Hollystown Sites 2 and 3 & Kilmartin Local Centre SHD

Appropriate Assessment Screening Report

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Environmental Assessment **Built Environment**

Client: Glenveagh Homes Ltd

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Contents

1 Introduction

1.1 Background

Glenveagh Homes Ltd is seeking permission for proposed strategic housing development (SHD) at Hollystown and Kilmartin, Dublin 15. The proposed development will comprise 428 residential units and associated infrastructure at Hollystown Sites 2 & 3, and 120 residential units at the Kilmartin Local Centre. As part of the proposed development a new foul outfall sewer will be constructed to the west of the site, approximately 3km in length, to connect to the existing foul sewer to the south of Powerstown Road.

Brady Shipman Martin was appointed by the applicant to prepare a report to assist An Bord Pleanála in undertaking a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites taking into account their conservation objectives.

This document constitutes an Appropriate Assessment Screening Report ("AA Screening Report") prepared for this purpose.

A comprehensive desk study review and a number of site visits were undertaken and the potential impacts on European sites, both as a result of the proposed development and in-combination with other plans and projects, are appraised in this report.

1.2 Expertise and Qualifications

The work was carried out by Senior Ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is a highly experienced and qualified ecologist, with a master's degree in Ecosystem Conservation and Landscape Management. He has almost 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. He has prepared numerous reports for AA Screening as well as Natura Impact Statements, for projects of all scales, from small residential developments to nationally important infrastructure projects.

Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King's Inns and is a member of the Irish Environmental Law Association (IELA).

1.3 Legal requirement for Appropriate Assessment

European sites make up a network of sites designated for nature conservation under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the "Habitats Directive") and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the "Birds Directive"). The requirements for Appropriate Assessment are set out under *Article 6 of the Habitats Directive*, transposed into Irish law by the *European Union (Birds and Natural Habitats) Regulations 2011-2015*[1] (the "Birds and Natural Habitats Regulations") and the *Planning and Development Act, 2000 - 2021* (the "Planning Acts").

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). As defined in section 177R of the Planning Acts "European site" means:

(a) a candidate site of Community importance,

[1] SI No. 477 of 2011

(b) a site of Community importance,

(ba) a candidate special area of conservation,

(c) a special area of conservation,

(d) a candidate special protection area and

(e) a special protection area.

Article 6(3) of the Habitats Directive states that:

(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Sections 177U of the Planning Acts and Regulation 42 of the Birds and Natural Habitats Regulations require that the AA screening test must be applied to the Proposed Project, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

This AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts and the Birds and Natural Habitats Regulations.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken in November 2021 of the site at Kilmartin/Hollystown and the wider area. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites. Ecological surveys were undertaken at the site, including habitat, invasive species, mammal and day-time bat surveys, by the author on 6 December 2019, 11 March, 8 June, 16 June and 2 July 2020 as well as 16 February, 8 July, 24 September and 15 October 2021. A final site walkover was undertaken by the author on 30 November 2021. The ecological surveys undertaken covered the entire site, both within the Kilmartin Local Centre and Hollystown Sites 2 & 3 areas, as well as along the line of the proposed sewer outfall.

Bat surveys (dawn and dusk detector surveys) were also undertaken, on 5 October 2020, 16/17 June and 16/17 August 2021 by specialist bat ecologist Mr Brian Keeley.

Birds present on the site were recorded during the surveys and an assessment of habitat suitability for species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

This report takes the following guidance documents into account:

- *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 NPWS 1/10 & PSSP 2/10;
- *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, 2001);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC.* Guidance issued by the European Commission (21st November 2018);
- *Practice Note PN01 Appropriate Assessment Screening for Development Management* Office of the Planning Regulator, March 2021).

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:
    - The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht (www.NPWS.ie);
    - The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
    - BirdWatch Ireland (www.birdwatchireland.ie);
    - Bat Conservation Ireland (www.batconservationireland.org).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (http://www.myplan.ie/en/index.html);
- Recent and historical OSi mapping and aerial photography, including www.geohive.ie;
- Photographs taken at the site;
- Information on local watercourses from www.catchments.ie;
- Information on water quality in the area (www.epa.ie);
- Information on soils, geology and hydrogeology in the area (www.gsi.ie);
- Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
- Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
- Fingal Development Plan 2017 – 2023, including the accompanying Appropriate Assessment documentation (Natura Impact Report);
- Kilmartin Local Area Plan 2013 (as extended).

The report has regard to the following legislative instruments:

- Planning Acts;
- European Commission (EC) Habitats Directive 92/43/EEC;
- European Commission (EC) Birds Directive 2009/147/EC;
- Birds and Natural Habitats Regulations.

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken.

Given the amount of information available, including from the developer, NPWS and other sources, it has been possible to gather adequate information on the site and the adjacent area (in particular, the European sites), in order to make an informed, sound judgement as to the potential impacts of the proposed development on the qualifying interests of the European sites.

3 Screening for Appropriate Assessment

3.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

In accordance with sections 177U and 177V of the Planning Acts, as amended, the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The test is a 'possibility' of effects rather than a 'certainty' of effects. The test of significance is whether a plan or project could undermine the site's conservation objectives. Furthermore, screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report is prepared.

Following Screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

3.2 Potential zone of influence

For the risk of a significant effect to occur there must be a 'source', such as a construction site; a 'receptor', such as a designated site for nature conservation; and a pathway between the source and the receptor, such as a watercourse that links the construction site to the designated site. A construction site or completed development may also create a barrier to movement, for example by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

Identification of a potential effect means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the potential effect and the characteristics of the receptor.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, NPWS (2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*. It is often considered appropriate to include all European sites within 15km.

However, in some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 km away. Taking this into account, as a starting point a search was carried out for all European sites within

15km of the proposed development site. This search was then extended in order to ensure that all European sites with any potential links to the proposed development were accounted for in the study.

3.3 Study area and surrounding environment

3.3.1 Site location and European sites

The proposed development site (see **Figure 1**) comprises the south western part of the former Hollystown Golf Club (Site 2), as well as a former agricultural field (Site 3 – in use as a construction compound for development including the permitted 'Bellingsmore' development, which is currently under construction to the south (planning refs. FW13A/0088(/E1); PL06F.243395)).

The area proposed for the Kilmartin Local Centre development is located to the south of Hollystown Sites 2 & 3. Tyrellstown Community Centre and two National Schools are located to the north west of the Kilmartin Local Centre site, which is bounded to the north by the Hollystown Road and to the east by the R121. Tyrellstown Local Centre, comprising a mix of retail/commercial and residential units, is located to the south, with residential development to the west and further south. More residential development, both established and under construction/in planning, is present to the north and north east of the site.

