

5 SCREENING FOR APPROPRIATE ASSESSMENT

5.1 Screening for Appropriate Assessment

Under Section 177U (1) of the Planning Acts, a Screening for AA of the proposed development shall be carried out by the competent authority (in this case, ABP for planning and the EPA for licensing) to assess in view of best scientific knowledge, if that proposed development, individually or in combination with other plans or projects, is likely to have a significant effect(s) on any European sites.

In order to comply with the requirements of Article 6(3) of the EU Habitats Directive, the process of Screening for AA was undertaken for the proposed development. This screening assesses the potential for the project to result in likely significant effects on any European sites, either alone or in combination with other plans or projects.

5.2 Potential for Likely Significant Effects

In light of the April 2018 judgement of the Court of Justice of the European Union⁵, mitigation measures, including pollution control measures proposed during construction and operation, may not be considered when deciding whether to 'screen in' a project plan to the requirement for AA. As such, this screening assesses the potential for likely significant effect in the absence of mitigation inherent in the project design (refer **Section 2**), operational mitigation or any licence conditions likely to be imposed by the EPA in the IE Licence.

Appendix C lists the European sites within the Zol of the proposed development. The proposed development site does not lie within nor is adjoining the boundaries of any European site (refer to **Appendix A.1**), therefore no direct impacts are likely to occur through land take or fragmentation of habitats. The development is not necessary for the management of any European site.

A source – pathway – receptor approach has been used as part of this assessment process. The pathways identified are as follows:

- The surface waterbody flowing through the northern boundary of the site (Ballough Stream) drains the area into the Rogerstown Estuary SAC and SPA circa 7.3 km and c. 7.5 km downstream from the proposed development site.

Potential indirect impacts via this hydrological pathways to European sites identified above include:

- Potential for silt laden run-off and/or pollution to enter the Ballough Stream during construction and operation including the new infrastructural elements, cell development, infilling and capping/restoration;
- Potential for leachate generation and indirect discharge to the Ballough Stream as a result of the landfill operation through both a hydrological pathway and via the hydrogeological link from the groundwater to the stream;
- Potential disturbance to qualifying interest/special conservation interest species;
- *Ex-situ* habitat loss.

However, considering the *Case C-461/17 Holohan and Others v An Bord Pleanála*, potential effects to protected species beyond the scientifically considered Zol must also be addressed. To that fact, the Court ruling states:

'(...) an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.'

⁵ Case C 323/17, REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland), made by decision of 10 May 2017, received at the Court on 30 May 2017, in the proceedings People Over Wind, Peter Sweetman v Coillte.

5.2.1 Water Quality and Pollution Control

The Ballough Stream is located along the northern boundary of the site, which forms a linkage between the site and Rogerstown Estuary (SAC and SPA). **Section 4** provides a summary of the existing water environment and European sites to which the proposed development has connectivity. Pollutants resulting from poor on-site construction practices as well as operational activities could potentially impact upon European sites via the hydrological connection. This could directly impact habitats and/or indirectly impact species through habitat alterations such as loss of food source (e.g. deterioration of vegetation).

5.2.1.1 Construction Phase

The proposed works will comprise leachate holding tanks, bund and treatment area; and construction of the surface water attenuation pond at the north of the site and approx. 15m distance from the Ballough Stream on the northern boundary. The key civil engineering works which will have potential temporary impact on the hydrology environment during construction are summarised below:

- Excavation for attenuation pond and drainage infrastructure;
- Drainage construction for surface water diversion to the proposed attenuation pond;
- Other construction activities will include site storage of cement and concrete materials, oils, fuels and other construction chemicals.

These activities have the potential to cause the release of sediments to local watercourses via surface water runoff. There is also the potential for other pollutants entering local watercourses from vehicle movements and accidental spillages (fuels, oils, lubricants, etc.).

These elements will be constructed on the southern boundary of the site at a minimum distance of 400m from the Ballough Stream. However, even considering that this area is distanced enough to prevent any accidental spillages to directly reach the Ballough Stream, the drainage ditches in the area may lead any accidental and unmanaged spillage with runoff discharge to the Ballough Stream and, eventually, to European sites located downstream.

