Winter bird camera monitoring	Winter bird camera monitoring	Evercam

2.6.1 Habitats and Flora Survey

- 17 An initial habitat survey was undertaken of the proposed development site on the 22nd October 2020 by Colm Clarke of Scott Cawley Ltd. Habitats on site were re-assessed later in the growing season on 3rd June 2020 by Colm Clarke of Scott Cawley Ltd. These habitat surveys were conducted following the methodology described in *Best Practice Guidance for Habitat Survey and Mapping*⁹. All habitat types were

⁹ Smith, G.F., O'Donoghue, P., O'Hora, K. & Delaney, E. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council Church Lane, Kilkenny, Ireland.

classified using the *Guide to Habitats in Ireland*¹⁰, recording the indicator species and abundance using the DAFOR scale¹¹ and recording any species of conservation interest. Vascular and bryophyte plant nomenclature generally follow that of *The National Vegetation Database*¹², having regard to more recent taxonomic changes to species names after the *New Flora of the British Isles*¹³ and the British Bryological Society's *Mosses and Liverworts of Britain and Ireland: A Field Guide*¹⁴.

2.6.2 Fauna Surveys

2.6.2.1 Wintering Birds

- 18 Wintering bird surveys were undertaken across two wintering bird seasons, from October 2019 to March 2020 in the 2019/20 wintering bird season, and between November 2020 and March 2021 in the 2020/21 wintering bird season. Dates of surveys are included in Table 1 **Error! Reference source not found.**
- 19 Surveys were completed by independent ornithologists Hugh Delaney and Kathryn Sheridan as well as Colm Clarke, Cathal O'Brien, Shane Brien, Nicholas Fettes, Emmi Virkki, and Lorna Gill, all of Scott Cawley Ltd. Wintering bird surveys were conducted using a methodology based on the *Bird Monitoring Methods - A Manual of Techniques for Key UK Species*¹⁵.
- 20 The study area covered the proposed development site, and the adjacent Deerpark Golf Course up to c. 300m¹⁶ from the proposed development site boundary (see Figure 2). The Golf Course section was surveyed visually using binoculars/scope by a team of two surveyors on each survey visit. The proposed development site was checked for evidence of usage by wildfowl such as swans or geese (e.g., droppings). Birds were identified by sight and general location and activity were recorded using the British Trust for Ornithology (BTO) species and activity codes. Observations of birds at Claremont Strand were also undertaken from a vantage point north of the Howth DART station at high, low, and mid-tide, on each survey date.

¹⁰ Fossitt, J.A. (2000) *A Guide to Habitats in Ireland*. Heritage Council, Kilkenny.

¹¹ The DAFOR scale is an ordinal or semi-quantitative scale for recording the relative abundance of plant species. The name DAFOR is an acronym for the abundance levels recorded: Dominant, Abundant, Frequent, Occasional and Rare.

¹² Weekes, L.C. & FitzPatrick, Ú. (2010) *The National Vegetation Database: Guidelines and Standards for the Collection and Storage of Vegetation Data in Ireland*. Version 1.0. Irish Wildlife Manuals, No. 49. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

¹³ Stace, C. (2019) *New Flora of the British Isles*. 4th Edition. C&M Floristics.

¹⁴ Atherton, I., Bosanquet, S. & Lawley, M. (2010) *Mosses and Liverworts of Britain and Ireland: A Field Guide*. Latimer Trend & Co., Plymouth.

¹⁵ Gilbert, G., Gibbons, D.W., & Evans, J. (1998) *Bird Monitoring Methods: A Manual of Techniques for UK Key Species*. The Royal Society for the protection of Birds, Sandy, Bedfordshire, England

¹⁶ For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels at that distance. The disturbance zone of influence for waterbirds is based on the relationship between the noise levels generated by general construction traffic/works (BS 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 Noise) and the proximity of those noise levels to birds – as assessed in Cutts, N. Phelps, A. & Burdon, D. (2009) *Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance*, and Wright, M., Goodman, P & Cameron, T. (2010) Exploring Behavioural Responses of Shorebirds to Impulsive Noise. *Wildfowl* (2010) 60: 150–167. At 300m, noise levels are below 60dB or, in most cases, are approaching the 50dB threshold below which no disturbance or displacement effects would arise.

Figure 2: 300m buffer around the indicative red line boundary for the proposed development site



- 21 In addition to the winter bird surveys, the applicant engaged Evercam Ltd. to install 8 no. cameras in areas identified by Scott Cawley Ltd. as having been used by brent geese in the past, see Figure 3, and which were known (in November 2019) to continue to be used by brent geese and other wintering wetland bird species associated with protected sites. These cameras collected data on the use of Deerpark Golf Course lands by brent geese and other wintering bird species between December 2019 and March 2020. The data collected was utilised by Scott Cawley to complement information collected from field surveys and to inform their assessment of the proposed development.

Figure 3: Evercam camera layout



2.6.2.2 Breeding Birds

- 22 Breeding bird surveys were undertaken in the proposed development site on the 3rd June 2020 by Colm Clarke of Scott Cawley, and on 11th June 2020 by independent ornithologist John Fox, using a methodology adapted from the *Bird Monitoring Methods - A Manual of Techniques for Key UK Species* (Gilbert, Gibbons, & Evans, 1998). The study area encompassed the proposed development site and immediate vicinity. Lands within the study area were slowly walked in a manner allowing the surveyor to come within 50m of all habitat features. Birds were identified by sight and song, and general location and activity were recorded using the British Trust for Ornithology (BTO) species and activity codes.

2.6.2.3 Survey Limitations

- 23 Due to timing of engagement of Scott Cawley Ltd. by the client, the full winter bird season (generally taken as October- March inclusive) could not be covered for either the 2019/2020 surveys or 2020/2021 surveys. Surveys in 2019/2020 commenced on 22nd October, thereby missing the first 3 weeks of the winter bird season, and surveys in 2020/2021 commenced on 24th November thereby missing the first 7 weeks of the winter bird season. This is not considered a limitation given that there were two winter seasons covered and the period not covered on both years consisted of early in the winter bird season when birds are less likely to forage inland.

3 Provision of Information for Screening for Appropriate Assessment

- 24 The following sections provide information to facilitate the Appropriate Assessment screening of the proposed development to be undertaken by the competent authority.
- 25 A description of the proposed development and the receiving environment is provided to identify the potential ecological impacts. The environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. geological, hydrogeological and hydrological data).
- 26 The potential impacts are examined in order to define the potential zone of influence of the proposed development on the receiving environment. This then informs the assessment of whether the proposed

development will result in significant effects on any European sites; i.e. affect the conservation objectives supporting the favourable conservation condition of the European site's QIs or SCIs.

3.1 Description of the Proposed Development

- 27 A full description of the proposed development is included in the planning application documentation. The proposed development site currently comprises a greenfield site which is bounded to the south by the Deer Park Golf Course, to the east by a side road that leads to Howth Castle, to the north by the Howth Road, and to the west by private dwellings.
- 28 In brief, the proposed development will comprise residential units set out in 3 no. apartment blocks, with blocks A and B over a basement for parking. Blocks A, B and C will have a height up to a maximum of six storeys, 19.57m, of apartments over a basement, excavated to a depth of 4.5m to 7m, for car parking. The development will consist of a total of 162 no. residential units, which includes 29 no. one bed, 104 no. two bed and 29 no. three bed apartments. There will be 3 no. resident services and amenity rooms (1 no. in each block A-C) to accommodate co-working space, a community room and a meeting room.
- 29 The proposed development also includes 132 no. car parking spaces at basement level (underlying Blocks A & B) including 6 no. accessible spaces, 13 no. electric vehicle spaces and 4 no. car sharing spaces. 325 no. residents bicycle parking spaces (long-stay) at basement level, and 30 no. visitor bicycle parking spaces (short-stay) at surface level.
- 30 The proposed development includes communal amenity space in the form of courtyards and roof gardens, public open space of 1,161 sq.m including a botanic garden and pocket park; a single storey ESB sub-station and switch room; the demolition of 2 no. sections of the existing demesne northern boundary wall to provide, a primary access (vehicular/pedestrian/cyclist) to the northwest and a separate pedestrian/cyclist access to the northeast; restoration and refurbishment of the remaining extant northern and eastern demesne boundary wall; change of use and regrading of part of the Deer Park Golf Course from active recreation use to passive amenity parkland and planting of a woodland belt on the southern boundary; undergrounding of existing ESB overhead lines, and, relocation of the existing gas main; and, all ancillary site development works including waste storage and plant rooms at basement level, drainage, landscaping/boundary treatment and lighting

Surface water

- 31 There is no existing surface water infrastructure within the proposed development site. On Howth Road, to the north west of the site, there is an existing 450mm diameter surface water sewer that discharges north towards the coast into Baldoyle Bay.
- 32 A new 150mm diameter HDPE water main pipe will be installed on site. It is proposed to provide 1no. connection to the existing water main system on Howth Road. The watermain connection will incorporate a bulk water meter and sluice valves to the requirements of Irish Water.

Foul water

- 33 There is no existing foul sewer infrastructure within the proposed development site boundary. There is an existing 400mm diameter concrete foul sewer and manhole to the north of the site, adjacent to Howth Road.
- 34 The proposed development will be served by a gravity foul network and it is proposed to provide 1no. connection from the site drainage system into the existing public 400mm diameter wastewater network. A new 225mm diameter foul sewer will connect into the existing foul manhole to the north of the site. This connection will serve as the proposed developments foul connection to the I.W wastewater network. During operation, foul water generated by the proposed development comprising 328 Population Equivalent (P.E.) will ultimately be discharges to the Ringsend Wastewater Treatment Plant (WWTP) and treated prior to discharge into Dublin Bay.

Sustainable Drainage Systems (SuDS)

- 35 The proposed development will be situated within an urban environment and therefore the available applicable SuDS measures are limited within the proposed development site. Below are the applicable SuDS measures which have been chosen for the site¹⁷. The proposed development will comprise of podium areas between the blocks of apartments. A significant portion of the podium area comprises of pathways which allows for permeable paving to be incorporated. Other measures such as green roofs, permeable paving, rain gardens, bioretention systems & tree pits and attenuation tanks have also been identified as suitable measures.
- 36 Whilst certain aspects of the development – such as SUDS – are referenced in the application documentation, absolutely no reliance has been placed on any such measure for the purposes of conducting AA Screening (even though those measures are not directed to the protection of any European site which might potentially be affected by the proposed development).

3.2 Overview of the Receiving Environment

3.2.1 European sites

- 37 There are no European sites within or directly adjacent to the boundaries of the proposed development site. There are 9 SACs within c. 15km of the proposed development and 11 SPAs within c. 20km. As birds are mobile, and some wintering goose species can travel up to 20km between roosting and feeding sites¹⁸, it is possible that wintering birds occurring in the vicinity of the proposed development site are associated with SPAs located a significant distance from the proposed development site. The closest European site to the proposed development is Baldoyle Bay SAC; c. 170m to the north.
- 38 All European sites present in the vicinity of the proposed development are shown on Figures 4 and 5 below. The QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Appendix II.

¹⁷ SUDS measures are included in the design but not for the purposes of avoiding or reducing any potential harmful effects to any European sites. Rather, their inclusion is due to the fact that in the Greater Dublin Area, SUDS are required for new developments under the objectives of the GDSDS and the relevant County Development Plans (see Appendix III for reference). For example, Policy SW04 of the Fingal County Development Plan 2017-2023 states that Fingal will “Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks”.