The overall area of Hollystown Sites 2 & 3 is bounded to the south and west by mature treelines/hedgerows, and another tree line separates the proposed site into two parts – with Site 2 to the east and Site 3 to the west. The former golf club itself now primarily comprises unmanaged grassland (former amenity grassland now occasionally mown) and groups of trees.

The Kilmartin Local Centre site comprises amenity grassland to the west of an internal access road, with an unmanaged field to the east. A hedgerow runs through the eastern part of the site, from north to south. There are shorter sections of treelines/hedgerows, in the south eastern corner and along the western boundary. Scrub is developing in the eastern field.

The line of the proposed foul outfall sewer, which will cross through agricultural fields, is also shown in **Figure 1**.

The site is located within the Tolka (SC-010) sub-catchment of the Liffey and Dublin Bay catchment. Drainage ditches on the golf course eventually discharge to the Pinkeen East River[2] (also known as the Powerstown Stream), which in turn joins the River Tolka at Mulhuddart. A partly culverted stream/ditch (the Mooretown Stream) passes through the Kilmartin Local Centre site from east to west. This also discharges to the Pinkeen East River. The Tolka flows into Dublin Bay, approximately 12.6 km to the east. There is therefore a potential surface water link between the proposed development site and the European sites associated with Dublin Bay.

There is also a potential link to the European sites associated with Dublin Bay, via foul water. This is because foul waste arising at the site will discharge to Ringsend Wastewater Treatment Plant.

[2] https://gis.epa.ie/EPAMaps/

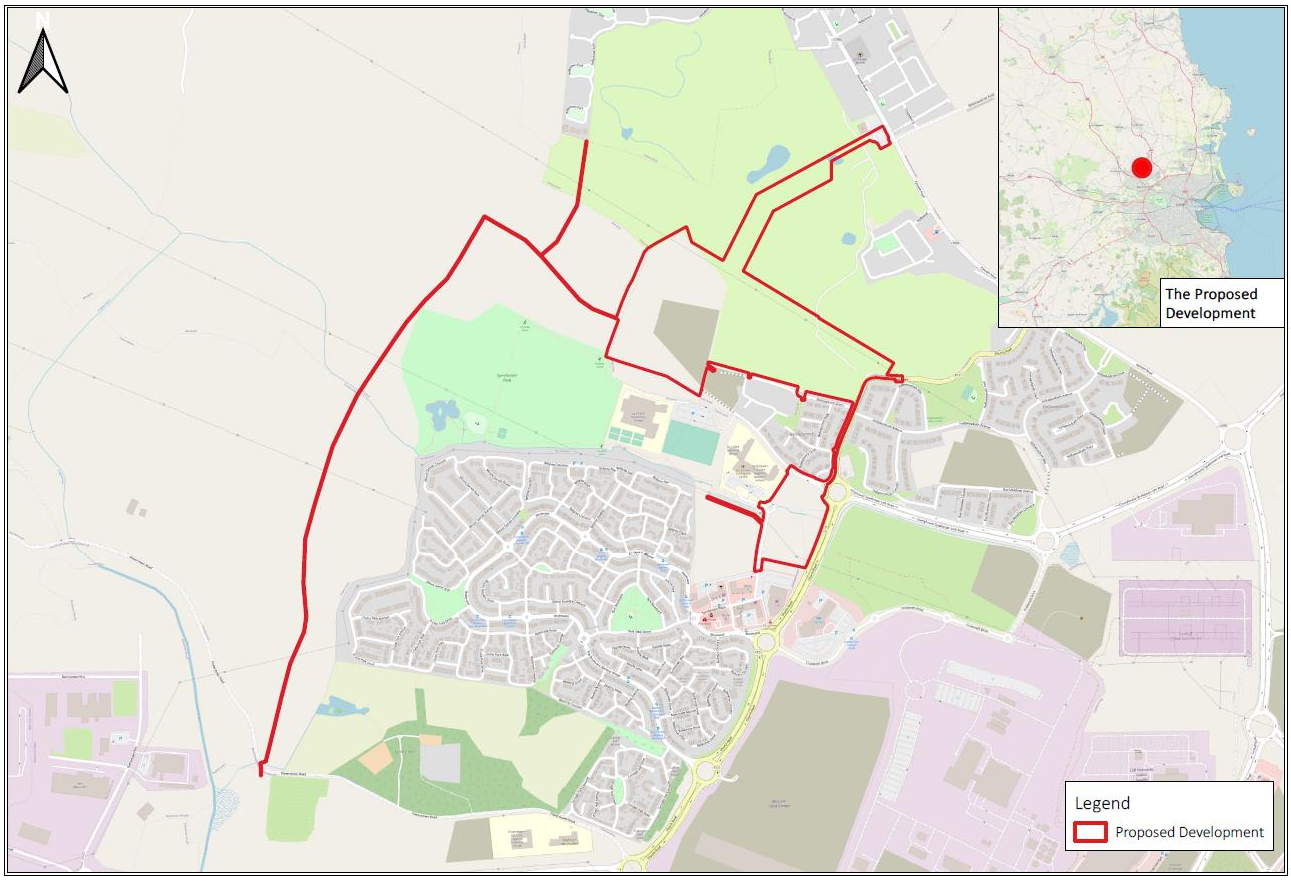

Figure 1: Location of the proposed development site, with proposed foul outfall sewer also shown (refer to accompanying documentation for full details)

There are five European sites located within a 15 km radius of the proposed development site (see **Figure 2**). These are as follows (distances measured from the approximate centre of the proposed development site):

- Special Areas of Conservation (SAC)
  - Rye Water Valley/Carton SAC (site code 001398), c. 9.4 km to the south west;
  - Malahide Estuary SAC (site code 000205), c. 12.6 km to the north east;
  - Rogerstown Estuary SAC (site code 000208), c. 15.0 km to the north east;
- Special Protection Areas (SPA)
  - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 12.6 km to the south east;
  - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c. 12.7 km to the north east;

Beyond the 15 km zone, there are a number of additional European sites:

- South Dublin Bay SAC (site code 000210), c. 15.1 km to the south east;
- North Dublin Bay SAC (site code 000206), c. 15.2 km to the south east;
- Baldoyle Bay SAC (site code 000199), c. 16.0 km to the east;
- Glenasmole Valley SAC (site code 001209), c. 18.5 km to the south;
- Howth Head SAC (site code 000202), c. 19.9 km to the east;
- Rockabill to Dalkey Island SAC (site code 003000), c. 20.6 km to the east;
- Wicklow Mountains SAC (site code 002122), c. 21.0 km to the south;
- Ireland's Eye SAC (site code 002193), c. 21.0 km to the east;
- Lambay Island SAC (site code 000204), c. 24.0 km to the north east;

- North Bull Island SPA (site code 004006), c. 15.2 km to the south east;
- Rogerstown Estuary SPA (site codes 004015), c. 15.8 km to the north east;
- Baldoyle Bay SPA (site code 004016), c. 16.0 km to the east;
- Ireland's Eye SPA (site code 004117), c. 20.7 km to the east;
- Wicklow Mountains SPA (site code 004040), c. 21.5 km to the south;
- Howth Head Coast SPA (site code 004113), c. 22.1 km to the east;
- Lambay Island SPA (site code 004069), c. 24.2 km to the north east.