5.2.1.2 Operation Phase

The operational phase of the site involves the diversification of infilling and restoration of the former quarry with non-biodegradable non-hazardous and inert wastes at a rate not exceeding 500,000 tonnes per annum. The activities which will have a potential direct impact on the aquatic environment and potential for indirect impact on the European sites during operation and post-closure are summarised below:

- Direct sedimentation risk to the Ballough Stream from landfill works in the north of the site including cell construction, waste infilling, capping and final restoration;
- Direct sedimentation risk to the Ballough Stream from excavation works for the proposed attenuation pond to the northeast of the site;
- Surface water run-off to the Ballough Stream from the wider landfill area from both the capped cells and the constructed and lined cells that are yet to commence waste intake;
- Surface water run-off to the Ballough Stream from the proposed attenuation pond to the northeast of the site;
- Leachate derived from surface water run-off from the active cells within landfill area impacting directly to the Ballough Stream;
- Leachate leakage to ground from the active cells, collection network and holding tanks within landfill area impacting the groundwater with a subsequent indirect impact to the Ballough Stream; and
- Surface water run-off from the mobile IBA Maturation enclosure.

5.2.2 Disturbance to Qualifying Interest/Special Conservation Interest Species

No disturbance to the QIs within the Malahide Estuary SAC (000205) and Rockabill to Dalkey Island SAC (003000), is predicted owing to the following reasons:

- Distance between the sites;
- No hydrological connection between the sites; and
- No record of, and a lack of suitable habitat for the QI species within proposed development site or surrounding area.

The River Nanny Estuary and Shore SPA (004158), Skerries Islands SPA (004122), Malahide Estuary SPA (004025) and Rockabill SPA (004014) SCIs are not considered to be affected by the proposed activities at the landfill due to:

- There is no hydrological connection between the sites; and
- There are no suitable habitats for the SCIs within the study area because the SCIs within these European sites are coastal/wetland species and are not likely to be using the proposed inland development site.

The QIs/SCIs within the Rogerstown Estuary SAC (000208) and SPA (004015) indicate potential disturbance due to the following reasons:

- There is direct hydrological connectivity between the study area and these European sites; and
- There is potential for the construction and operation of the Hollywood landfill to have a significant adverse effect on the aquatic environment and ultimately these European sites.

The proposed development landfilling activities will potentially affect the Species of Conservation Interest registered using the study area– peregrine falcon – due to:

- The reduction or modification of the species habitat within the study area; and
- The regular operation of the Hollywood Landfill directly affect the species due to noise and dust emissions.

However, it is noted the peregrine falcon was not recorded onsite in 2022.

5.2.3 Invasive Alien Plant Species (IAPS)

Although butterfly-bush *Buddleia davidii* and sycamore *Acer pseudoplatanus* are Invasive Plant Species (IAPS) recorded from within the study area, both species are IAPS with Risk of Medium Impact in Ireland (Kelly, J., O'Flynn, C. & Maguire, C., 2013) and are not subject to the same restrictions as non-native species listed in the Third Schedule to the European Communities (Birds and Natural Habitats) Regulations 2011 as amended.

There are no records of other IAPS from within the proposed development site. However, it should be considered the potential for the establishment of IAPS is ever present. Machinery and equipment used during the proposed development has the potential to lead to the introduction of IAPS if the machinery/equipment was previously used in an area containing IAPS. Material, such as soil, imported to site also has the potential to act as a vector for IAPS. This could potentially lead to the introduction of IAPS to the downstream connected European Sites (Rogerstown Estuary SAC and Rogerstown Estuary SPA) or if the machinery/equipment used for the proposed works lead to the spread of IAPS identified within the site outside of the proposed works area following completion of works.

5.3 Cumulative and In-Combination Impacts

A review of other relevant operations in the area has been undertaken to determine the potential for cumulative impacts with the proposed development. These existing and proposed operations are outlined in the following sections of this report and the relevant cumulative impact assessed in the various environmental discipline chapters.

It is noted that the northern boundary of the Rogerstown Estuary partly consists of Balleally Landfill (Licence Reg No. W0009-03), a former municipal solid waste landfill which was operated by the local authority that ceased waste acceptance in 2012. There is a history of leachate discharges from this landfill to the estuary prior to the landfill closing and now leachate is collected and pumped to the municipal sewer for treatment at a WWTP. The site synopsis for the SAC states that the area of intertidal flats in the inner estuary is reduced as a result of the landfill on the north shore. It is important to note that these historic landfill leachate pressures are not a risk posed by the proposed development at Hollywood as the non-biodegradable nature of the Hollywood waste and the fact that no leachate will be treated or discharged from the site, mean there is negligible additional cumulative leachate risk.