¹⁸ Scottish Natural Heritage (2016) Guidance: Assessing connectivity with Special Protection Areas (SPAs). Version 3

Figure 4 European sites within a 20km range of the proposed development

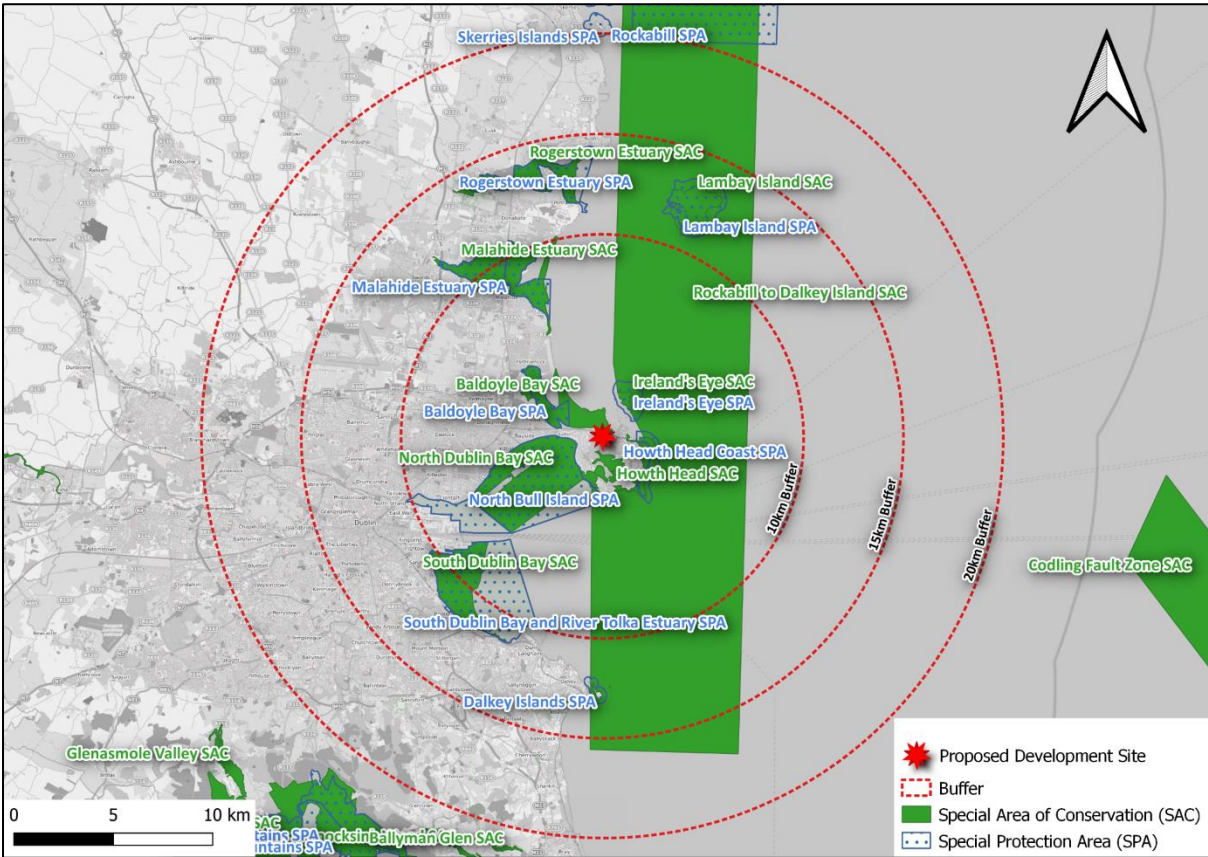
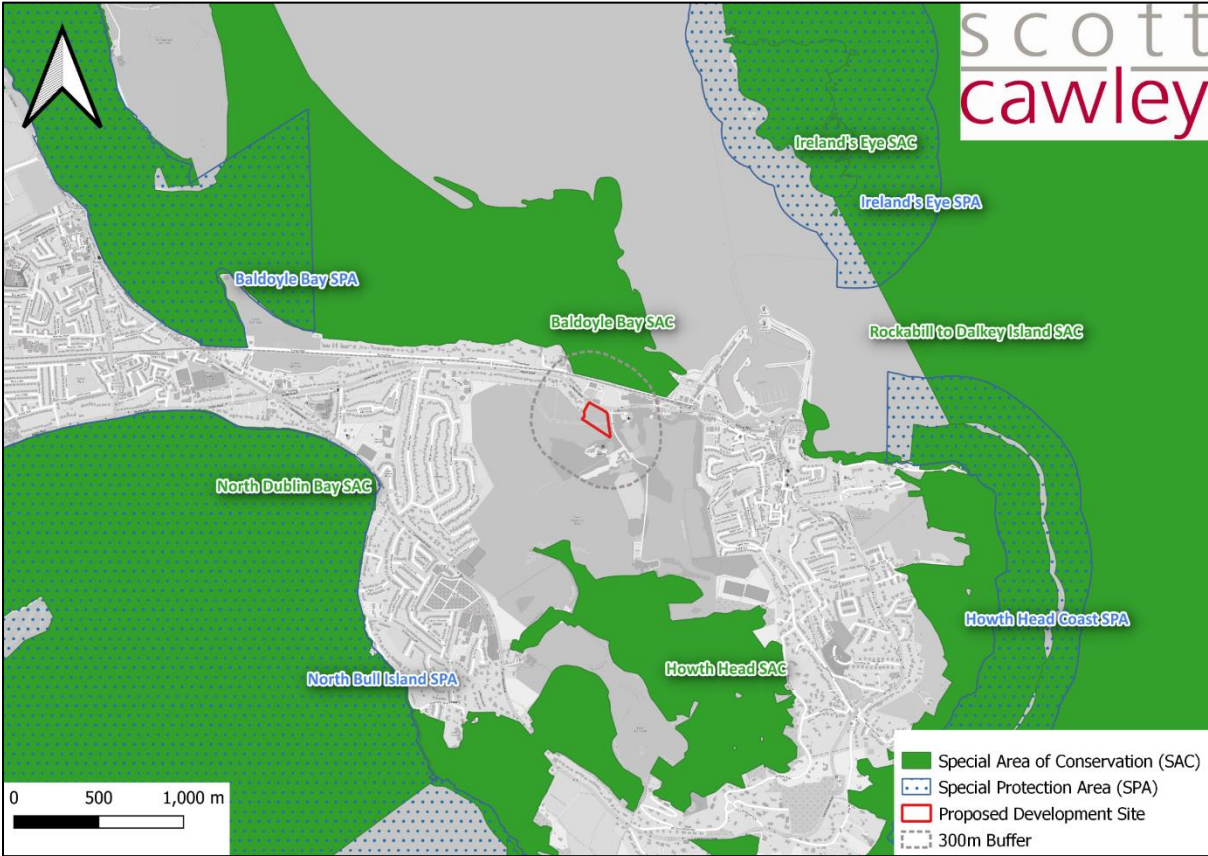


Figure 5 European sites in the vicinity of the proposed development



3.2.2 Habitats

- 39 The proposed site comprises of amenity and dry meadow grassland, with boundary hedgerows and treelines and small areas of scrub. Other habitats surrounding the proposed development site include residential properties to the west, Deerpark golf course with amenity grassland and woodland to the south and east, and Howth Road immediately to the north, with Claremont Strand c. 130m to the north.
- 40 There are no Annex I habitats present within the proposed development site.

3.2.3 Flora and Fauna Species

- 41 A National Biodiversity Data Centre (NBDC) database search of a custom polygon approximately 2km around the proposed development site returned records of the following Annex II flora species, Annex I bird species and Annex II/Annex IV fauna species:
- Petalwort *Petalophyllum ralfsii* in 1975
 - Common Dolphin *Delphinus delphis* in 2013 (strandings data)
 - Harbour Porpoise *Phocoena phocoena* in 2012 (strandings data)
 - Risso's Dolphin *Grampus griseus* in 2015 (strandings data)
 - Harbour Seal *Phoca vitulina* in 2018
 - Grey Seal *Halichoerus grypus* in 2018
 - Brown Long-eared Bat *Plecotus auritus* in 2014
 - Lesser Noctule *Nyctalus leisleri* in 2006
 - Pipistrelle sp. *Pipistrellus pipistrellus sensu lato* in 2014
 - Soprano Pipistrelle *Pipistrellus pygmaeus* in 2014
 - Arctic Tern *Sterna paradisaea* in 2014
 - Bar-tailed Godwit *Limosa lapponica* in 2011
 - Common Tern *Sterna hirundo* in 2014
 - Dunlin *Calidris alpina* in 2011
 - Great Northern Diver *Gavia immer* in 2011
 - Little Egret *Egretta garzetta* in 2014
 - Little Gull *Larus minutus* in 2011
 - Mediterranean Gull *Larus melanocephalus* in 2011
 - Peregrine Falcon *Falco peregrinus* in 2014
 - Red-throated Diver *Gavia stellata* in 2011
 - Roseate Tern *Sterna dougallii* in 1997
 - Sandwich Tern *Sterna sandvicensis* in 2014
- 42 Harbour porpoise is a QI of Rockabill to Dalkey Islands SAC. Grey seal and harbour seal are a QI of Lambay Island SAC. Roseate tern is an SCI species for South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA and Rockabill SPA.
- 43 Common pipistrelle bat *Pipistrellus pipistrellus*, soprano pipistrelle bat *Pipistrellus pygmaeus*, Leisler's bat *Nyctalus leisleri*, and brown long-eared bat *Plecotus auratus* were recorded within the proposed development site in July and August 2020, however, these bat species are not listed as a QI of any European site in Ireland. No annex I bird species were recorded within the proposed development site during site

visits. There are no features present within the proposed development site that would provide suitable habitat for otter or marine mammals

- 44 The NBDC database search returned records of the following non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) :
- Brazilian Giant-rhubarb *Gunnera manicata*
 - Canadian Waterweed *Elodea canadensis*
 - Giant hogweed *Heracleum mantegazzianum*
 - Hottentot-fig *Carpobrotus edulis*
 - Japanese knotweed *Fallopia japonica*
 - Rhododendron *Rhododendron ponticum*
 - Salmonberry *Rubus spectabilis*
 - *Allium triquetrum*
- 45 There were no records for invasive flora species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) within the site. No invasive species were identified during the site visits, and therefore there is no risk of spread to European sites.

3.2.3.1 Winter Birds

Peak Flock Counts

- 46 As birds are mobile, and some wintering goose species can travel up to 20km between roosting and feeding sites¹⁹, it is possible that wintering birds occurring in the vicinity of the proposed development site are associated with SPAs located a significant distance from the proposed development site (see Figure 4). Light-bellied brent goose and other wintering bird species are known to use in-land green-field sites. The existing amenity grassland, within the red line boundary of the proposed for development, represents a suitable in-land feeding site for light-bellied brent goose and other wintering bird species which may forage inland.
- 47 Winter bird surveys carried out from October 2019 to March 2020 and November 2020 to March 2021 did not record any sightings of brent geese or signs of use of use by geese, such as droppings, within the indicative red line boundary of the proposed development site. However, light-bellied brent geese were frequently recorded within adjacent lands at Deerpark.
- 48 Winter bird surveys recorded eight SCI species associated with nearby SPAs. Peak counts of SCI species within the indicative red line boundary included 13 oystercatcher *Haematopus ostralegus* and one curlew *Numenius arquata*, using the amenity grassland to the south of the proposed development site, see Figures 6, 7 and 8 below and Appendix IV. No SCI species were recorded using the dry meadows grassland within the proposed development site. In addition, a peak count of 65 light-bellied brent goose *Branta bernicla hrota*, 40 black-headed gull *Chroicocephalus ridibundus*, 128 curlew *Numenius arquata*, 596 herring gull *Larus argentatus*, 35 dunlin *Calidris alpina*, 42 oystercatcher *Haematopus ostralegus* and two redshank *Tringa totanus* were recorded in the surrounding golf course and at Claremont Strand within the 300m buffer, see below in Table 2.
- 49 Peak counts of SCI species recorded were all significantly lower than 1% of the national population or, for gull species, 1% of the international population. A precautionary approach has been adopted for the assessment in assuming that any SCI listed bird species recorded within the 300m buffer form part of the SCI populations of any SPA sites within a potential foraging/commuting range for each species. Results of

¹⁹Scottish Natural Heritage (2016) Guidance: Assessing connectivity with Special Protection Areas (SPAs). Version 3

the winter bird surveys show that the proposed development site is not an important in-land or high tide roost site, used by significant numbers of wintering SCI birds. The surrounding areas within the 300m buffer have shown use by numbers of curlew which would equate to >13.6% of the North Bull Island SPA curlew population (in the event that all curlew recorded were from the North Bull Island SPA population). They were recorded in the area c.100m west of the proposed development site on three of the eleven survey days in the winter of 2019/2020 and three of the nine survey days in the winter of 2020/2021. The closure of Deer Park golf course during the 2020/2021 winter bird season, due to government public health (Covid-19) restrictions, may have led to increased suitability for the birds as a result of reduced disturbance events by recreational users.

Table 2: Peak counts of SCI bird species recorded during 2019/2020 and 2020/2021 winter bird surveys in comparison to SPA SCI baseline population, 1% of the national population and 1% of the international population

Species	Peak count	SPA SCI baseline population	1% National ²⁰	1% International ²¹
Within the proposed development site - amenity grassland (GA2)				
Oystercatcher (<i>Haematopus ostralegus</i>)	13	North Bull Island SPA ²² – 1,784 Peak count recorded is <1% of SPA population Malahide Estuary SPA ²³ - 1,360 Peak count recorded is <1% of SPA population South Dublin Bay and River Tolka Estuary SPA ²¹ - 1,263 Peak count recorded is >1% of SPA population Rogerstown Estuary SPA ²⁴ - 1,345 Peak count recorded is <1% of SPA population	690	8,200
Curlew (<i>Numenius arquata</i>)	1	North Bull Island SPA – 937 Peak count recorded is <1%	350	7600
Within 300m of the proposed development site				
Brent Goose (Light-bellied) (<i>Branta bernicla hrota</i>)	65	North Bull Island SPA – 1,548 Peak count recorded is >4% of SPA population Baldoyle Bay SPA ²⁵ - 726 Peak count recorded is >8% of SPA population	360	400

²⁰ Crowe, O., & Holt, C. 2013. Estimates of waterbird numbers wintering in Ireland, 2006/07 – 2010/11. Irish Birds 9, 545-552

²¹ Wetlands International. 2012. Waterbird Population Estimates, Fifth Edition. Summary Report Wetlands International, Wageningen The Netherlands (with estimates accessed 22/03/2021, available at <http://wpe.wetlands.org/>).

²² NPWS (2014) North Bull Island Special Protection Area & South Dublin Bay and River Tolka Estuary Special Protection Area Conservation Objectives Supporting Document Version 1.

²³ NPWS (2013) Malahide Estuary Special Protection Area Conservation Objectives Supporting Document Version 1

²⁴ NPWS (2013) Rogerstown Estuary Special Protection Area Conservation Objectives Supporting Document Version 1.