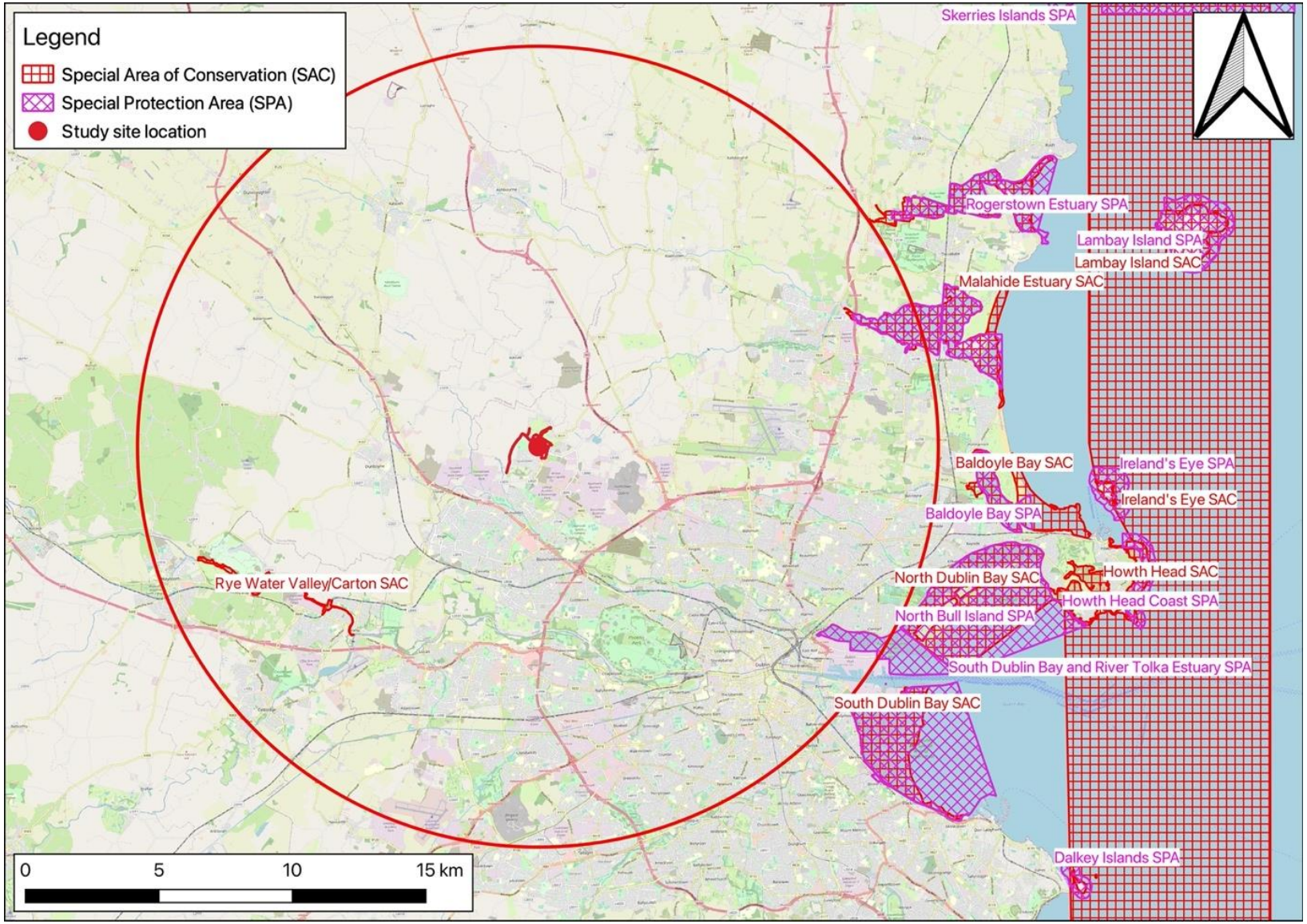

Figure 2: Hollystown Sites 2 & 3 and Kilmartin Local Centre study site, with proposed foul outfall sewer also shown, showing European sites (Source: OpenStreetMap)

3.3.2 Other designated areas (other than European sites)

The nearest site designated for nature conservation, not otherwise designated as a European site, is the Royal Canal proposed Natural Heritage Area (pNHA site code 002103), c. 5 km to the south and c. 4 km south of the nearest point of the sewer connection. Liffey Valley pNHA (site code 000128) is c. 6.3 km to the south, and Santry Demesne pNHA (site code 000178) is c. 8 km to the east.

These are included in this report in order to address their potential to act as supporting sites for the European sites.

4 Description of the proposed development

4.1 Overview

The proposed development relates to at a site of c. 25.3 ha at the townlands of Hollystown, Kilmartin, Hollywoodrath, Cruiserath, Yellow Walls, Powerstown, and Tyrrelstown, Dublin 15, which includes lands in the former Hollystown Golf Course and lands identified under the Kilmartin Local Area Plan 2013 (as extended). The lands are bound by the R121 and Hollywoodrath residential development to the east, the under construction Bellingsmore residential development to the south and north, the former Hollystown Golf Course to the north, Tyrrellstown Educate Together National School, St.Luke's National School and Tyrellston Community Centre to the west and south and the existing Tyrrellstown Local Centre to the south.

The proposed development will consist of the development of 548 no. residential units, consisting of 147 apartments/duplexes and 401 houses, ranging in height from 2 to 5 storeys and including retail/café unit, 2 no. crèches, 1 no. Montessori, 1 no. community hub, car and bicycle parking, open space, public realm and site infrastructure over a site area of c. 25.3 ha. On lands to the north of the application site (referred to as Hollystown Sites 2 & 3) the proposed development includes for 428 units consisting of 401 no. 2 and 3 storey houses and 27 no. apartments set out in 9 no. 3-storey blocks. On lands to the south of the application site and north of the Tyrellstown Local Centre (referred to as Kilmartin Local Centre) the proposed development includes 120 no. apartment/duplex units in 4 no. blocks ranging in height from 3 to 5 storeys. The local centre includes 2 no. crèches (including 1 standalone 2 storey crèche), 1 no. Montessori, a retail/café unit, and 1 no. community hub.

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Figure 3: Proposed development site layout[3]

[3] Note that the proposed foul sewer outfall element is not shown in its entirety. Refer to **Figure 1**.

4.2 Water Infrastructure

For a detailed description of the proposed water infrastructure, refer to DBFL's Infrastructure Design Report, submitted under separate cover as part of the planning application.