A search was conducted of planning applications (projects) within the vicinity of the proposed development, using the Fingal Planning portal (FCC, 2022), the Department of Housing, Local Government and Heritage EIA Portal (DHLGH, 2022), and the An Bord Pleanála (ABP) case search for 'Strategic Infrastructure Development' and 'Strategic Housing Development' (ABP, 2022). The search was limited to the five-year period preceding the date of issue of this report and excluded retention applications (i.e. typically local-scale residential or commercial developments where an impact has already occurred), incomplete, withdrawn, and refused applications. The relevant projects with potential for in-combination adverse effects are detailed in **Table 5-1**.

Each project has been considered on a case-by-case basis for screening in or out of this chapter's assessment based upon data confidence, effect-receptor pathways and the spatial/temporal scales involved. Given the relative distance from the proposed development and the low to moderate scale of these developments there is no predicted significant cumulative impact for biodiversity.

The only exceptions are the larger operations, i.e. the waste facility (Ref. W0265-02). Operations at this development has the potential for cumulative adverse biodiversity impacts through drainage and impact on the aquatic environment.

However, the proposed development site at Hollywood is located within the drainage catchment of the Ballough Stream while the local topography in the area dictates that these other developments to the north west lie within the Delvin catchment. As such, there is no potential for cumulative adverse impact on the aquatic environment from the proposed development in addition to these consented developments.

Table 5-1 Potential Development in the Area

Planning Application Reference Number	Date Planning Application Granted	Brief Development Description
F17A/0184 PL06F.249179. 249179	11/08/2017	The proposed development is a mixed-use development with 2 no. vehicular accesses from the Ballyboughal Road to the south and 1 no. vehicular access from the R108 Naul Road to the west of the site. The proposed development will consist of: (a) Demolition of existing 1,023m ² partially built structures in the south western corner of the site; (b) 57 no. dwellings to include: 5 no. 5-bed detached, 20 no. 4-bed detached, 2 no. 4-bed semi-detached, 5 no. 3-bed semi-detached, 8 no. 3 bed semi-detached/end of terrace, 4 no. 2-bed terraced, 5 no. 4-bed bungalows, 5 no. 3-bed bungalows and 3 no. 2 bed bungalows; (c) Two storey commercial block (323m ² gross floor area) with 2 no. ground floor retail units and 2 no. first floor office units with associated signage; 13 no. associated surface car parking spaces, 1 no. loading bay and 4 no. cycle spaces; (d) Internal roads, footpaths, associated landscaping, boundary treatments and all associated ancillary works.
F17A/0440	15/09/2017	Development consisting of (i) alteration of site levels to create raised earthen area to accommodate new zip line platform and zip wire associated with existing adventure centre development (ii) 2 no. subsonic 0.22 calibre rifle shooting ranges including 2 no. shooting range huts on each range (4 no. in total) and earthen enclosure berms around each range all sides (ranging in height from 3m to 7m), additional earthen outer enclosure berms to north and east of range area; (iii) new equestrian centre development consisting of paddock area, training area, corral, wash down area, single storey stables building (including stable bays, feed store, bedding store, tack and cleaning room, equipment store), trailer parking area and car parking. The proposed development includes associated SuDS drainage, landscaping, boundary treatments (including paddock fencing), alterations of site levels and all associated site development works necessary to facilitate the development.
F17A/0762 PL06F.301183. 301183	22/02/2018	The construction of 28 houses including 20 no. two storey, 4 bedroom detached dwellings (154m ²) and 8 no. single storey, three bedroom detached dwellings (129m ²). The works will also include the construction of 60 bed nursing home facility on 2 storeys (3563m ²) and the construction of 16 no. Enterprise Units (2662m ² total) with ground and mezzanine floors in three blocks, with new vehicular entrances from Naul Hill Road (R108), a pedestrian/cycle link to chapel Lane, and associated car parking, landscaping and site development works including SUDS drainage, stormwater attenuation, pumping station and for the demolition of all existing structures.
F18A/0210	19/06/2018	Permission for a 386.4m ² side extension to existing Dispatch Shed including all associated site
F18A/0581	10/12/2018	The construction of a clubhouse facility containing dressing rooms with ancillary spaces together with associated car parking, landscape and drainage works.
F18A/0593	19/03/2019	For the construction of a production and distribution warehouse building of 7939m ² with loading bays and yard for articulated lorries; and attached 2-storey office building of 1385m ² with first floor terrace and setback roof plant enclosure of 68m ² ; external single storey plant enclosure at ground level of 622m ² separate single storey ESB substation, electrical switch room and transformer room at ground level of 49m ² ; landscaped surface staff and visitor car parking; covered bike parking, smoking shelter, 2 no. vehicular entrances from access road, one of which