²⁵ NPWS (2012) Baldoyle Bay Special Protection Area Conservation Objectives Supporting Document Version 1.

Species	Peak count	SPA SCI baseline population	1% National ²⁰	1% International ²¹
		<p>Malahide Estuary SPA- 1,104 Peak count recorded is >5% of SPA population</p> <p>South Dublin Bay and River Tolka Estuary SPA- 525 Peak count recorded is >12% of SPA population</p> <p>Rogerstown Estuary SPA- 1,069 Peak count recorded is >6% of SPA population</p> <p>Skerries Islands SPA²⁶ - 242 Peak count recorded is >26% of SPA population</p>		
Black-headed gull (<i>Larus ridibundus</i>)	40	<p>North Bull Island SPA - 2,196 Peak count recorded is >1% of SPA population</p> <p>South Dublin Bay and River Tolka Estuary SPA - 3,040 Peak count recorded is >1% of SPA population</p>	-	31,000
Curlew (<i>Numenius arquata</i>)	128	<p>North Bull Island SPA – 937 Peak count recorded is >13% of SPA population</p>	350	7,600
Herring Gull (<i>Larus argentatus</i>)	596	<p>Ireland’s Eye SPA²⁷- 530 Peak count recorded exceeds the SPA population</p> <p>Lambay Island SPA²⁸ – 1806 Peak count recorded is >33% of SPA population</p> <p>Skerries Island SPA - 250 Peak count recorded exceeds the SPA population</p>	-	10,200
Dunlin (<i>Calidris alpina</i>)	35	<p>North Bull Island SPA – 4,146 Peak count recorded is <1% of SPA population</p> <p>Malahide Estuary SPA- 1,594 Peak count recorded is >2% of SPA population</p> <p>South Dublin Bay and River Tolka Estuary SPA- 2,753</p>	570	13,300

²⁶ NPWS (2020) Skerries Islands Special Protection Area Standard Data Form

²⁷ Goodwillie et al. (1988) A Second Report on Areas of Scientific Interest in County Dublin

²⁸ NPWS (2020) Lambay Island Special Protection Area Standard Data Form

Species	Peak count	SPA SCI baseline population	1% National ²⁰	1% International ²¹
		Peak count recorded is >1% of SPA population Rogerstown Estuary SPA- 2,745 Peak count recorded is >1% of SPA population		
Oystercatcher (<i>Haematopus ostralegus</i>)	42	North Bull Island SPA – 1,784 Peak count recorded is >2% of SPA population Malahide Estuary SPA- 1,360 Peak count recorded is >3% of SPA population South Dublin Bay and River Tolka Estuary SPA- 1,263 Peak count recorded is >3% of SPA population Rogerstown Estuary SPA- 1,345 Peak count recorded is >3% of SPA population	690	8,200
Redshank (<i>Tringa totanus</i>)	2	North Bull Island SPA – 1,431 Peak count recorded is <1% of SPA population Malahide Estuary SPA- 581 Peak count recorded is <1% of SPA population South Dublin Bay and River Tolka Estuary SPA- 713 Peak count recorded is <1% of SPA population Rogerstown Estuary SPA- 490 Peak count recorded is <1% of SPA population	300	760

- 50 The existing amenity grassland, proposed for excavation and reprofiling to a grass terrace as part of the proposed development, represents a suitable in-land feeding site for light-bellied brent goose and other wintering bird species known to use in-land sites. Light-bellied brent goose typically move to inland feeding sites to graze when stocks of seagrass *Zostera* in intertidal areas of Dublin Bay become depleted, often using recreational pitches and amenity grassland. Light-bellied brent goose, and other wintering SCI species, occurring in Dublin Bay are known to use a network of in-land feeding sites for supplementary feeding^{29 30}.

²⁹ Benson, L. (2009). *Use of Inland Feeding Sites by Light-bellied Brent Geese in Dublin 2008-2009: A New Conservation Concern?* Irish Birds 8: 563-570.

³⁰ Scott Cawley (2017). *Natura Impact Statement: Information for Stage 2 Appropriate Assessment – Proposed Residential Development, St. Paul's College, Sybil Hill, Raheny, Dublin 5*. Report produce for Crekav by Scott Cawley. An Bord Pleanála case reference PL29N.302225

- 51 There were no signs of use of the proposed development site by light-bellied brent goose, i.e. no droppings present on the area of amenity grassland within the proposed development site. Peak flock counts of one curlew *Numenius arquata* and 13 oystercatcher *Haematopus ostralegus* were recorded using the amenity grassland within the red line boundary of the proposed development, see Figure 6.
- 52 There were sightings of brent geese, peak count of 65, using the amenity grassland to the west (c. 300m to the west) outside of the redline boundary for the proposed development site and c. 200m to the north in Claremont strand, during winter bird surveys in winter season 2019-2020 or 2020-2021. Flocks of curlew and oystercatcher were recorded using the amenity grassland, outside of the red line boundary but within 300m of the proposed development with peak counts of 128 curlew and 42 oystercatcher, see Figure 6.
- 53 Non-SCI species recorded using the proposed development site included buzzard *Buteo buteo*, goldfinch *Carduelis carduelis*, meadow pipit *Anthus pratensis*, mistle thrush *Turdus viscivorus*, song thrush *Turdus philomelos*, greenfinch *Chloris chloris*, robin *Erithacus rubecula*, blackbird *Turdus merula*, dunnock *Prunella modularis*, wren *troglodytes troglodytes*, blue tit *Cyanistes caeruleus*, long tailed tit *Aegithalos caudatus*, great tit *Parus major*, coal tit *Periparus ater*, hooded crow *Corvus cornix*, magpie *Pica pica* and rook *Corvus frugilegus*.

Figure 6: Brent geese, dunlin, oystercatcher and redshank recorded on and within 300m of the proposed development site



Figure 7: Curlew recorded on and within 300m of the proposed development site



Figure 8: Black-headed gulls and herring gulls on and within 300m of the proposed development site



Table 3: Peak counts of brent geese as recorded by Evercam's cameras in Winter 2019/2020

Species	Peak count	SPA SCI baseline population	1% National ³¹	1% International ³²
Camera 1: Proposed development site - amenity grassland (GA2)				
Brent Goose (Light-bellied) (<i>Branta bernicla hrota</i>)	0	North Bull Island SPA – 1,548 Baldoyle Bay SPA- 726 Malahide Estuary SPA- 1,104 South Dublin Bay and River Tolka Estuary SPA- 525 Rogerstown Estuary SPA- 1,069 Skerries Islands SPA- 242	360	400
Cameras 2, 3 and 4: Within 300m of the proposed development site				
Brent Goose (Light-bellied) (<i>Branta bernicla hrota</i>)	100	North Bull Island SPA – 1,548 Peak count recorded is >6% of SPA population Baldoyle Bay SPA- 726 Peak count recorded is >13% of SPA population Malahide Estuary SPA- 1,104 Peak count recorded is >9% of SPA population South Dublin Bay and River Tolka Estuary SPA- 525 Peak count recorded is >19% of SPA population Rogerstown Estuary SPA- 1,069 Peak count recorded is >9% of SPA population Skerries Islands SPA- 242 Peak count recorded is >41% of SPA population	360	400
Cameras 5, 6, 7 and 8: Outside the 300m buffer of the proposed development site				
Brent Goose (Light-bellied) (<i>Branta bernicla hrota</i>)	180	North Bull Island SPA – 1,548 Peak count recorded is >11% of SPA population Baldoyle Bay SPA- 726 Peak count recorded is >24% of SPA population Malahide Estuary SPA- 1,104 Peak count recorded is >16% of SPA population	360	400

³¹ Crowe, O., & Holt, C. 2013. Estimates of waterbird numbers wintering in Ireland, 2006/07 – 2010/11. Irish Birds 9, 545-552

³² Wetlands International. 2012. Waterbird Population Estimates, Fifth Edition. Summary Report Wetlands International, Wageningen The Netherlands (with estimates accessed 22/03/2021, available at <http://wpe.wetlands.org/>).

Species	Peak count	SPA SCI baseline population	1% National ³¹	1% International ³²
		South Dublin Bay and River Tolka Estuary SPA- 525 Peak count recorded is >34% of SPA population Rogerstown Estuary SPA- 1,069 Peak count recorded is >16% of SPA population Skerries Islands SPA- 242 Peak count recorded is >74% of SPA population		

Flight Activity Surveys

- 54 Flight activity surveys were undertaken in November 2020 – March 2021. Results provide information on birds that use the airspace over the proposed development site and those that are potentially at risk of collision with the proposed building structures. A total of 6 SCI species were recorded flying over the proposed development site during flight activity surveys. Proposed building height was a maximum of 19.57m, therefore, any flights recorded as 20m or below were considered to be at risk of collision. A summary of flight activity survey results for SCI species is discussed in the below paragraphs. Full flight activity details are presented in Appendix III. Flight “passes” are the sum of the peak counts of each species recorded throughout the winter 2020/2021 season, as each pass is a possibility of collision.

Gulls

- 55 In total two black-headed gull passes (recorded on one occasion, on one of the nine survey days, with a peak flock count of two) and 582 herring gull passes (recorded on 174 occasions, on six of the nine survey days, with a peak flock count of 56) were recorded flying over the proposed development site. Of the 174 herring gull flights recorded, approximately 32.7% occurred at heights above the proposed building and the pair of black-headed gulls recorded were at collision risk height.

Light-bellied brent geese

- 56 One single light-bellied brent goose was recorded across the nine survey days flying over the proposed development site. The light-bellied brent goose flew over the proposed development site above the collision risk height.

Waders and Cormorants

- 57 In total 70 curlew passes (recorded on 11 occasions, on five of the nine survey days, with a peak flock count of 30), 19 oystercatcher (recorded on 6 occasions, on two of the nine survey days, with a peak flock count of 12) and one single cormorant were recorded flying over the proposed development site out of the nine survey days. All oystercatcher and cormorant flights (i.e. 100% of flights attributed to these species) were recorded at the collision risk height. Of the curlew flights, 88.9% were recorded at heights which represented a potential collision risk with the proposed building.
- 58 See Figures 9 and 10 below for a summary of flight patterns and Appendix III for full details.

Figure 9: Light-bellied brent goose, black-headed gull, cormorant, curlew and oystercatcher flight activity recorded over the proposed development site