4.2.1 Water Supply

To provide water supply to the proposed development, it is proposed to connect to an existing 300 mm diameter watermain on Hollywoodrath Road (R121). A pre-connection enquiry was made to Irish Water and a Confirmation of Feasibility letter has been received.

4.2.2 Surface Water Drainage

There is an existing network of open drains on the Hollystown Sites 2 & 3 portion of the proposed development site, ultimately draining to the Pinkeen River. It is proposed to maintain and / or re-route this existing network under the scope of the proposed development. Attenuated surface water run-off from Site 2 will discharge to the re-routed golf course drain along the northern boundary of Site 2. Attenuated surface water run-off from Site 3 will discharge to the existing open drain along the northern boundary of Site 3.

Surface water storage requirements will be provided through two interlinked detention basins in the Site 3 area. The detention basin permitted under the scope of the Bellingsmore residential development (planning refs. FW13A/0088(/E1); PL06F.243395), will be removed to facilitate the proposed arrangement, with the existing storage volume accommodated in the proposed basins. A new surface water outfall will be constructed to the same receiving open drain.

There is an existing surface water ditch traversing the site from east to west in the Kilmartin Local Centre portion of the proposed development, which ultimately drains to the Pinkeen River. It is proposed to discharge attenuated surface water run-off from each catchment to this existing surface water ditch.

Sustainable drainage systems (SuDS) measures will be integrated into the proposed surface water drainage network, including:

- Swales within the link street grass verges;
- Permeable paving within private curtilage parking;
- Bio-retention areas;
- Tree pits;
- Detention basins;
- 'Hydrobrake' flow controls; and
- Petrol interceptors.

Surface water run-off from the site of the proposed development will be attenuated to flow rates equal to greenfield run-off (Q_{bar}), with run-off exceeding the allowable outflow to be stored on-site for up to a 1% annual exceedance probability (AEP) event, plus 20% for climate change.

The surface water drainage design for the proposed development is in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy, Fingal County Council and the applicable design standards, including EN752 and BS8301:1985.

4.2.3 Foul Water Drainage

It is proposed to construct a new c. 3 km foul outfall sewer from the Hollystown Sites 2 & 3 portion of the site of the proposed development, connecting to an existing 750 mm diameter foul sewer to the south of the Powerstown

Road. This was previously permitted under the scope of the planning application for Hollystown Site 1 (FCC reg. ref. FW21A/0042), and has been designed to accommodate the foul flows from the proposed development, the future development of residential zoned lands to the west, the Bellingsmore residential development (planning refs. FW13A/0088(/E1); PL06F.243395), and Hollystown Site 1. It also features a future connection from the Hollystown Park Foul Pumping Station.

The proposed foul drainage system for the Kilmartin Local Centre portion of the site will connect to an existing 225 mm diameter foul sewer to the west of the site. Apartments will connect to a network of 150 mm and 225 mm diameter foul drains via individual connections.

The proposed foul water drainage design is in accordance with the requirements of the Building Regulations, Greater Dublin Strategic Drainage Strategy, Irish Water's *Code of Practice for Wasetwater Connections*, Department of Environment and Local Government's *Recommendations for Site Development Works for Housing Areas*; and applicable design standards, including IS EN752 (2008), BS8301: 1985, IS EN12056: Part 2 (2000).

A pre-connection enquiry was made to Irish Water and a Confirmation of Feasibility letter has been received.

5 Potential impacts from the proposed development, including in-combination effects

5.1 European sites and habitats with links to European sites

The proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the *Irish Red Data Book 1 – Vascular Plants (Curtis & McGough, 1988)*, the *Flora Protection Order*, 2015 or the *EU Habitats Directive*, are known to occur within the site.

Overall, comprising as they do small blocks of plantation woodland, as well as groups of trees and areas of now unmanaged grassland (the former golf course), the lands that make up the former golf club are of Local Importance (Higher Value) as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes* (NRA/TII, 2009 (Rev. 2)).

The proposed foul outfall sewer will cross open agricultural fields (as well as a section of immature woodland/scrub), with mature hedgerows and tree lines. These features are similarly of Local Importance (Higher Value), and the route of the proposed pipeline has been designed to align with existing field gates where possible, in order to minimise impacts on existing field boundaries.

There is a section of hedgerow in the eastern part of the proposed Kilmartin Local Centre development site. This does not form part of the wider network of habitat corridors, however it is of some local biodiversity value, for breeding birds. No features of any other ecological significance are present on the proposed development site. No evidence of any protected large mammals, such as badger, was recorded during the survey carried out. Similarly no rare or protected plants were recorded during the survey. Overall the proposed Kilmartin Local Centre development site is of Local Importance (Lower Value).

Bat surveys undertaken in 2020 and 2021 at the site by specialist bat ecologist Mr Brian Keeley recorded bat activity in several areas throughout the proposed development site. The surveys confirmed the presence of a mating perch of a Leisler's bat in a mature ash tree close to the buildings that were used for storage when the golf course was operational. It is likely that this tree will need to be removed in order to facilitate the development, however, as noted in the Bat Survey report (submitted as an Appendix to the Environmental Impact Assessment Report (EIAR) for the proposed development) a significant amount of mitigation will be provided as part of the bat conservation

mitigation programme. A derogation licence under Regulation 54 of the Birds and Natural Habitats Regulations has been sought from NPWS to fell this tree, and this licence was received by the bat specialist on 2 December 2021. A copy of the licence is included as an appendix to the Bat Survey report. All works will be undertaken in accordance with the strict licence conditions. Apart from bat-sensitive landscape and lighting design this includes the provision of significant numbers of new bat boxes (21 in total) throughout the site.

No other bat roosting activity was recorded on the site in 2020 or 2021.

Previous surveys have recorded evidence of badger activity within the proposed development site, on the golf course boundary (in the north -south hedgerow/tree line that separates Hollystown Sites 2 and 3). No evidence of any protected species such as badger, or rare or protected plants, was recorded during the surveys carried out as part of the current planning application, either within the proposed development area or along the route of the proposed foul outfall sewer. Regardless, the proposed development is being designed in a manner that ensures that badger passage through the site can be accommodated.

No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

5.1.1 Potential impacts during construction

All site clearance and construction activities pose a potential risk to water as **surface/ground water** arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network during construction.

A potential surface water pathway exists between the proposed development site and the coastal European sites associated with Dublin Bay (South Dublin Bay and River Tolka Estuary SPA, the closest site, is approximately 12.6 km from the proposed development).

This potential pathway links both the proposed development site itself and the construction area of the proposed foul outfall sewer to the European sites of Dublin Bay, via the wider surface water drainage network and, eventually, the Pinkeen East and Tolka rivers. The foul outfall sewer will cross a number of drainage ditches and a small stream (the Mooretown Stream, a tributary to the Pinkeen River). There is also a potential groundwater pathway between the proposed development site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

There is no pathway between the proposed development site and any other European sites, such as the Rye Water Valley/Carton SAC, or the European sites associated with Malahide Estuary.