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Planning Application Reference Number	Date Planning Application Granted	Brief Development Description
		is also a pedestrian entrance; signage on building and at entrances; boundary fencing and extensive boundary landscaping and all other associated site services and utilities necessary to facilitate the site development.
F18A/0746	19/02/2019	For works to an existing Above Ground Natural Gas Installation. The works will consist of the replacement of approximately 390m of existing 2.4m high chainlink perimeter fencing and associated access/emergency gates with new 3m high security fencing, gates and all associated site works.
F19A/0216	11/07/2019	Construction of new detached, pre-fabricated portable building for the purposes of a resource room, and all associated site works.
F19A/0052	03/07/2019	The development will consist of a new Above Ground Gas Installation comprising gas filtration metering, heating, pressure reduction and all associated interconnecting above and below ground pipework and telemetry including: A new access road to the existing road which links Baldrumman Road to the Southbound Eastern Applegreen Service Station; 2.4 high security fencing including a single vehicular entrance; Internal concrete road pavement and gravelled areas; 1 no. single storey control building; 1 no. single storey boiler house; 1 no. single storey pressure regulator building; 1 no. kiosk; lighting; and all associated apparatus, plant and equipment including surface water drainage and landscaping features.
F20A/0391	10/02/2021	Permission for a proposed radar and support mast with a total height of 34.4m; a single storey plant room/open plant compound; a single storey support building (153.2m ²); 3 no. car parking spaces; a new vehicular entrance off the Local Road (L1080); boundary treatments and site development works on a site of 4,290m ² .
F21A/0033	16/03/2021	Extension of the existing Heavy Goods Vehicles (HGV) parking area to provide an additional 55 no. HGV parking spaces for a temporary period up to the end of 2021, comprising pavement and landscaping works, and ancillary site development works including a surface water network and attenuation pond.
F21A/0211	04/01/2022	(1) Construction of single storey changing facility (356m ²) comprising reception area, WC, changing rooms (male and female), wet suit room, shower room, mechanical room and covered outdoor patio. (2) Construction of a 2-storey indoor activity centre (979m ²) comprising open plan activity area, reception, cafe, seating area, WC, stairwell, and covered outdoor patio at ground floor level. First floor will comprise an office, 3 no. classrooms, and WC. (3) Provision of new 1-way vehicular entrance into the site from the Balrothery Road (LP01155). Vehicles will exit via the existing entrance onto the same road. (4) Provision of car parking comprising 42 no. car parking spaces and 3 no. mobility parking spaces and (5) SUDS drainage, foul treatment system, landscaping, boundary treatments and all associated works necessary to facilitate the development.
F21A/0290	06/07/2021	Permission for development which is within the curtilage of a protected structure (RPS No. 0151). The development will consist of the 1) change of use and internal & external alterations of the existing gallery to a boxing club, 2) single storey extension to the south elevation to accommodate changing rooms and toilets 3) demolition of single