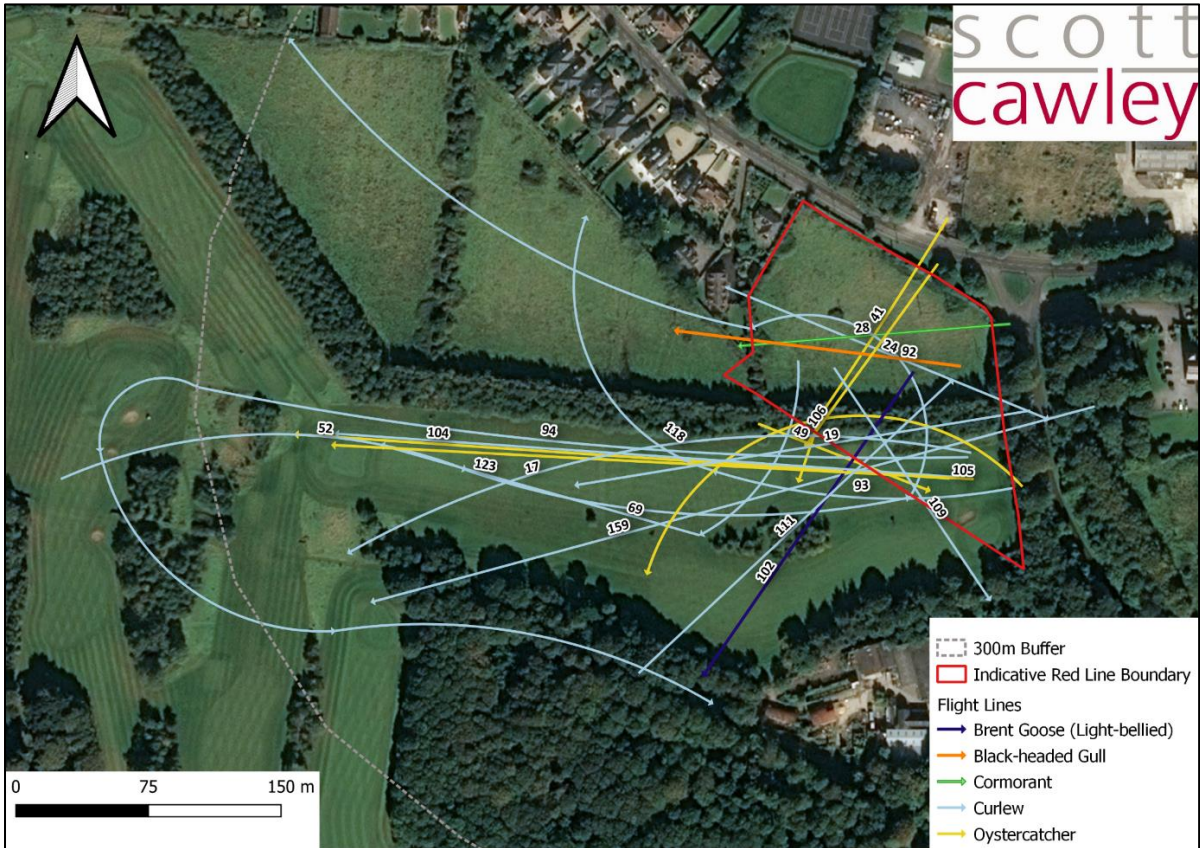
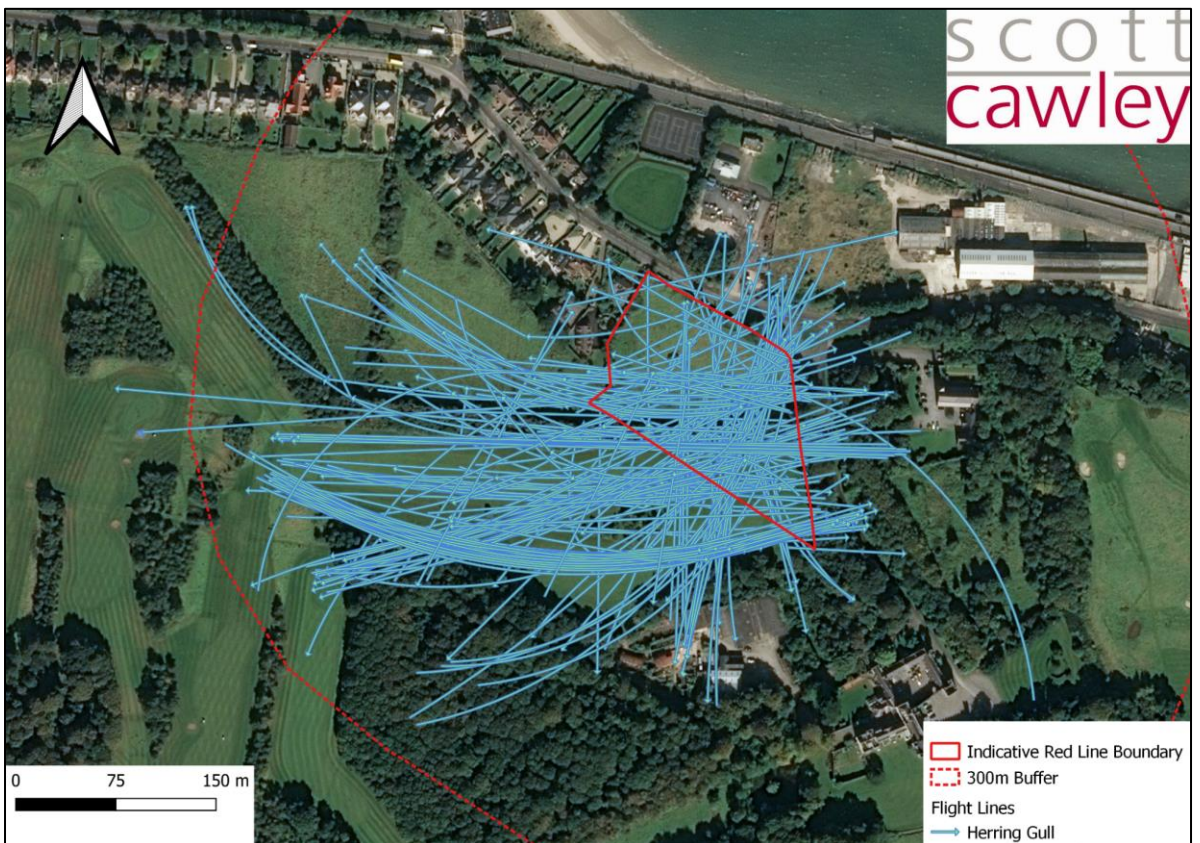


Figure 10: Herring gull flight activity recorded over the proposed development site



3.2.3.2 Breeding Birds

- 59 No SCI species for SPAs within 20km of the proposed development site were recorded singing, foraging, or roosting within the proposed development site. SCI bird species were observed flying over the proposed development site, including species associated with marine habitats in Dublin Bay to the southwest, and in the Irish Sea to the north. Six herring gull *Larus argentatus* flights were recorded, with a peak of two individuals and was the most frequent marine species that flew over the site. Two flights consisting of individual cormorants *Phalacrocorax carbo* and one single individual flight of a great black-backed gull *Larus marinus*, were recorded flying over the site in June 2020.

3.2.4 Hydrology

- 60 There are no watercourses within the proposed site or within close proximity of the site. The nearest watercourse, according to the EPA envision mapping, is the Bloody Stream (WFD river waterbody IE_EA_09H230880; segment code 09_2176), which is located 50m east of the proposed development site, and outfalls into the Irish Sea Dublin (HA 09) at Claremont Strand.
- 61 The proposed site is within the Liffey and Dublin Bay catchment, the Mayne_SC_010 sub-catchment and the “Howth_010” sub-basin. The Irish Sea Dublin (HA 09) coastal waters are the receiving hydrological environment. The status of Irish Sea Dublin (HA 09) coastal waters are “good”, and it has been classified as “not at risk” of failing to meet its objectives under the Water Framework Directive (WFD). The coastal waters of the Irish Sea Dublin (HA 09) are currently classified as “unpolluted”.

3.2.5 Hydrogeology

- 62 The Groundwater Body (GWB) underlying the proposed development site is the “Dublin” GWB and is described as “Poorly productive bedrock”. The proposed development site is located above a “locally important aquifer - Bedrock which is Moderately Productive only in Local Zones”. Geological Survey of Ireland (GSI) data indicates that the site is located in an area of “High” vulnerability with regards to the ease with which groundwater may be contaminated by human activities. According to the EPA envision mapping the GWB underlying the proposed development site is currently classified as having “Good” Water Framework Directive status.
- 63 The general groundwater flow direction for the Dublin GWB is towards the coast and also towards the River Liffey and Dublin City³³.

3.2.6 Soils & Geology

- 64 Ground investigation works were carried out by Ground Investigation Ireland in December 2019.. Results classified soils underlying the proposed development site as non-hazardous³⁴.

3.3 Assessment of Effects on European Sites

- 65 This section identifies all the potential impacts associated with the proposed development, examines whether there are any European sites within the ZoI of effects from the proposed development, and assesses whether there is any risk of the proposed development resulting in a significant effect on any European site, either alone or in combination with other plans or projects.
- 66 In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

³³ GIS (2021) Summary of initial Characterisation of Dublin GWB. Available from:

https://secure.dcaea.gov.ie/GSI_DOWNLOAD/Groundwater/Reports/GWB/DublinGWB.pdf [Accessed: 22/03/2021]

³⁴ Ground Investigations Ireland (2020) *Howth Road –Waste Classification Report and Subsoil Assessment*

3.3.1 Habitat loss and fragmentation

- 67 The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts.
- 68 As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.
- 69 The proposed development site does not support significant populations of any fauna species linked with the QI/SCI populations of any European site(s). According to the relevant site specific conservation objectives³⁵ for SCI species recorded within the proposed development site are: (a) to achieve a long term population trend of stable or increasing; and; (b) ensure no significant decrease in range, timing and intensity of use of areas by SCI species, other than that occurring from natural patterns of variation.
- 70 The only SCI bird species recorded within the proposed development site, during surveys undertaken, were curlew and oystercatcher.
- 71 A precautionary approach has been adopted for the assessment in assuming that any SCI listed bird species recorded within the 300m buffer form part of the SCI populations of any SPA sites within a potential foraging/commuting range for each species. Less than 1% of the North Bull Island SPA populations of curlew were recorded within the proposed development site, which indicates that the site is not used by significant numbers of this SCI bird species. In addition, curlew were only recorded within the proposed development site on one occasion (out of a total of 20 surveys undertaken). This indicates that SCI birds only use the proposed development site on a very infrequent basis and in very low numbers. Considering the above, it can be concluded that the proposed development will not affect the conservation objectives of North Bull Island SPA as a result of habitat loss impacts affecting use of areas outside of the SPA by its SCI species.
- 72 Less than 1% of the North Bull Island SPA populations of oystercatcher, less than 1% of the Malahide Estuary SPA populations of oystercatcher, c. 1% of the South Dublin Bay and River Tolka Estuary SPA populations of oystercatcher and less than 1 % of the Rogerstown Estuary SPA populations of oystercatcher were recorded within the proposed development site, which indicates that the site is not used by significant numbers of these SCI bird species. In addition, SCI bird species were only recorded within the proposed development site on three occasions (out of a total of 20 surveys undertaken). This indicates that SCI birds only use the proposed development site on an infrequent basis. Considering the above, it can be concluded that the proposed development will not affect the conservation objectives of the SCI species recorded within the proposed development site which are associated with North Bull Island SPA Malahide Estuary SPA South Dublin Bay and River Tolka Estuary SPA Rogerstown Estuary SPA.
- 73 Additionally, suitable inland feeding habitat exists for these SCI species in the surrounding environment, including within Deer Park golfclub and the surrounding area for these species, see Figure 11.
- 74 As the proposed development will not result in habitat loss or habitat fragmentation within any European site or any supporting ex-situ site associated with SPA populations of SCI birds, there is no potential for any in combination effects to occur in that regard.

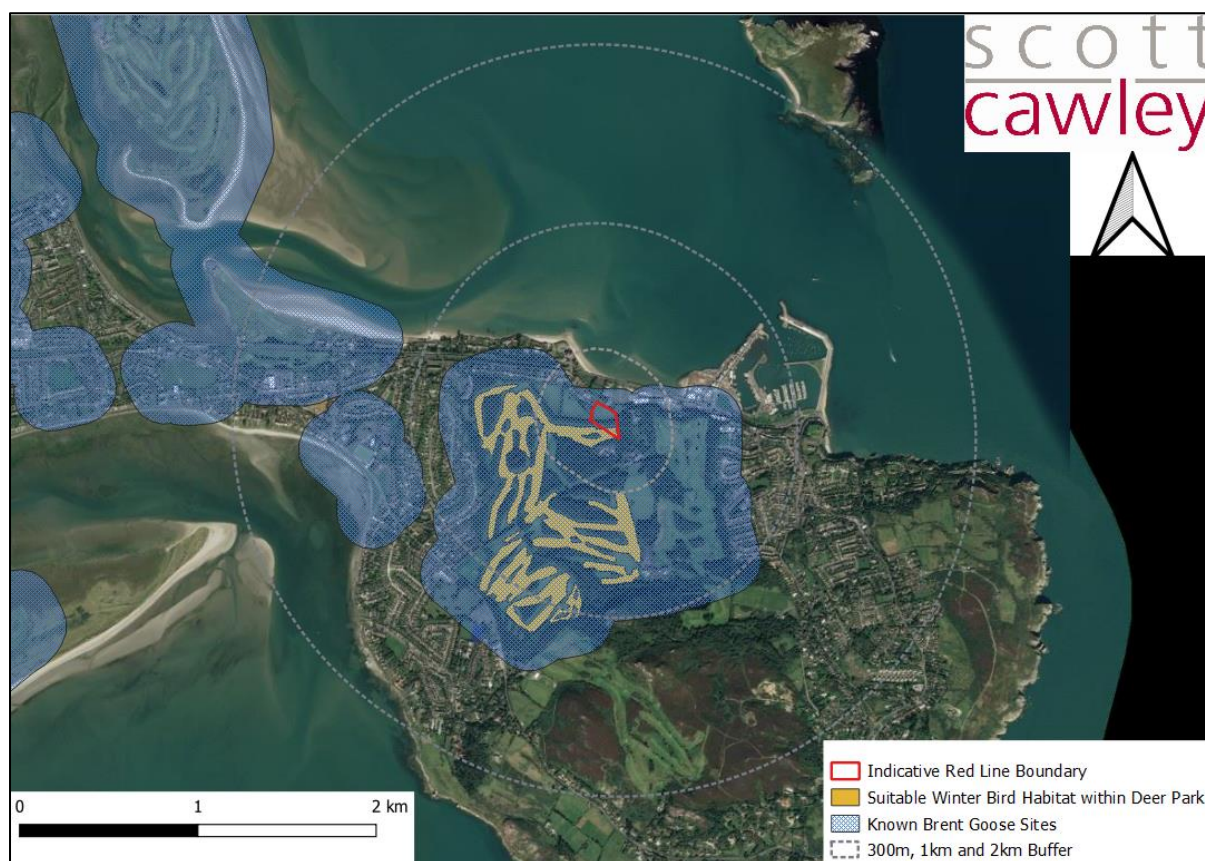
³⁵ NPWS (2015) *Conservation Objectives: North Bull Island SPA 004006*. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2013) *Conservation Objectives: Malahide Estuary SPA 004025*. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2015) *Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024*. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2013) *Conservation Objectives: Rogerstown Estuary SPA 004015*. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

Figure 11: Suitable inland feeding sites for SCI species within 2km of the proposed development



3.3.2 Habitat degradation as a result of hydrological impacts

- 75 Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. Therefore, the Zone of Influence (Zoi) of potential effects on water quality from the proposed development could extend to Dublin Bay.