Despite the presence of these potential pathways between the proposed development site and the European sites of Dublin Bay, the risk of contamination of any watercourses or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that **this would not be perceptible in the offshore European sites**, for the following reasons:

- The distance to the European sites – although for example the designated sites of Dublin Bay are, at a minimum, approximately 12.6 km (straight-line distance to the east), from the proposed development site, there are no direct pathways and any pollution entering any drain or ditch during construction would be so diluted as to be entirely undetectable by the time the water enters the Bay;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the receiving waters;

- In addition, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

Construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

5.1.2 Potential impacts during operation

Full details of the proposed surface water drainage design are set out in the Infrastructure Design Report, which has been prepared by DBFL Consulting Engineers. As noted in that report (and see **Figures 4a**, **4b** and **4c** below) all attenuated surface water run-off from Site 2 will discharge to the re-routed golf course drain along the northern boundary of Site 2, and attenuated surface water runoff from Site 3 will discharge to the existing open drain along the northern boundary of Site 3. Attenuated surface water run-off from Kilmartin Local Centre will discharge to the existing surface water ditch traversing the site from east to west.

It is proposed to use a sustainable urban drainage system (SuDS) approach to storm water management throughout the site. SuDS are a requirement of Fingal City Council under the GDSDS and the Regional Code of Practice for Drainage Works. Additionally these systems are recommended under the 2009 guidelines published by the OPW, 'The Planning System and Flood Risk Management'. All surface water calculations included in the include additional capacity (20%), to account for climate change. However, even in the total absence of any SuDS measures there would be no impacts on the European sites of Dublin Bay. The natural characteristics of the bay ensure rapid mixing of water such that there is no appreciable effect on water quality in European sites.

A Site-Specific Flood Risk Assessment (SSFRA) has been prepared, also by DBFL. The SSFRA indicates that the proposed development site is located within Flood Zone C which, according to the OPW publication "The Planning System and Flood Management Guidelines" (November 2009), is suitable for all kinds of development, including residential developments such as that proposed, which are classified as "highly vulnerable".

Significant effects related to surface water management or flooding, arising as a result of the operation of the proposed development, on European sites or otherwise, can therefore be excluded.

As per the Infrastructure Design Report prepared by DBFL, a new foul network will be constructed. An Irish Water Confirmation of Feasibility, indicating that a wastewater connection can be facilitated, has been received by the engineers and is included as an appendix to the Infrastructure Design Report.

It is proposed to construct a new foul outfall sewer to the west of the site, approximately 3 km in length to connect to the existing 750 mm diameter foul sewer to the south of Powerstown Road, as indicated in **Figure 1**, above. This was previously permitted under the scope of the planning application for Hollystown Site 1 (FCC reg. ref. FW21A/0042), and has been designed to accommodate the foul flows from the proposed development, the future development of residential zoned lands to the west, the Bellingsmore residential development (planning refs. FW13A/0088(/E1); PL06F.243395), and Hollystown Site 1. It also features a future connection from the Hollystown Park Foul Pumping Station.

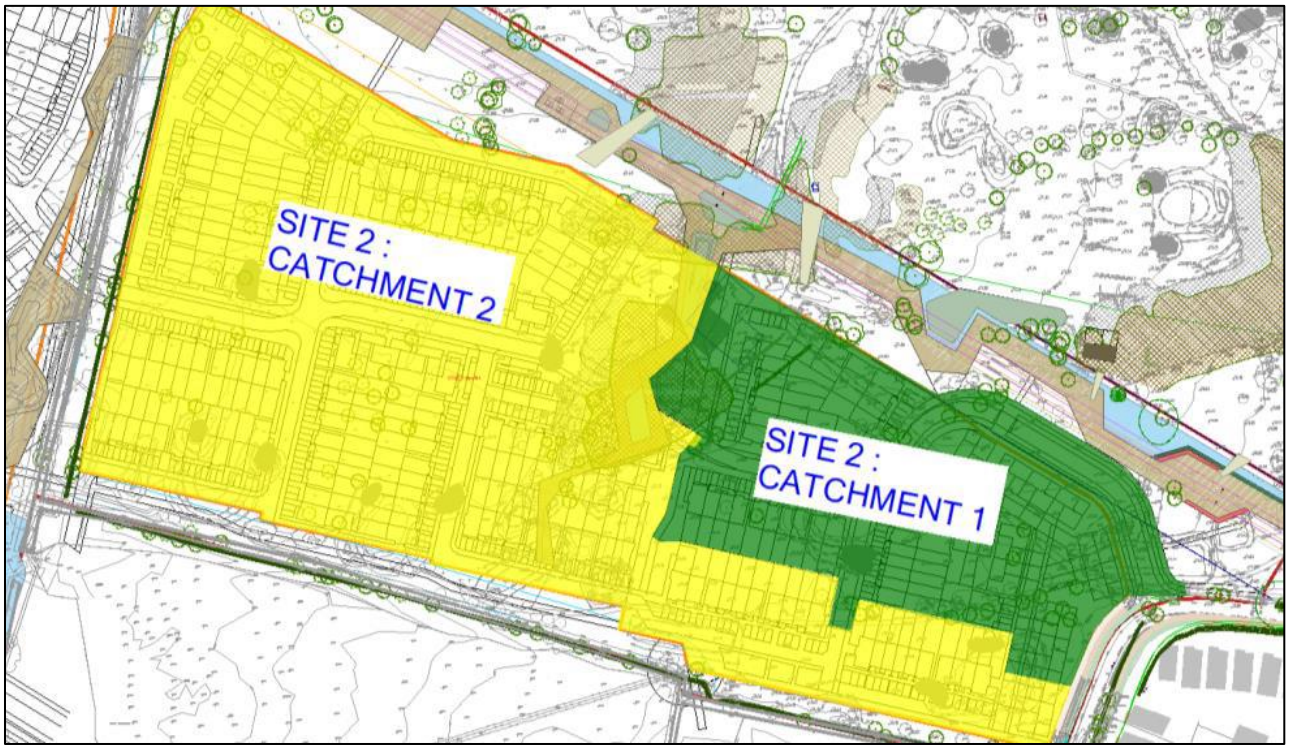

Figure 4a: Hollystown Site 2 Surface water catchments (Source: DBFL Consulting Engineers)