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		storey link building along north elevation 4) install new waste water treatment system and percolation area, and 5) all ancillary site development works.
F22A/0020	11/03/2022	Permission for installation of a 5.2m high wire security fence with both vehicular pedestrian access gates at Oberstown Children Detention Campus. The proposed development will consist of the installation of a 33-meter-long, 5.2 meters high, 358 wire security fence known as Prison Mesh with a vehicular security gate and a separate pedestrian gate on the lands adjacent to Area A, Unit 1, Trinity Buildings within the Oberstown Children Detention Campus. The wire fence will adjoin an existing brick wall to the east and connect into an existing wire security fence to the west and shall be similar in colour and type to the existing security fencing at Oberstown Children Detention Campus.
F22A/0077	03/08/2022	1. A total of 2520m ² part single storey, part two storey agri-business facility including 2. 2160m ² ground floor works area, staff amenities and storage 3. 360m ² first floor offices and associated amenities 4. Enlarged percolation area serving the existing WWTU 5. New Internal roadway with car parking, service yard, roof mounted PV panels and all associated works. A total of 2520sqm part single storey, part two storey agri-business.
F22A/0085	25/05/2022	Permission for the construction of 2 No. 780m ² new portal frame agricultural sheds (total floor area 1560m ²) for the storage of crops, including all associated site, surface water, drainage and ancillary works.
AA191263	28/07/2020	Planning permission duration of 10 years sought for sand and gravel extraction, associated processing plant and upgrade works to existing site entrance over an area of 17 hectares with restoration back to an agricultural after use. The EIAR for this development indicates that up to 30 vehicles per day will be generated along the proposed haul route which consists of the R108 and R122 to the M1 motorway.
F17A/0340	20/03/2018	10 year planning permission for the development of a solar photovoltaic (PV) energy development.
W0265-01	20/09/2019	A licence review application by Clashford Recovery Facilities Limited to the EPA to continue restoration of the quarry through the recovery of waste soil and stones and dredging spoil with a maximum annual intake of 170,000 tonnes equating to an additional 76 road vehicles per day on the road network. The EIAR for this development states that the haul route that will be employed includes the R108 (on which the site is located) and the R122 via the Naul village and east to the M1.

W0265-01 – A licence review application by Clashford Recovery Facilities Limited to the EPA to continue restoration of the quarry through the recovery of waste soil and stones and dredging spoil with a maximum annual intake of 170,000 tonnes. This site is located immediately north of the village of Naul and between River Delvin and the Fourknocks River. This licence was granted by the EPA in September 2019 and this site is circa 4km north west of the Hollywood site within the Delvin_SC_010 sub-catchment. In granting the licence, the EPA AA determination concluded that the activity is not directly connected with or necessary to the management of any European Site and the EPA considered that it can be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activity was not required.

Fingal County Council applied to the EPA for Industrial Emissions Licence for the proposed Fingal Landfill, a planned municipal solid waste landfill on a greenfield site in north County Dublin (W0231-01) (An Bord Pleanála case reference: PL06F.EL2051), 1.4km south east of the site. The EPA granted Fingal County Council a Waste Licence in May 2010 for third (class 4, 5, 6, 7, 11 and 13) and fourth (class 3, 4, 9, 11 and 13) scheduled activities. However, this facility was never constructed and there are no plans to commence waste operations at this site.

There are a small number of other commercial enterprises located within the surrounding area, including TEAM Accessories Ltd, an aviation maintenance and repair business, located to the south west at the corner of the site landownership boundary. A farm and commercial premises (Ecopipe, a plumbing and heating supplier) is situated along the LP-1080 immediately opposite the southern boundary of the site.

It is concluded the waste facility (Ref. W0265-02) has the potential for impact to the River Devlin and hence cumulative impact to the Rogerstown Estuary SAC (site code 208) and SPA (site code 4015) in combination with the proposed development in the absence of mitigation.

5.4 Screening for Appropriate Assessment Conclusion

On completion of the AA Screening process, it was concluded that the potential for likely significant effects on Rogerstown Estuary SAC and Rogerstown SPA from the proposed development was present. Therefore, the AA process should proceed to the preparation of a Natura Impact Statement (NIS).

Following NPWS technical advice that AA Screening should 'screen in' a project or plan, and not 'screen in' specific European sites, this NIS considers the potential effect pathways to all European sites within the identified Zol.

RPS considers that the proposed development should be 'screened in' to the requirement for AA (**Section 1.2**) due to potentially significant pollution effects on the Rogerstown Estuary SAC and Rogerstown SPA, during construction and operation of the proposed development; which could not be excluded on the basis of objective information, individually or in combination with other plans or projects. For the purposes of this NIS, RPS has assumed that ABP and the EPA (as the relevant competent authorities) would agree that the proposed development 'screens in' to the requirement for AA; although it is ultimately up to the competent authority to make the final determination.