Surface Water

- 76 Surface water run-off and discharges from the proposed development will enter the downstream receiving environment via the existing surface water drainage network.
- 77 A pollution event, of a sufficient magnitude, for example, surface water runoff during construction, caused by accidental oil or fuel spillages or leaks or from heavy rainfall which could carry silt/sediment or other pollutants into the surface water drainage network which in turn could transfer them to downstream European sites, has the potential to affect the receiving aquatic and marine environments (either alone or in combination with other pressures on water quality) to an extent that undermines the conservation objectives of the European sites downstream in Baldoyle Bay – Baldoyle Bay SAC and Baldoyle Bay SPA.
- 78 Considering the relatively low volume of any surface water run-off or discharge events from the proposed development site relative to the receiving surface water and marine environment in Baldoyle Bay, and the level of mixing, dilution and dispersion of any surface water run-off/discharges from the proposed development site in the receiving watercourses, Baldoyle Bay and the Irish Sea, the proposed development will not have any measurable effects on water quality on European sites beyond Baldoyle Bay.

Foul Water

- 79 Foul water, comprising sewage and industrial effluent (and some surface water run-off), from the Dublin area has historically been, and will continue to be, treated at Ringsend WWTP prior to discharge to Dublin Bay. The most recent information from Irish Water indicates that the plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions.
- 80 Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status³⁶. The Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. The pollutant content of future foul water discharges to Dublin Bay is considered likely to decrease in the long-term for the following reasons:
- An Bord Pleanála granted planning permission for an upgrade to the Ringsend WWTP in April 2019³⁷, which will increase capacity at the plant, and
 - There is a commitment in the National Development Plan 2018-2027³⁸ to invest in and progress the Greater Dublin Drainage Project which will involve the provision of a new regional wastewater treatment plant at a site in the northern part of the Greater Dublin Area and the provision of a new Orbital Drainage Sewer linking the new plant to the existing regional sewer network, which will enable future connections for identified areas of development within the catchment area. The provision of the Greater Dublin Drainage Project will augment the waste water treatment capacity currently provided by Ringsend WWTP across the Greater Dublin Area.
- 81 It is also an objective of the Greater Dublin Strategic Drainage Study, and all development plans within the catchment of Ringsend WWTP, to include Sustainable Urban Drainage Systems (SUDS) within new developments. Whilst the SUDS features associated with the proposed development are references in the application documentation, absolutely no reliance has been placed on these measures for the purposes of conducting AA Screening (even though those measures are not directed to the protection of any European site which might potentially be affected by the proposed development). The relevant development plans also have protective policies/objectives in place to protect water quality in the receiving freshwater and marine environments, and to implement the Water Framework Directive in achieving good water quality status for Dublin Bay.
- 82 Considering the above, particularly the current ‘Good’ WFD status of Dublin Bay and that foul water discharges from the proposed development would equate to a very small proportion of the overall volumes sent to Ringsend WWTP for treatment, it is concluded that the proposed development will not have any perceptible impact on water quality in Dublin Bay. Although the water quality of Dublin Bay is ‘Good’, the current WFD status of the Tolka Estuary, a key feeding area for wintering birds and which Dublin Bay coastal water body is connected to, is assessed as ‘Moderate’ according to the EPA. Whilst acknowledging the potential for a near shore-effect on water quality, the effect of this development is immeasurable, and thus the cumulative effect of the proposed development discharge with all other discharges, present and future, is a matter for control under Irish Water’s operating permit. The approach taken is entirely consistent with that which withstood High Court challenge in the *Dublin Cycling Campaign CLG v. An Bord Pleanála* [2020] IEHC 587.

³⁶ Transitional and Coastal Surface Water Quality data (2010-2012) accessed from the EPA Envision Mapviewer www.gis.epa.ie/Envision (accessed May 2019)

³⁷ An Bord Pleanála Case Reference PL29S.301798 – *10-year permission for development of the Ringsend wastewater treatment plant upgrade project including a regional bio solids storage facility*, Available online at www.pleanala.ie/casenum/301798.htm.

³⁸ Government of Ireland (2018) *Project Ireland 2040, National Development Plan 2018-2027*.

- 83 Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

In Combination

- 84 There is potential for “*in-combination*” effects on water quality in Dublin Bay from any other projects carried out within the functional areas of the *Dublin City Development Plan 2016-2022* (Dublin City Council, 2016), the *Dún Laoghaire-Rathdown County Development Plan 2016-2022* (Dún Laoghaire-Rathdown County Council, 2016), the *Fingal Development Plan 2017-2023* (Fingal County Council, 2017), *South Dublin County Council Development Plan 2016-2022* (South Dublin County Council, 2016), or any other land use plans which could influence conditions in Dublin Bay via rivers and other surface water features.
- 85 The Eastern & Midland Regional Assembly, *Regional Spatial & Economic Strategy 2019-2031*³⁹ (Eastern & Midland Regional Assembly, 2019) includes a range of policy objectives relevant to the protection of European sites and the protection of water quality in Dublin Bay, to which the relevant planning authorities must have regard to in the preparation and adoption of their development plans (included in Appendix III).
- 86 The planning authority for the proposed development is Fingal County Council. Plans and developments within Fingal County Council must comply with the following policy objectives of the *Fingal Development Plan 2017-2023* (Fingal County Council, 2017) relevant to the protection of European sites and the protection of water quality in Dublin Bay:

Objective NH10 - Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.

Objective NH11 - Ensure that the Council, in the performance of its functions, takes full account of the objectives and management practices proposed in any management or related plans for European Sites in and adjacent to Fingal published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Objective NH15 - Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.

Objective SW04 - Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Objective WQ01 - Strive to achieve “good status” in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.

Objective WQ04 - Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems whilst ensuring they do not impact negatively on the conservation objectives of any European Sites.

Objective WT01 - Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of waste water collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate

³⁹ Eastern & Midland Regional Assembly (2019) *Regional Spatial & Economic Strategy 2019-2031*

sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy.

Objective WT02 - Liaise with Irish Water to ensure the provision of wastewater treatment systems in order to ensure compliance with existing licences, EU Water Framework Directive, River Basin Management Plans, the Urban Waste Water Directive and the EU Habitats Directive.

- 87 Plans and developments within the other local authority areas which could influence conditions in Dublin Bay via rivers and other surface water features, also must comply with the policies and objectives relevant to the protection of European sites and water quality. These include the *Dún Laoghaire-Rathdown County Development Plan 2016-2022*, the *Dublin City Development Plan 2016-2022*, the *South Dublin County Council Development Plan 2016-2022*, the *Kildare County Development Plan 2017-2023* (Kildare County Council, 2017) and the *Wicklow County Development Plan 2016-2022* (Wicklow County Council, 2016). The relevant policies and objectives in those plans for the protection of European sites and water quality are included in Appendix III.
- 88 In conclusion, there are a number of projects referred to above which will upgrade the capacity of Ringsend WWTP which will, over time, address the capacity issues at Ringsend WWTP referred to above.
- 89 As noted under the surface water and foul water sections above, Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on water quality in Dublin Bay. There are also protective policies and objectives in place at a strategic planning level to protect water quality in Dublin Bay.
- 90 Therefore, and having regard to the policies and objectives referred to under the relevant development plans, it is concluded that the possibility of any other plans or projects acting in combination with the proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay can be excluded.

3.3.3 *Habitat degradation as a result of hydrogeological impacts*

- 91 The proposed development lies within the Dublin Groundwater Body (Dublin GWB). The only European site within the Dublin GWB that is designated for groundwater dependant habitats and/or species is the Rye Water Valley/Carton SAC. All of the qualifying interests of the Rye Water Valley/Carton SAC, the priority Annex I habitat Petrifying springs and the two whorl snail species, are dependent upon the existing condition and functioning of the groundwater regime.
- 92 The proposed development will require excavations of a depth of 4.5m to 7m, and ground investigations performed on site found ground water at a depth of 2.8m⁴⁰. However, based on information published by Geological Survey Ireland (GSI) on the Dublin GWB⁴¹, “The general groundwater flow direction in this aquifer is towards the coast and also towards the River Liffey and Dublin City” and the Rye Water Valley/Carton SAC is located c.28km inland from the proposed development. Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests of the Rye Water Valley/Carton SAC, either alone or in combination with any other plans or projects, as a result of hydrogeological effects.

3.3.4 *Habitat degradation as a result of introducing/spreading non-native invasive species*

- 93 No non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) were noted within the proposed development site during the site surveys carried out in June 2020. Therefore, there is no risk of non-native invasive species being

⁴⁰ Ground Investigations Ireland (2020) *Howth Road –Waste Classification Report and Subsoil Assessment*

⁴¹ https://secure.dccae.gov.ie/GSI_DOWNLOAD/Groundwater/Reports/GWB/DublinGWB.pdf

accidentally spread or introduced to habitats within European sites as a result of the proposed development.

3.3.5 Disturbance and displacement impacts

- 94 Construction-related disturbance and displacement of fauna species could potentially occur within the vicinity of the proposed development. For mammal species such as otter, disturbance effects would not be expected to extend beyond 150m⁴². For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels at that distance⁴³. Calculated noise levels for the nearest sensitive receptor for winter birds with all plant operating simultaneously were low. Predicted noise levels during construction at Claremont Strand, which is c. 143m north of the proposed development site, was calculated to be c.36dB(A). In the area of Deer Park golf course, c. 189m west of the proposed development site, which recorded flocks of c. 100 wintering birds, predicted noise levels were calculated to be c.33dB(A). As such, disturbance effects for general construction activities across the majority of the proposed development site would not be expected to extend beyond a distance of c. 140m, as noise levels associated with general construction activities would attenuate to close to background levels at that distance and beyond. Figure 9 above shows suitable inland feeding habitat for winter birds within 2km of the proposed development site, with the 300m disturbance buffer shown. These suitable sites include six known inland feeding sites⁴⁴ ⁴⁵ such as Deer Park Golf Course area (excluding the proposed development site and the 300m disturbance buffer), Sutton Golf Course, Santa Sabina School, Santa Sabina Manor, Howth Celtic Football pitch and Carrickbrack Road.
- 95 There is the potential for Special Conservation Interest (SCI) species from surrounding SPAs to be disturbed and displaced during the construction and operational phases of the proposed development. The proposed development site is within 300m of Claremont Strand, which is a section of coastal habitat comprising the Annex I habitat type 1140 Mudflats and sandflats not covered by seawater at low tide [1140] associated with Baldoyle Bay SAC. This section of intertidal habitat is a suitable *ex-situ* feeding and roosting⁴⁶ site for SCI species of surrounding SPAs within 20km. Winter 2019/2020 and winter 2020/2021 surveys confirmed use of the site by the following species listed as SCI species of surrounding SPAs within 20km: oystercatcher, herring gull, black-headed gull, dunlin, curlew and light-bellied brent geese. Construction related noise could, at least temporarily during the construction phase, disturb birds foraging within 300m of the proposed development site.

⁴² This is consistent with Transport Infrastructure Ireland (TII) guidance (Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes and Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes) documents. This is a precautionary distance, and likely to be moderated by the screening effect provided by surrounding vegetation and buildings, with the actual ZoI of construction related disturbance likely to be much less in reality.

⁴³ The disturbance zone of influence for waterbirds is based on the relationship between the noise levels generated by general construction traffic/works (BS 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 Noise) and the proximity of those noise levels to birds – as assessed in Cutts, N. Phelps, A. & Burdon, D. (2009) Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance, and Wright, M., Goodman, P & Cameron, T. (2010) Exploring Behavioural Responses of Shorebirds to Impulsive Noise. *Wildfowl* (2010) 60: 150–167. At 300m, noise levels are below 60dB or, in most cases, are approaching the 50dB threshold below which no disturbance or displacement effects would arise.

⁴⁴ Benson, L. (2009). Use of Inland Feeding Sites by Light-bellied Brent Geese in Dublin 2008-2009: A New Conservation Concern? *Irish Birds* 8: 563-570.

⁴⁵ Scott Cawley (2017). Natura Impact Statement: Information for Stage 2 Appropriate Assessment – Proposed Residential Development, St. Paul's College, Sybil Hill, Raheny, Dublin 5. Report produce for Crekav by Scott Cawley. An Bord Pleanála case reference PL29N.302225

⁴⁶ NPWS (2012) Baldoyle Bay Special Protection Area. Conservation Objectives Supporting Document. Available from: https://www.npws.ie/sites/default/files/publications/pdf/004016_Baldoyle%20Bay%20SPA%20Supporting%20Doc_V1.pdf [Accessed: 22/03/2021]

96 As the proposed development has the potential to result in the disturbance/displacement of the species of special conservation interest of surrounding SPA sites, there is also the potential for in combination effects to occur in association with existing pressures and the following activities/plans/projects:

- PLO6F.306102 (Atlas GP Ltd) – Strategic Housing Development application for 512 apartments, 2 shops, a crèche, a café and a restaurant on lands at the former Techrete manufacturing facility, former Beshoff's car showroom, and former Howth Garden Centre, Claremont, Howth Road, Howth, County Dublin.
- F20A/0294 (Marine Engineering Division) – Construction of a workshop with Offices and Canteen facilities and a gross internal area of 374sqm. The proposed development is an amendment to a previous granted application, Planning Ref; F18A/0633.
- F20A/0412 (Downey) - Baltray, 92, Howth Road, Howth, Co. Dublin. Permission to replace entrance lobby with a two storey pitched roof extension; kitchen to rear to be extended by 1.3.m; hips to be replaced with gables and east gable to extend to roadside boundary; east and central chimney stacks to be removed and west stack to be increased in height; front and rear monopitch dormers to be replaced; roof over sunroom to be replaced with monopitch roof extending back to rear pitch with 3 roof lights and, timber leaf pattern added to all gables.
- F18A/0267 (Dept. of Agriculture, Food & Marine) – Construction of two number ground level industrial buildings (5 number units each) and associated site works at Claremont, West Pier, Howth, Co. Dublin.
- F18A/0074 (Minister for Agriculture, Food & Marine) – The provision of 130m long quay wall; associated deck area, road access, hard standing; localised dredging to facilitate works, dredging to - 4m Chart Datum along the front of new quay wall to provide berthing depth and land reclamation of approximate 0.30 Ha on the east side of middle pier at Middle Pier, Howth Fishery Harbour Centre, Howth, Co Dublin.
- Proposed land reclamation at Howth Harbour – currently at public consultation phase. It is proposed to reclaim of almost five hectares of land at the West Pier in Howth using material dredged from the harbour's seabed. A new 100-metre wide infill area on the outside of the West Pier will create a new coastal linear park including slipway access to the water for small craft.