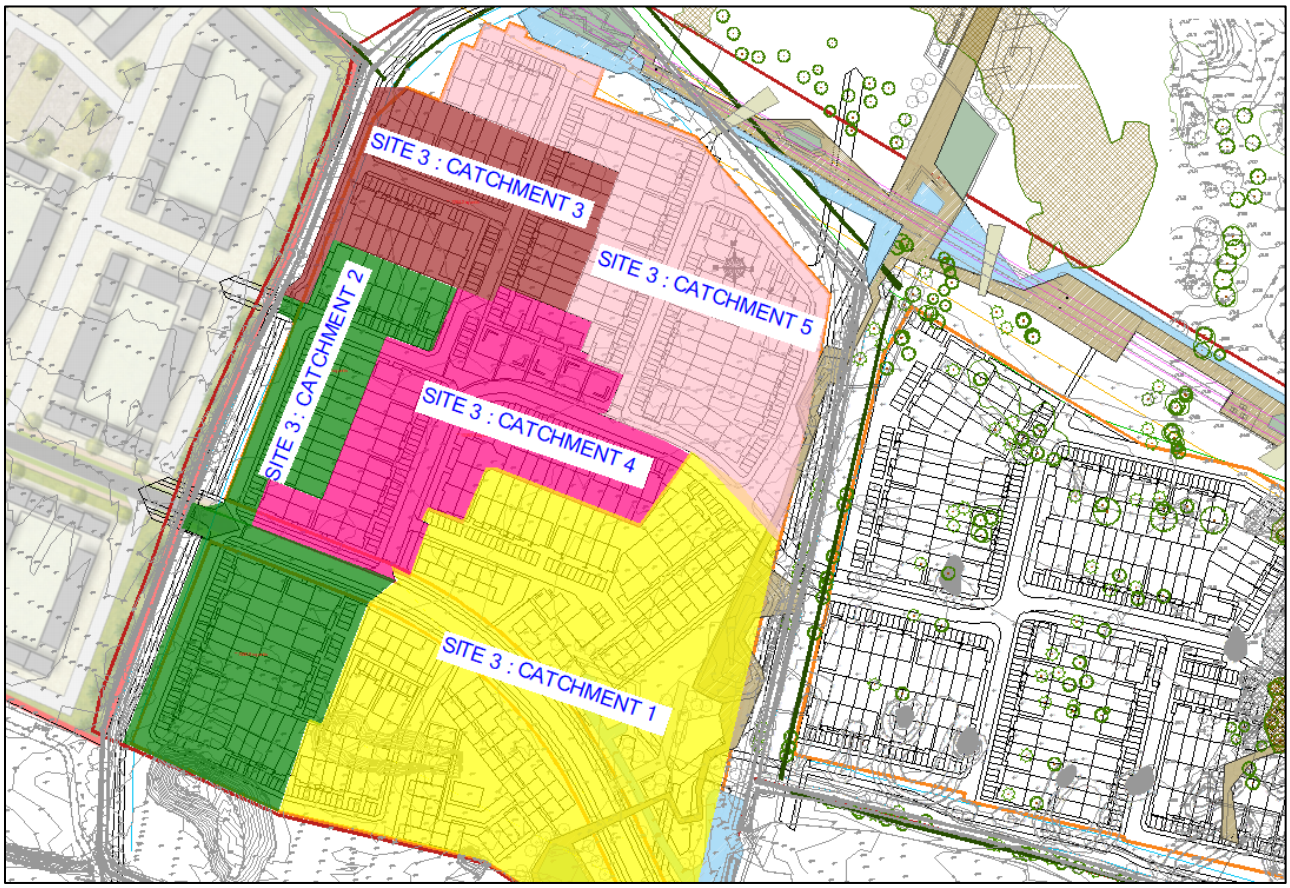

Figure 4b: Hollystown Site 3 Surface water catchments (Source: DBFL Consulting Engineers)

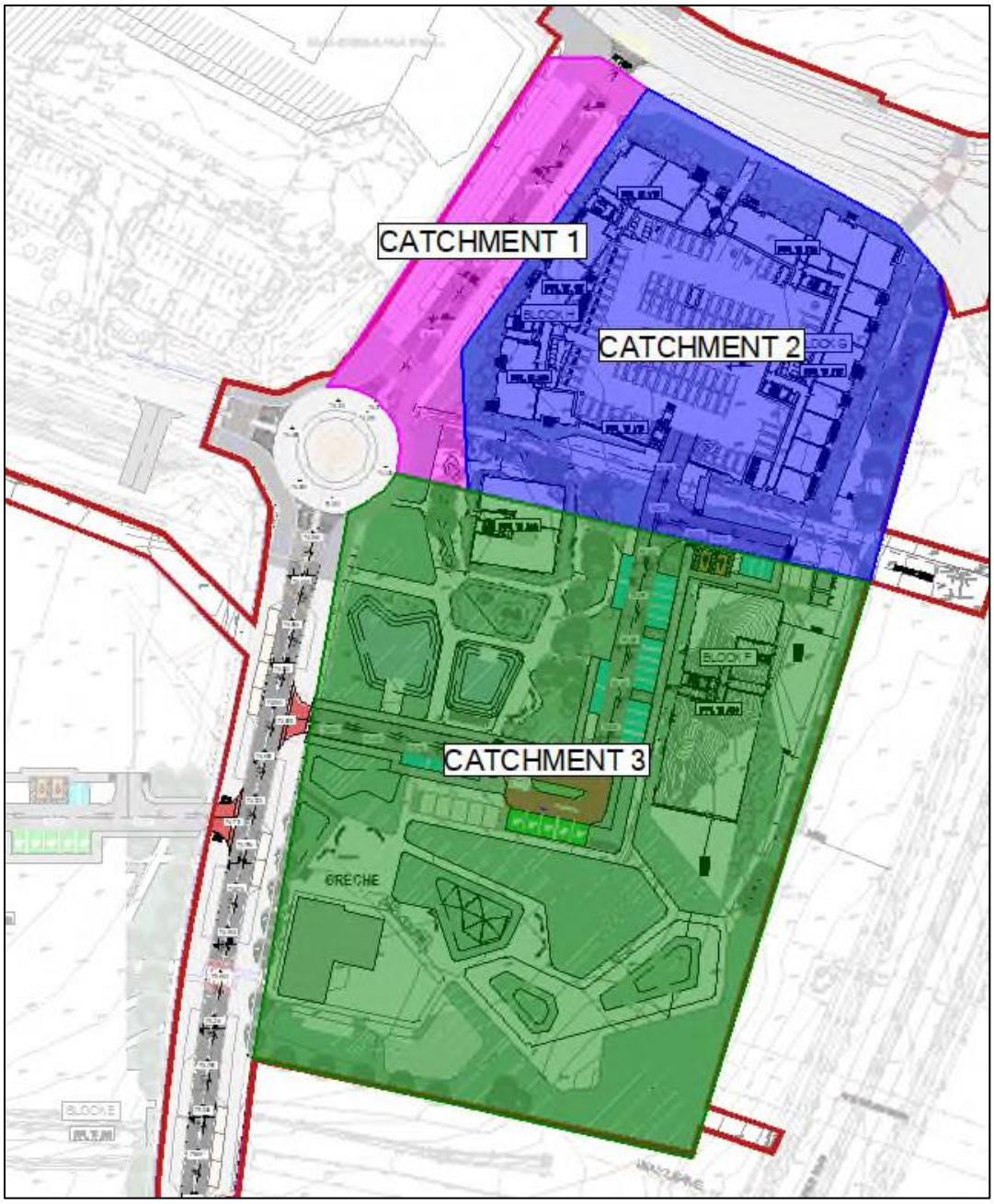

Figure 4c: Kilmartin Local Centre Surface water catchments (Source: DBFL Consulting Engineers)