3.3.6 *Habitat degradation as a result of increased recreational pressures*

97 Increased human presence resulting in an increased visitor pressure to European sites in the vicinity of the proposed development has the potential to cause habitat degradation during the operation of the proposed development.

98 There is the potential for QI habitats of SACs within the vicinity of the proposed development site to be degraded during the operational phase of the proposed development. The proposed development site is within c. 170m of Baldoyle Bay SAC and c. 675m of Howth Head SAC. Howth Head SAC contains walking routes such as the Howth Cliff Path Loop, which are used for recreational purposes by both locals and visitors. The site synopsis⁴⁷ for Howth Head SAC lists the recreational use of Howth Head, such as walking, as a cause of erosion within the SAC. There will be a potential increase of c. 425 inhabitants in the vicinity of Howth Head as a result of the proposed development. Further erosion of Howth Head SAC, and its associated habitats, as a result of this population increase, cannot be excluded.

⁴⁷ NPWS (2013) Site Synopsis: Howth Head SAC [000202]. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

3.3.7 Bird mortality as a result of Collision Risk Impacts

- 99 Considering the proposed development's coastal location, adjacent to Baldoyle Bay, there is potential for the proposed development to present a collision risk to mobile SCI species which may fly over the proposed development lands to reach inland foraging sites.
- 100 Birds are mobile species and can travel up to 20km from designated sites.⁴⁸ As such collision risk impacts resulting in bird mortality occurring at a sufficient magnitude, has the potential to affect birds that occur in the receiving environment (either alone or in combination with other disturbance and displacement pressures) to an extent that undermines the conservation objectives of European sites including Baldoyle Bay SPA, North Bull Island SPA, Ireland's Eye SPA, Malahide Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Lambay Island SPA, Rogerstown Estuary SPA, and Skerries Islands SPA.

3.3.8 Summary

- 101 The impacts associated with the proposed development; habitat degradation as a result of hydrological impacts, disturbance and displacement effects, habitat degradation as a result of increased recreational pressures and bird mortality as a result of collision risk impacts, have the potential to affect the receiving environment and, consequently, have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests of a European site(s). Therefore, the proposed development is likely to have significant effects on a European site(s).
- 102 As the proposed development itself is likely to affect the QIs/SCIs or conservation objectives of a European site(s), there is also the potential for other plans or projects to act in combination with it to result in likely significant effects on European sites.
- 103 The potential impacts of the proposed development on the receiving environment, their Zol, and the European sites at risk of likely significant effects are summarised in
- 104 Table 4 below. In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

Table 4 Summary of Analysis of Likely Significant Effects on European sites

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
Habitat loss Habitat loss will be confined to the lands within the proposed development boundary.	No There are no European sites within the proposed development boundary. Additionally, the proposed development site is not providing a supporting role to the QIs of any SAC sites or the SCI populations of any SPA sites.
Habitat degradation as a result of hydrological impacts Habitats and species downstream of the proposed development site and the associated surface water drainage discharge points, and downstream of offsite wastewater treatment plants.	Yes There are European sites at risk of hydrological effects associated with the proposed development. Baldoyle Bay SAC and Baldoyle Bay SPA
Habitat degradation as a result of hydrogeological impacts	No

⁴⁸ Scottish Natural Heritage (2016) Guidance: Assessing connectivity with Special Protection Areas (SPAs). Version 3

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
Groundwater-dependant habitats, and the species those habitats support, in the local area that lie downgradient of the proposed development site.	There are no European sites at risk of hydrogeological effects associated with the proposed development
Habitat degradation as a result of introducing/spreading non-native invasive species Habitat areas within, adjacent to, and potentially downstream of the proposed development site.	No There are no non-native invasive species present on the proposed development site and, therefore, no risk associated with the proposed development to any European sites from the spread/introduction of non-native invasive species
Disturbance and displacement impacts Potentially up to several hundred metres from the proposed development boundary, dependent upon the predicted levels of noise, vibration and visual disturbance associated with the proposed development, taking into account the sensitivity of the qualifying interest species to disturbance effects	Yes There are species listed as SCIs for surrounding SPA sites within the potential zone of influence of disturbance effects associated with the construction or operation of the proposed development Baldoyle Bay SPA, North Bull Island SPA, Ireland's Eye SPA, Malahide Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Lambay Island SPA, Rogerstown Estuary SPA, and Skerries Islands SPA.
Habitat degradation as a result of increased recreational pressures European sites within the vicinity of the proposed development.	Yes There is a possibility of increased footfall and visitor numbers within European sites as a result of the proposed development. Howth Head SAC
Habitat degradation as a result of contaminated land Habitat areas within, adjacent to, and potentially downstream of the proposed development site.	No Site investigations classified soils on the proposed development site as non-hazardous. Therefore, there is no potential impact on European Sites.
Bird mortality as a result of collision risk impact Potential for mortality of mobile SCI species as result of collision with tall structures during construction and operation.	Yes Baldoyle Bay SPA, North Bull Island SPA, Ireland's Eye SPA, Malahide Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Lambay Island SPA, Rogerstown Estuary SPA, and Skerries Islands SPA.

4 Conclusions of Screening Assessment Process

105 Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that there is the possibility for significant effects on the following European sites, either arising from the project alone or in combination with other plans and projects, as a result of habitat degradation as a result of hydrological impacts, disturbance and displacement impacts, habitat degradation as a result of increased human presence and bird mortality as a result of collision risk impacts: *Baldoyle Bay SAC, Howth Head SAC, Baldoyle Bay SPA, North Bull Island SPA, Ireland's Eye SPA, Malahide Estuary SPA, South Dublin Bay and River Tolka Estuary SPA, Lambay Island SPA, Rogerstown Estuary SPA, and Skerries Islands SPA.*

106 In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does require an Appropriate Assessment and the preparation of a Natura Impact Statement (NIS).

Appendix I

Scientific and Technical Competence Relied Upon

Caroline Kelly is a Senior Ecologist at Scott Cawley Ltd. with over 5 years' professional ecological consultancy experience in preparing ecological reports and assessments for inclusion in planning applications. She holds an honours degree in Environmental Biology, from University College Dublin (UCD), and a Masters in Ecological Assessment from University College Cork (UCC). Caroline has experience in habitat survey and assessment (including Annex I habitats and legally protected sites) in a range of terrestrial, freshwater and coastal environments. She is also experienced in surveys for protected species (e.g. bats, badger and otter), bird surveys (both breeding and overwintering) and surveys for invasive species. Whilst working at Scott Cawley Caroline has managed ecological assessments for a wide range of projects including tourism, recreational, industrial, commercial, residential, transport and renewable energy developments.

Andrew Speer is a Technical Director at Scott Cawley Ltd. with over 15 years' professional ecological consultancy experience in ecological impact assessment. Andrew is a Full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and holds an honours degree in Zoology from NUI Galway, a Postgraduate Diploma in Geographic Information Systems (GIS) from the University of Ulster and an Advanced Diploma in Planning and Environmental Law from Kings Inns. He has extensive experience in the Appropriate Assessment (AA) process and has been the lead author for the preparation of numerous Screening for Appropriate Assessment Reports, Natura Impact Statements (NISs) and Natura Impact Reports (NIRs). Andrew also provides technical review and due diligence of Appropriate Assessment documentation for public and local authorities to aid their decision-making process as well as peer review of AA documentation prior to lodgement of planning applications.

Appendix II

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site (see Figure 4)

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
Special Area of Conservation (SAC)	
<p>Baldoye Bay SAC [000199] 1140 Mudflats and sandflats not covered by seawater at low tide 1310 <i>Salicornia</i> and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>NPWS (2012) <i>Conservation Objectives: Baldoye Bay SAC 000199</i>. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht⁴⁹</p>	<p>c. 170m north of the proposed development</p>
<p>Howth Head SAC [000202] 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths</p> <p>NPWS (2016) <i>Conservation Objectives: Howth Head SAC 000202</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>c. 675m south and east of the proposed development</p>
<p>North Dublin Bay SAC [000206] 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 <i>Salicornia</i> and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1395 Petalwort <i>Petalophyllum ralfsii</i> 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks</p> <p>NPWS (2013) <i>Conservation Objectives: North Dublin Bay SAC 000206</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 1.3km south-west of the proposed development</p>
<p>Rockabill to Dalkey Island SAC [003000] 1170 Reefs 1351 Harbour porpoise <i>Phocoena phocaena</i></p>	<p>c. 1.8km north-east of the proposed development</p>

⁴⁹ The versions of the conservation objectives documents referenced in this table are the most recent published versions at the time of writing – 06/05/2021

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>NPWS (2013) <i>Conservation Objectives: Rockabill to Dalkey Island SAC 003000</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Ireland's Eye SAC [002193] 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>NPWS (2017) <i>Conservation Objectives: Ireland's Eye SAC 002193</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>c. 1.8km north-east of the proposed development</p>
<p>Malahide Estuary SAC [000205] 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>NPWS (2013) <i>Conservation Objectives: Malahide Estuary SAC 000205</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 6.3km north-west of the proposed development</p>
<p>South Dublin Bay SAC [000210] 1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 <i>Salicornia</i> and other annuals colonising mud and sand 2110 Embryonic shifting dunes</p> <p>NPWS (2013) <i>Conservation Objectives: South Dublin Bay SAC 000210</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 7.8km south-west of the proposed development</p>
<p>Lambay Island SAC [000204] 1170 Reefs 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1364 Grey seal <i>Halichoerus grypus</i> 1365 Harbour seal <i>Phoca vitulina</i></p> <p>NPWS (2013) <i>Conservation Objectives: Lambay Island SAC 000204</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 11km north-east of the proposed development</p>
<p>Rogerstown Estuary SAC [000208] 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	<p>c. 11.6km north-west of the proposed development</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>NPWS (2013) <i>Conservation Objectives: Rogerstown Estuary SAC 000208</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
Special Protection Area (SPA)	
<p>North Bull Island SPA [004006]</p> <p>A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>A048 Shelduck <i>Tadorna tadorna</i></p> <p>A052 Teal <i>Anas crecca</i></p> <p>A054 Pintail <i>Anas acuta</i></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A130 Oystercatcher <i>Haematopus ostralegus</i></p> <p>A140 Golden Plover <i>Pluvialis apricaria</i></p> <p>A141 Grey Plover <i>Pluvialis squatarola</i></p> <p>A143 Knot <i>Calidris canutus</i></p> <p>A144 Sanderling <i>Calidris alba</i></p> <p>A149 Dunlin <i>Calidris alpina</i></p> <p>A156 Black-tailed Godwit <i>Limosa limosa</i></p> <p>A157 Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>A160 Curlew <i>Numenius arquata</i></p> <p>A162 Redshank <i>Tringa totanus</i></p> <p>A169 Turnstone <i>Arenaria interpres</i></p> <p>A179 Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>A999 Wetlands & Waterbirds</p> <p>NPWS (2015) <i>Conservation Objectives: North Bull Island SPA 004006</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 1.3km south-west of the proposed development</p>
<p>Ireland's Eye SPA [004117]</p> <p>A017 Cormorant <i>Phalacrocorax carbo</i></p> <p>A184 Herring Gull <i>Larus argentatus</i></p> <p>A188 Kittiwake <i>Rissa tridactyla</i></p> <p>A199 Guillemot <i>Uria aalge</i></p> <p>A200 Razorbill <i>Alca torda</i></p> <p>NPWS (2021) <i>Conservation objectives for Ireland's Eye SPA [004117]</i>. Generic Version 8.0. Department of Housing, Local Government and Heritage.</p>	<p>c. 1.6km north-east of the proposed development</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>Baldoyle Bay SPA [004016] A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A048 Shelduck <i>Tadorna tadorna</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A999 Wetland and Waterbirds</p> <p>NPWS (2013) <i>Conservation Objectives: Baldoyle Bay SPA 004016. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 1.7km north-west of the proposed development</p>
<p>Howth Head Coast SPA [004113] A188 Kittiwake <i>Rissa tridactyla</i></p> <p>NPWS (2021) <i>Conservation objectives for Howth Head Coast SPA [004113].</i> Generic Version 8.0. Department of Housing, Local Government and Heritage</p>	<p>c. 1.7km east of the proposed development</p>
<p>Malahide Estuary SPA [004025] A005 Great Crested Grebe <i>Podiceps cristatus</i> A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A048 Shelduck <i>Tadorna tadorna</i> A054 Pintail <i>Anas acuta</i> A067 Goldeneye <i>Bucephala clangula</i> A069 Red-breasted Merganser <i>Mergus serrator</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A149 Dunlin <i>Calidris alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A162 Redshank <i>Tringa totanus</i> A999 Wetland and Waterbirds</p> <p>NPWS (2013) <i>Conservation Objectives: Malahide Estuary SPA 004025. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 5.7km north-west of the proposed development</p>
<p>South Dublin Bay and River Tolka Estuary SPA [004024] A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i></p>	<p>c. 6.9km south-west of the proposed development</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>A149 Dunlin <i>Calidris alpina</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A162 Redshank <i>Tringa totanus</i> A179 Black-headed Gull <i>Croicocephalus ridibundus</i> A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i> A999 Wetland and Waterbirds</p> <p>NPWS (2015) <i>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Lambay Island SPA [004069] A009 Fulmar <i>Fulmarus glacialis</i> A017 Cormorant <i>Phalacrocorax carbo</i> A018 Shag <i>Phalacrocorax aristotelis</i> A043 Greylag Goose <i>Anser anser</i> A183 Lesser Black-backed Gull <i>Larus fuscus</i> A184 Herring Gull <i>Larus argentatus</i> A188 Kittiwake <i>Rissa tridactyla</i> A199 Guillemot <i>Uria aalge</i> A200 Razorbill <i>Alca torda</i> A204 Puffin <i>Fratercula arctica</i></p> <p>NPWS (2021) <i>Conservation objectives for Lambay Island SPA [004069]</i>. Generic Version 8.0. Department of Housing, Local Government and Heritage</p>	<p>c. 10.7km north-east of the proposed development</p>
<p>Rogerstown Estuary SPA [004015] A043 Greylag Goose <i>Anser anser</i> A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A048 Shelduck <i>Tadorna tadorna</i> A056 Shoveler <i>Anas clypeata</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A149 Dunlin <i>Calidris alpina alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A162 Redshank <i>Tringa totanus</i> A999 Wetlands</p> <p>NPWS (2013) <i>Conservation Objectives: Rogerstown Estuary SPA 004015</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 11.2km north-west of the proposed development</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>Dalkey Islands SPA [004172] A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i></p> <p>NPWS (2021) <i>Conservation objectives for Dalkey Islands SPA [004172]</i>. Generic Version 8.0. Department of Housing, Local Government and Heritage.</p>	<p>c. 12km south of the proposed development</p>
<p>Rockabill SPA [004014] A148 Purple Sandpiper <i>Calidris maritima</i> A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i></p> <p>NPWS (2013) <i>Conservation Objectives: Rockabill SPA 004014</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c. 19.8km north of the proposed development</p>
<p>Skerries Islands SPA [004122] A017 Cormorant <i>Phalacrocorax carbo</i> A018 Shag <i>Phalacrocorax aristotelis</i> A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> A148 Purple Sandpiper <i>Calidris maritima</i> A169 Turnstone <i>Arenaria interpres</i> A184 Herring Gull <i>Larus argentatus</i></p> <p>NPWS (2021) <i>Conservation objectives for Skerries Islands SPA [004122]</i>. Generic Version 8.0. Department of Housing, Local Government and Heritage.</p>	<p>c. 19.9km north of the proposed development</p>

Appendix III

Planning polices/objectives relating to the protection of European sites and water quality

Eastern & Midland Regional Assembly, Regional Spatial & Economic Strategy 2019-2031

Regional Policy Objective 3.4

Ensure that all plans, projects and activities requiring consent arising from the Regional Spatial and Economic Strategy are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate. In addition the future strategic development of settlements throughout the Region will have full cognisance of the legal requirements pertaining to sites of International Nature Conservation Interest.

Regional Policy Objective 7.2

To achieve and maintain 'Good Environmental Status' for marine waters and to ensure the sustainable use of shared marine resources in the Region, and to promote the development of a cross-boundary and cross-border strategic management and stakeholder engagement framework to protect the marine environment.

Regional Policy Objective 7.10

Support the implementation of the Water Framework Directive in achieving and maintaining at least good environmental status for all water bodies in the Region and to ensure alignment between the core objectives of the Water Framework Directive and other relevant Directives, River Basin Management plans and local authority land use plans.

Regional Policy Objective 7.11

For water bodies with 'high ecological status' objectives in the Region, local authorities shall incorporate measures for both their continued protection and to restore those water bodies that have fallen below high ecological status and areas 'At Risk' into the development of local planning policy and decision making any measures for the continued protection of areas with high ecological status in the Region and for mitigation of threats to waterbodies identified as 'At Risk' as part of a catchment based approach in consultation with the relevant agencies. This shall include recognition of the need to deliver efficient wastewater facilities with sufficient capacity and thus contribute to improved water quality in the Region.

Regional Policy Objective 7.12

Future statutory land use plans shall include Strategic Flood Risk Assessment (SFRA) and seek to avoid inappropriate land use zonings and development in areas at risk of flooding and to integrate sustainable water management solutions (such as SuDS, nonporous surfacing and green roofs) to create safe places in accordance with the Planning System and Flood Risk Assessment Guidelines for Local Authorities.

Regional Policy Objective 7.15

Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.

Regional Policy Objective 7.16

Support the implementation of the Habitats Directives in achieving an improvement in the conservation status of protected species and habitats in the Region and to ensure alignment between the core objectives of the EU Birds and Habitats Directives and local authority development plans.

Regional Policy Objective 7.22

Local authority development plan and local area plans, shall identify, protect, enhance, provide and manage Green Infrastructure in an integrated and coherent manner and should also have regard to the required targets in relation to the conservation of European sites, other nature conservation sites, ecological networks and protected species.

Regional Policy Objective 10.6

Delivery and phasing of services shall be subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 network.

Regional Policy Objective 10.7

Local authority core strategies shall demonstrate compliance with DHPLG Water Services Guidelines for local authorities and demonstrate phased infrastructure – led growth that is commensurate with the carrying

capacity of water services and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.

Regional Policy Objective 10.10

Support Irish Water and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short term, while planning strategically for long term growth in tandem with Project Ireland 2040 and in increasing compliance with the requirements of the Urban Waste Water Treatment Directive from 39% today to 90% by the end of 2021, to 99% by 2027 and to 100% by 2040.

Regional Policy Objective 10.11

EMRA supports the delivery of the waste water infrastructure set out in Table 10.2, subject to appropriate environmental assessment and the planning process.⁵⁰

Regional Policy Objective 10.12

Development plans shall support strategic wastewater treatment infrastructure investment and provide for the separation of foul and surface water networks to accommodate the future growth of the Region.

Regional Policy Objective 10.15

Support the relevant local authorities (and Irish Water where relevant) in the Region to improve storm water infrastructure to improve sustainable drainage and reduce the risk of flooding in the urban environment and in the development and provision at a local level of Sustainable Urban Drainage solutions.

Regional Policy Objective 10.16

Implement policies contained in the Greater Dublin Strategic Drainage Study (GDSDS), including SuDS.

Regional Policy Objective 10.18

Local authorities shall ensure adequate surface water drainage systems are in place which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans.

Dún Laoghaire-Rathdown County Development Plan 2016-2022

Policy LHB19: Protection of Natural Heritage and the Environment

It is Council policy to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas, candidate Special Areas of Conservation, proposed Natural Heritage Areas and Ramsar sites - as well as non-designated areas of high nature conservation value which serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

Policy LHB20: Habitats Directive

It is Council policy to ensure the protection of natural heritage and biodiversity, including European sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.

Policy LHB22: Designated Sites

It is Council policy to protect and preserve areas designated as proposed Natural Heritage Areas, candidate Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.

Policy EI2: Wastewater Treatment and Appropriate Assessment

It is Council policy to provide adequate wastewater treatment facilities to serve the existing and future population of the County, subject to complying with the Water Framework Directive and the associated River Basin Management Plan or any updated version of this document, 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document, Pollution Reduction Programmes for Designated Shellfish Areas, the Urban Waste Water Treatment Directive and the Habitats Directive.

Policy EI3: Surface Water Drainage and Appropriate Assessment

⁵⁰ The Greater Dublin Drainage Project, the Ringsend Wastewater Treatment Plant Project, the Athlone Main Drainage Project and the Upper Liffey Valley Sewerage Scheme

It is Council policy to require that a Sustainable Drainage System (SuDS) is applied to any development and that site specific solutions to surface water drainage systems are developed, which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans and 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document.

Dublin City Development Plan 2016 – 2022

GI23

To protect flora, fauna and habitats, which have been identified by Articles 10 and 12 of Habitats Directive, Birds Directive, Wildlife Acts 1976–2012, the Flora (Protection) Order 2015 S.I No. 356 of 2015, European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

GI24

To conserve and manage all Natural Heritage Areas, Special Areas of Conservation and Special Protection Areas designated, or proposed to be designated, by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

GIO17

To seek the continued improvement of water quality, bathing facilities and other recreational opportunities in the coastal, estuarine and surface waters in the city and to protect the ecology and wildlife of Dublin Bay.

GI20

To seek continued improvement in water quality, bathing facilities and other recreational opportunities in the coastal, estuarine and surface waters in the city, having regard to the sensitivities of Dublin Bay and to protect the ecology and wildlife of Dublin Bay.

SI18: To require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works. The following measures will apply:

- The infiltration into the ground through the development of porous pavement such as permeable paving, swales, and detention basins
- The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands
- The slow-down of the movement of water.

South Dublin County Council Development Plan 2016-2022

HCL12 Objective 1

To prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the County and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

HCL12 Objective 2

To ensure that projects that give rise to significant direct, indirect or secondary impacts on Natura 2000 sites, either individually or in combination with other plans or projects, will not be permitted unless the following is robustly demonstrated in accordance with Article 6(4) of the Habitats Directive and S.177AA of the Planning and Development Act (2000 – 2010) or any superseding legislation:

1. There are no less damaging alternative solutions available; and
2. There are imperative reasons of overriding public interest (as defined in the Habitats Directive) requiring the project to proceed; and
3. Adequate compensatory measures have been identified that can be put in place.

IE Policy 1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

IE1 Objective 1

To work in conjunction with Irish Water to protect, manage and optimise water supply and foul drainage networks in the County.

IE1 Objective 2

To work in conjunction with Irish Water to facilitate the timely delivery of ongoing upgrades and the expansion of water supply and wastewater services to meet the future needs of the County and the Region.

IE Policy 2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE2 Objective 1

To maintain, improve and enhance the environmental and ecological quality of our surface waters and groundwater by implementing the programme of measures set out in the Eastern River Basin District River Basin Management Plan.

IE2 Objective 3

To maintain and enhance existing surface water drainage systems in the County and promote and facilitate the development of Sustainable Urban Drainage Systems (SUDS), including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

IE2 Objective 4

To incorporate Sustainable Urban Drainage Systems (SUDS) as part of Local Area Plans, Planning Schemes, Framework Plans and Design Statements to address the potential for Sustainable Urban Drainage at a site and/or district scale, including the potential for wetland facilities.

IE2 Objective 5

To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.

IE2 Objective 6

To promote and support the retrofitting of Sustainable Urban Drainage Systems (SUDS) in established urban areas, including integrated constructed wetlands.

Kildare County Development Plan 2017-2023

NH 4

Support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

NH 5

Prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the county and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

NH 6

Ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

WQ 1

Co-operate with the EPA and other authorities in the continued implementation of the EU Water Framework Directive and assist and co-operate with the lead authority for the River Basin Management Plan(s).

WQ 2

Ensure, through the implementation of the River Basin Management Plan(s) and the associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.

WQ 6

Protect recognised salmonid water courses in conjunction with Inland Fisheries Ireland such as the Liffey catchment, which are recognised to be exceptional in supporting salmonid fish species.

WW 4

Ensure that adequate wastewater services will be available to service development prior to the granting of planning permission. Applicants who are proposing to connect to the public wastewater network should consult with Irish Water regarding available capacity prior to applying for planning permission.

WW 12

Ensure that existing and permitted private wastewater treatment plants are operated in compliance with their wastewater discharge license, in order to protect water quality.

Wicklow County Development Plan 2016-2022

NH2

No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) Adequate compensatory measures in place.

NH3

To contribute, as appropriate, towards the protection of designated ecological sites including candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including the following and any updated/superseding documents:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)⁷, the Birds Directive (2009/147/EC)⁸, the Environmental Liability Directive (2004/35/EC)⁹, the Environmental Impact Assessment Directive (85/337/EEC, as amended), the Water Framework Directive (2000/60/EC) and the Strategic Environmental Assessment Directive (2001/42/EC).
- National legislation, including the Wildlife Act 1976¹⁰, the European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989) (as amended), the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the European Communities (Environmental Liability) Regulations 2008¹¹.
- National policy guidelines (including any clarifying Circulars or superseding versions of same), including the Landscape and Landscape Assessment Draft Guidelines 2000, the Environmental Impact Assessment Sub-Threshold Development Guidelines 2003, Strategic Environmental Assessment Guidelines 2004 and the Appropriate Assessment Guidance 2010.
- Catchment and water resource management Plans, including Eastern and South Eastern River Basin Management Plan 2009-2015 (including any superseding versions of same).
- Biodiversity Plans and guidelines, including Actions for Biodiversity 2011-2016: Ireland's 2nd National Biodiversity Plan (including any superseding version of same).
- Ireland's Environment 2014 (EPA, 2014, including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.