Foul water discharge from the site will connect to the public sewer network. It will be directed to the Irish Water Wastewater Treatment Plant (WwTP) at Ringsend prior to discharge to Dublin Bay. The Ringsend WwTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works, which are expected to be completed within five years. This will increase the plant capacity from 1.65m PE (population equivalent) to 2.4m PE. Regardless of the status of the WwTP upgrade works, the peak discharge from the proposed development is not significant in the context of the existing capacity available at Ringsend. Though the WwTP is currently over capacity (the plant is currently accommodating 1.9m PE), recent water quality assessment undertaken in Dublin Bay (published by the EPA) confirms that Dublin Bay is classified as "unpolluted" and there is no evidence that the over-capacity issues at Ringsend are affecting the conservation objectives of the European sites in Dublin Bay.

Significant effects related to foul water management, arising as a result of the operation of the proposed development, on European sites or otherwise, can therefore be excluded.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Operation-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

Full details of the potential impacts of the proposed development on European sites are presented in **Table 1**.

Table 1: Relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
Rye Water Valley/Carton SAC (site code 001398), c. 9.4 km to the south west	[7220] Petrifying springs with tufa formation (Cratoneurion)* [1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*) [1014] Narrow-mouthed Whorl Snail (*Vertigo angustior*) According to this SAC's site Generic Conservation Objectives document (Version 7, dated 23 March 2021), for each of the listed QIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 9.4 km distant and is completely unconnected. Furthermore, there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.
Malahide Estuary SAC (site code 000205), c. 12.6 km to the north east	[1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1410] Mediterranean salt meadows (Juncetalia maritimi) [2120] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)* According to this SAC's site Conservation Objectives document (Version 1, dated 27 May 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is over 12 km distant and is completely unconnected. Furthermore, there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.

[4] For completeness, this table includes all sites within c. 15 km of the site as well as the SACs and SPAs associated with Dublin Bay. As confirmed in Section 5.1, only the offshore sites are linked in any way to the proposed development site. None of the other listed sites, and no sites further afield, are remotely linked to the proposed development site, by virtue of distance, lack of a pathway and the reasons for their designation.
[5] Information correct as of 18 November 2021
[6] '*' denotes a priority habitat

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
	I habitat(s) and/or the Annex II species for which the SAC has been selected.	
Rogerstown Estuary SAC (site code 000208), c. 15.0 km to the north east	[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 (*Glauco-Puccinellietalia maritimae*) [1410] Mediterranean salt meadows *(Juncetalia maritimi*) [2120] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)* According to this SAC's site Conservation Objectives document (Version 1, dated 14 August 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 15 km distant and is completely unconnected. Furthermore, there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.
South Dublin Bay SAC (site code 000210), c. 15.1 km to the south east	[1140] Mudflats and sandflats not covered by seawater at low tide The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document: [1210] Annual vegetation of drift lines [1310] *Salicornia* and other annuals colonising mud and sand [2110] Embryonic shifting dunes	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development, including the construction of the proposed foul outfall sewer, could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea. There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in **Sections 5.1.1** and **5.1.2**. Even in the

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
	According to this SAC's site Conservation Objectives document (Version 1, dated 22 August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.	event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and, if it entered any watercourse, would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in South Dublin Bay SAC, due to the very small volumes. This is due to the significant separation between the proposed development site and the European site – the proposed development site is over 15 km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay, any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as unpolluted according to the EPA database of coastal water quality. Furthermore, there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development and its location at a remove from the European sites. There will be no loss of habitat or species, fragmentation or disturbance to the QIs of this site as a result of the proposed development. No operational impacts on this European site will occur as a result of the proposed development.
North Dublin Bay SAC (site code 000206), c. 15.2 km to the south east	[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] *Salicornia* and other annuals colonising mud and sand [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1410] Mediterranean salt meadows (*Juncetalia maritimi*) [2110] Embryonic shifting dunes	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development, including the construction of the proposed foul outfall sewer, could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea. There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
	[2120] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)* [2190] Humid dune slacks [1395] Petalwort (*Petalophyllum ralfsii*) According to this SAC's site Conservation Objectives document (Version 1, dated 06 November 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	proposed development, as described in **Sections 5.1.1** and **5.1.2**. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and, if it entered any watercourse, would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in North Dublin Bay SAC, due to the very small volumes. This is due to the significant separation between the proposed development site and the European site – the proposed development site is over 15 km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as unpolluted according to the EPA database of coastal water quality. Furthermore, there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development and its location at a remove from the European sites. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. No operational impacts on this European site will occur as a result of the proposed development.
South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 12.6 km to the south east	[A144] Sanderling (*Calidris alba*) [A157] Bar-tailed Godwit (*Limosa lapponica*) [A149] Dunlin (*Calidris alpina*) [A162] Redshank (*Tringa totanus*) [A179] Black-headed Gull (*Chroicocephalus ridibundus*) [A143] Knot (*Calidris canutus*) [A192] Roseate Tern (*Sterna dougallii*) [A046] Light-bellied Brent Goose (*Branta bernicla hrota*) [A141] Grey Plover (*Pluvialis squatarola*) [A130] Oystercatcher (*Haematopus ostralegus*)	No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development, including the construction of the proposed foul outfall sewer, could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
	[A194] Arctic Tern (*Sterna paradisaea*) [A193] Common Tern (*Sterna hirundo*) [A137] Ringed Plover (*Charadrius hiaticula*) [A999] Wetlands According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.	There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in **Section 5.1**. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in the South Dublin Bay and River Tolka Estuary SPA. This is due to the significant separation and lack of a pathway between the proposed development site and the European site – the proposed development site is almost 13 km (straight line distance) from the SPA and any pollution arising during development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as Unpolluted according to the EPA database of coastal water quality. Furthermore, there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development. There will be no loss of species, fragmentation or disturbance to the SCIs of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c. 12.7 km to the north east	[A048] Shelduck (*Tadorna tadorna*) [A054] Pintail (*Anas acuta*) [A067] Goldeneye (*Bucephala clangula*) [A130] Oystercatcher (*Haematopus ostralegus*) [A162] Redshank (*Tringa totanus*) [A143] Knot (*Calidris canutus*) [A157] Bar-tailed Godwit (*Limosa lapponica*) [A156] Black-tailed Godwit (*Limosa limosa*) [A140] Golden Plover (*Pluvialis apricaria*) [A046] Light-bellied Brent Goose (*Branta bernicla hrota*) [A149] Dunlin (*Calidris alpina*) [A141] Grey Plover (*Pluvialis squatarola*) [A069] Red-breasted Merganser (*Mergus serrator*)	There is no hydrological link or any other pathway between the proposed development site and this SPA. It is almost 13 km distant and is completely unconnected. Furthermore, there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
	[A005] Great Crested Grebe (*Podiceps cristatus*) [A999] Wetlands According to this SPA's site Conservation Objectives document (Version 1, dated 16 August 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.	
North Bull Island SPA (site code 004006), c. 15.2 km to the south east	[A160] Curlew (*Numenius arquata*) [A149] Dunlin (*Calidris alpina*) [A157] Bar-tailed Godwit (*Limosa lapponica*) [A162] Redshank (*Tringa totanus*) [A179] Black-headed Gull (*Chroicocephalus ridibundus*) [A144] Sanderling (*Calidris alba*) [A156] Black-tailed Godwit (*Limosa limosa*) [A143] Knot (*Calidris canutus*) [A169] Turnstone (*Arenaria interpres*) [A054] Pintail (*Anas acuta*) [A046] Light-bellied Brent Goose (*Branta bernicla hrota*) [A048] Shelduck (*Tadorna tadorna*) [A052] Teal (*Anas crecca*) [A141] Grey Plover (*Pluvialis squatarola*) [A056] Shoveler (*Anas clypeata*) [A130] Oystercatcher (*Haematopus ostralegus*) [A140] Golden Plover (*Pluvialis apricaria*) [A999] Wetlands According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.	No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development, including the construction of the proposed foul outfall sewer, could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea. There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in **Section 5.1**. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in the North Bull Island SPA. This is due to the significant separation and lack of a pathway between the proposed development site and the European site – the proposed development site is over 15 km (straight line distance) from the SPA and any pollution arising during development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as Unpolluted according to the EPA database of coastal water quality. Furthermore, there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.