NH4

All projects and plans arising from this plan¹² (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment under Article 6 of the

Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or
- 3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

NH5

To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

Along with cSACs, SPAs and pNHA these include Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).

WI2

To protect existing and potential water resources of the County, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.

WI12

Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) and in particular, to ensure that all surface water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved surface water system.

WI6

In order to fulfil the objectives of the Core Strategy, Wicklow County Council will work alongside and facilitate the delivery of Irish Water's Water Services Investment Programme, to ensure that all lands zoned for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of regional and strategic wastewater schemes. In particular, to support and facilitate the development of a WWTP in Arklow, at an optimal location following detailed technical and environmental assessment and public consultation.

WI7

Permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses ($PE \leq 10$) and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse

impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

W19

Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area⁶ or Irish Water have confirmed there are no plans for a public system in the area;
- it can clearly demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria; and
- an annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.

Appendix IV

Landed birds using both the proposed development site and lands within a 300m buffer of the proposed development site (see Figures 6, 7 and 8)

ID	Surveyor	Date	Start time	End time	BTO Code ⁵¹	Peak count	Activity Code
1	COB	22/10/2019	NR ⁵²	NR	BZ	1	PE
2	COB	22/10/2019	11:42	11:42	BH	2	HU
3	COB	15/11/2019	NR	NR	H.	1	RO
4	COB	15/11/2019	NR	NR	H.	7	RO
5	COB	23/12/2019	NR	NR	LB	1	HU
6	COB	23/12/2019	NR	NR	CU	2	HU
7	COB	23/12/2019	NR	NR	HG	54	HU/RO
8	COB	23/12/2019	11:26	NR	BH	24	HU/RO
9	COB	23/12/2019	11:26	NR	GB	25	HU/RO
10	COB	23/12/2019	14:52	NR	BH	14	HU/RO
11	COB	23/12/2019	14:52	NR	GB	34	HU/RO
12	COB	23/12/2019	14:52	NR	HG	94	HU/RO
13	COB	23/12/2019	15:52	NR	RK	1	HU
14	COB	10/01/2020	NR	NR	CU	1	HU
15	COB	10/01/2020	NR	NR	BH	34	HU
16	COB	10/01/2020	NR	NR	BG	45	HU/RO
17	COB	10/01/2020	NR	NR	HG	195	HU/RO
18	COB	29/01/2020	NR	NR	H.	4	HU
19	COB	29/01/2020	16:10	16:10	BG	65	HU
20	COB	13/02/2020	NR	NR	BH	13	HU
21	COB	13/02/2020	NR	NR	HG	116	HU
22	COB	13/02/2020	NR	NR	GB	79	HU/RO
23	COB	13/02/2020	NR	NR	H.	3	RO
24	COB	13/02/2020	14:51	14:51	CU	79	HU
25	COB	13/02/2020	14:51	15:13	OC	13	HU
26	COB	13/02/2020	14:53	15:19	CU	83	HU
27	COB	13/02/2020	15:32	15:36	CU	90	HU
28	COB	13/02/2020	12:41	12:41	CU	90	HU
29	COB	13/02/2020	12:41	12:41	OC	30	HU
30	COB	13/02/2020	14:21	14:23	CU	83	HU
31	COB	13/02/2020	14:29	14:29	CU	95	HU

⁵¹ BTO Codes

HG	Herring Gull*	CA	Cormorant*	H.	Heron	GB	Great Black-backed Gull
BH	Black-headed Gull*	RK	Redshank*	CU	Curlew*	LB	Lesser Black-backed Gull
BG	Light-bellied Brent Goose*	OC	Oystercatcher*	DN	Dunlin*	BZ	Buzzard

*SCI species for SPAs within 20km of the proposed development site

⁵² NR- Not Recorded by surveyor

32	COB	26/02/2020	NR	NR	CU	1	HU
33	COB	26/02/2020	NR	NR	RK	1	HU
34	COB	26/02/2020	07:48	07:55	OC	22	HU
35	COB	26/02/2020	09:35	09:38	CU	6	HU
36	COB	26/02/2020	09:57	10:13	CU	10	HU
37	COB	26/02/2020	10:13	10:25	CU	15	HU
38	COB	26/02/2020	10:10	10:23	OC	16	HU
39	COB	26/02/2020	11:10	12:02	CU	35	HU
40	COB	26/02/2020	11:10	12:02	OC	20	HU
41	COB	26/02/2020	12:06	12:27	CU	34	HU
42	COB	26/02/2020	12:06	12:27	OC	23	HU
43	COB	26/02/2020	12:28	12:56	CU	39	HU
44	COB	26/02/2020	12:30	12:56	OC	26	HU
45	COB	26/02/2020	12:39	13:25	OC	26	HU
46	COB	26/02/2020	13:12	13:30	OC	24	HU
47	COB	26/02/2020	13:12	13:31	CU	43	HU
48	COB	26/02/2020	15:22	15:57	OC	13	HU
49	COB	26/02/2020	15:22	15:57	CU	35	HU
50	COB	26/02/2020	15:59	17:03	CU	39	HU
51	COB	26/02/2020	15:59	17:03	OC	10	HU
52	COB	26/02/2020	08:34	08:35	CU	11	HU
53	COB	26/02/2020	08:34	08:35	OC	11	HU
54	EV	10/12/2020	NR	NR	CU	1	OG
55	EV	10/12/2020	10:15	10:30	BG	10	RO
56	EV	10/12/2020	10:15	10:30	RK	1	RO
57	EV	10/12/2020	10:15	10:30	H.	1	RO
58	EV	10/12/2020	10:15	10:30	BH	5	RO
59	EV	10/12/2020	10:15	10:30	HG	171	RO
60	EV	10/12/2020	10:15	10:30	GB	12	RO
61	EV	10/12/2020	13:20	13:35	GB	2	RO
62	EV	10/12/2020	13:20	13:35	HG	24	RO
63	EV	10/12/2020	13:20	13:35	BH	3	RO
64	EV	10/12/2020	13:20	13:35	HG	47	RO
65	EV	10/12/2020	13:20	13:35	RK	1	RO
66	EV	10/12/2020	13:20	13:35	OC	3	RO
67	EV	25/01/2021	NR	NR	CU	28	OG
68	EV	25/01/2021	NR	NR	CU	13	OG
69	EV	25/02/2021	07:35	NR	HG	10	HU
70	EV	15/03/2021	06:59	06:59	H.	1	RO
71	EV	15/03/2021	09:18	NR	OC	1	HU
72	EV	15/03/2021	09:18	NR	HG	15	RO
73	EV	15/03/2021	16:09	NR	HG	135	HU
74	EV	15/03/2021	16:09	NR	OC	4	HU
75	EV	15/03/2021	16:09	NR	BG	8	HU
76	EV	15/03/2021	16:09	NR	GB	16	HU
77	EV	15/03/2021	16:09	NR	RK	1	HU

78	EV	15/03/2021	09:18	NR	HG	8	RO
79	EV	15/03/2021	16:09	NR	HG	5	HU
80	EV	15/03/2021	07:00	08:15	CU	5	HU
81	EV	15/03/2021	13:40	13:53	CU	6	HU
82	EV	15/03/2021	14:03	14:16	CU	9	HU
83	EV	15/03/2021	16:41	16:56	CU	9	HU
84	HD	29/01/2020	08:15	08:55	OC	10	HU
85	HD	29/01/2020	08:15	08:55	CU	3	HU
86	HD	29/01/2020	08:15	08:55	RK	1	HU
87	HD	29/01/2020	08:15	08:55	ET	1	HU
88	HD	29/01/2020	08:15	08:55	BG	14	HU
89	HD	29/01/2020	08:15	08:55	HG	596	RO
90	HD	29/01/2020	08:15	08:55	GB	72	RO
91	HD	29/01/2020	09:20	10:45	H.	1	PE
92	HD	29/01/2020	13:15	13:40	H.	2	PE
93	HD	29/01/2020	11:15	12:10	H.	2	PE
94	HD	29/01/2020	10:10	10:20	MH	1	HU
95	HD	13/02/2020	11:05	11:18	CU	117	HU
96	HD	13/02/2020	11:05	11:18	OC	38	HU
97	HD	13/02/2020	11:22	11:50	CU	71	HU
98	HD	13/02/2020	11:29	11:50	OC	34	HU
99	HD	13/02/2020	13:50	14:20	CU	128	HU
100	HD	13/02/2020	13:50	14:20	OC	42	HU
101	HD	13/02/2020	15:20	17:00	H.	2	PE
102	HD	26/02/2020	07:30	08:00	OC	5	HU
103	HD	26/02/2020	07:30	08:00	RK	2	HU
104	HD	26/02/2020	07:30	08:00	BH	1	OG
105	HD	26/02/2020	07:30	08:30	HG	346	RO
106	HD	26/02/2020	07:30	08:30	GB	67	RO
107	HD	26/02/2020	13:00	13:30	OC	8	RO
108	HD	26/02/2020	13:55	15:30	CU	38	HU
109	HD	26/02/2020	13:55	15:30	OC	22	HU
110	HD	12/03/2020	09:00	09:30	CU	2	OG
111	HD	12/03/2020	09:00	09:30	RK	1	HU
112	HD	12/03/2020	09:00	09:30	OC	3	HU
113	HD	12/03/2020	09:00	09:30	HG	143	OG
114	HD	12/03/2020	09:00	09:30	GB	43	OG
115	HD	24/03/2020	17:15	17:45	CU	2	HU
116	HD	24/03/2020	17:15	17:45	OC	2	HU
117	HD	24/03/2020	17:15	17:45	HG	136	OG
118	HD	24/03/2020	17:15	17:45	GB	15	OG
119	KS	24/03/2020	NR	NR	CU	1	HU
120	KS	24/03/2020	NR	NR	GB	16	HU
121	LG	15/12/2020	08:38	08:40	HG	3	HU
122	LG	15/12/2020	14:25	14:45	OC	5	HU
123	LG	15/12/2020	14:25	14:45	LB	7	HU

124	LG	15/12/2020	14:25	14:45	GB	5	HU
125	LG	15/12/2020	14:25	14:45	HG	224	HU
126	LG	15/12/2020	14:25	14:45	BH	4	HU
127	LG	16/02/2021	13:20	13:32	OC	1	OG
128	LG	16/02/2021	14:38	NR	BH	1	SW
129	LG	16/02/2021	07:41	08:00	BH	1	OG
130	LG	16/02/2021	07:41	08:00	HG	18	OG
131	LG	16/02/2021	07:41	08:00	GB	36	OG
132	LG	16/02/2021	07:41	08:00	OC	10	OG
133	LG	16/02/2021	07:41	08:00	CU	2	OG
134	LG	25/02/2021	09:02	09:14	OC	1	HU
135	LG	25/02/2021	09:02	09:27	OC	29	HU
136	LG	25/02/2021	09:02	09:27	CU	62	HU
137	LG	25/02/2021	09:14	NR	OC	1	HU
138	LG	25/02/2021	10:24	NR	HG	1	SW
139	LG	25/02/2021	11:08	11:24	OC	1	HU
140	LG	25/02/2021	16:08	NR	OC	4	HU
141	LG	25/02/2021	16:08	NR	HG	26	HU
142	LG	25/02/2021	16:08	NR	GB	1	HU
143	LG	11/03/2021	10:40	NR	H.	1	HU
144	LG	11/03/2021	10:55	11:08	CU	26	HU
145	LG	11/03/2021	11:26	11:31	CU	30	HU
146	LG	11/03/2021	11:32	NR	CU	30	HU
147	LG	11/03/2021	11:34	11:47	HG	2	OG
148	LG	11/03/2021	13:25	NR	GB	17	HU
149	LG	11/03/2021	13:25	NR	HG	84	HU
150	LG	11/03/2021	13:25	NR	OC	1	HU
151	LG	11/03/2021	16:12	NR	CU	14	HU
152	LG	11/03/2021	16:21	NR	HG	9	HU
153	LG	11/03/2021	16:21	NR	GB	1	HU
154	LG	15/03/2021	17:28	17:44	HG	47	OG
155	NF	29/01/2021	15:25	15:40	DN	35	HU
156	NF	29/01/2021	15:00	15:40	GB	12	HU
157	NF	29/01/2021	15:00	15:40	OC	18	OG
158	NF	29/01/2021	15:25	15:40	BG	5	HU
159	NF	29/01/2021	08:41	09:15	BH	40	OG
160	NF	29/01/2021	12:15	12:48	BG	6	OG
161	NF	29/01/2021	12:36	12:48	OC	4	OG
162	NF	29/01/2021	15:00	15:40	HG	40	OG
163	NF	11/03/2021	NR	NR	HG		
164	SB	29/11/2019	NR	NR	RK	2	HU
165	SB	29/11/2019	NR	NR	OC	16	HU
166	SB	29/11/2019	NR	NR	GB	24	HU/RO
167	SB	29/11/2019	NR	NR	BG	6	HU/RO
168	SB	29/11/2019	NR	NR	HG	30	HU/RO
169	SB	26/11/2020	11:44	11:44	BZ	1	PE

170	SB	26/11/2020	12:05	12:30	HG	1	PE
171	SB	26/11/2020	09:04	09:10	HG	1	HU
172	SB	16/02/2021	07:35	07:43	HG	29	OG
173	SB	16/02/2021	08:55	17:35	H.	5	PE