European Site[4]	Reasons for designation[5,6]	Source – Pathway – Receptor link
		There will be no loss of species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development

5.2 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as a QI or SCI of any designated site as a consequence of the proposed development. There is, therefore, no potential for the effects of habitat loss or fragmentation to occur.

There will also be no significant effects on any European sites as a result of:

- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

6 Other issues

No invasive plant species (*i.e.* those species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011-2015*, such as Japanese knotweed or giant hogweed) were identified on site.

Additionally, for the reasons outlined in this report for the European sites, no impacts on any other designated sites including proposed Natural Heritage Areas, will occur.

7 Mitigation specific to European sites

This screening assessment is consistent with the judgment of the European Court in Case C-323/17, People Over Wind & Sweetman v Coillte (Judgment of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including Heather Hill Management Company CLG v An Bord Pleanála [2019] IEHC 450 and Sweetman v An Bord Pleanála [2020] IEHC 39. It is also consistent with the judgment in Eco Advocacy CLG v An Bord Pleanála [2021] IEHC 265. In that case, Humphreys J identified a core legal principle, being that regard should not be had to mitigation measures at AA screening stage. Humphreys J decided in that case that clarification was required from the CJEU on the matter and the decision of the CJEU is currently awaited. Regardless of the outcome of that case however, in relation to European sites, there will be no impacts as a result of the proposed development. Therefore no mitigation is necessary or proposed for the protection of European sites or which was intended to avoid or reduce impacts on any European sites.

As noted in Section 5.1.2, operational surface water management for the proposed development has been designed to comply with the '*Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005*' and it is proposed to use a sustainable urban drainage system (SuDS) approach to storm water management throughout the overall site. However even if no SuDS measures were to be incorporated into the design and surface water arising at the site were to be diverted in its entirety to the existing sewer system there would be no impacts on the European sites of Dublin Bay. The natural characteristics of the bay ensure rapid mixing of water such that there is no appreciable effect on water quality in European sites in any event.

8 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but

uncompleted, or proposed (but not yet approved)[7]. If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

No developments are proposed within the immediate vicinity of the site that would, in combination with the development under appraisal in this report, give rise to significant effects. This includes projects that are currently under construction or have recently been granted planning permission, such as FCC Reg. Ref.: FW13A/0088/E1 (ABP Reg. Ref.:243395). This site, now known as Bellingsmore, is located within the Applicant's landholding, and is currently under construction (the Bellingsmore site construction compound is located on the site proposed for Site 3 in the current application). A separate proposed development, at Hollystown Site 1, comprising 69 houses, associated development and a 3 km foul outfall sewer was granted permission by Fingal County Council (FW21A/0042). This proposed development was subject to its own screening for appropriate assessment.

The Fingal County Development Plan 2017-2023 has a series of objectives intended to protect and enhance the natural environment. For example the CDP includes policies for the protection of the county's flood plains, to prevent development in flood plains without satisfying the appropriate justification test and to require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving in order to reduce the potential impact of existing and predicted flooding risks.

The proposed development will not impact on the flow of water through the area, nor increase potential flood impacts. It is in compliance with all of the relevant Plan objectives.

A number of other plans were considered when assessing in-combination effects, but it was determined that there would be no in-combination effects with these:

- National Planning Framework;
- Regional Spatial and Economic Strategy;
- Greater Dublin Strategic Drainage Study;
- Greater Dublin Transport Strategy;
- Climate Action and Mitigation Plan;
- National Biodiversity Plan; and,
- River Basin Management Plan.

9 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed strategic housing development at Hollystown Sites 2 & 3 and Kilmartin Local Centre, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and reach a determination that the proposed development, will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.

[7] *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, 2001)*

Appendix I: Background

The European[8] network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as 'European Sites' or 'Natura 2000 sites') that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is *"to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies".* Any actions taken must be designed to *"maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest".* Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

> (3) Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.
>
> (4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.
>
> Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to 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''

The requirements of the Habitats Directive are transposed into Irish law by means of the Birds and Natural Habitats Regulations and by the Planning Acts.

In Ireland, the statutory agency responsible for the designated areas is NPWS.

Stages in the assessment

European Commission guidance (2001)[9] sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

> Stage 1: Screening is the process which initially identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective

[8] The EU Habitats Directive, Article 3.1, states "A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European"

[9] European Commission (2001) *Assessment of Plans and Projects Significantly Affecting European Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC*

information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

Stage 2: Appropriate Assessment is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

Stage 3: Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.

Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Guidance from the European Commission[10] indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;

[10] Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;

Assess the likely significance of any effects on European sites.

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