Proposed Residential Development at Church Fields East, Mulhuddart, Dublin 15

Appropriate Assessment Screening Report

Brady Shipman Martin

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Environmental Assessment **Built Environment**

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1 Introduction

1.1 Background

Fingal County Council (the Applicant) is seeking permission for a residential development at Church Fields East in Mulhuddart, Dublin 15.

Brady Shipman Martin was appointed by the Applicant to prepare a report to assist the Competent Authority, 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 specialised ecological surveys 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

This report has been prepared by Namrata Kaile, Ecologist and Environmental Consultant at Brady Shipman Martin. She holds a Bachelor's Degree (BSc) in Life Sciences from University of Delhi and a Master's Degree (MSc) with distinction in Environmental Sciences from Trinity College Dublin. She is an associate member of Chartered Institute of Ecology and Environmental Management (ACIEEM) and has been working professionally in the field of environmental consultancy for the last three years. Namrata is experienced in drafting and reviewing AA Screening Reports and Natura Impact Statements, EIA Screening Reports as well as coordination of EIARs. She is also experienced in undertaking baseline ecological surveying and preparing Ecological Impact Assessment Reports (EcIAs).

A technical review of this document has been completed by Senior Ecologist and Associate, 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 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. 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 2011-2021[1] (the "Birds and Natural Habitats Regulations") and the Planning and Development Act, 2000 - 2023 (the "Planning Acts").

[1] SI No. 477 of 2011

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,
(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:

> *"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."*

The first test is to establish whether, in relation to a particular plan or project, Appropriate Assessment is required. Section 177U of the Planning Acts requires that 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.

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

2 Methodology

2.1 Guidelines

This report takes the aforementioned legislation and the following guidance documents into account:

- Chartered Institute of Ecology and Environmental Management (CIEEM). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine,* September 2018, updated in September 2019 (V1.1), further updated in April 2022 (V1.2);
- Department of Environment, Heritage and Local Government (DoEHLG) (2010a). *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities;*
- DoEHLG (2010b). *Circular NPW 1/10 & PSSP 2/10: Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities;*
- European Commission (2021). *Assessment of plans and projects in relation to Natura 2000 sites- Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC;*

- European Commission (2018). *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC;*
- Directorate – General for Environment (European Commission), (2021). *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive.*
- National Roads Authority (NRA)[2] (2009). *Guidelines for Assessment of Ecological Impacts of National Road Schemes;*
- Office of the Planning Regulator (OPR) (2021). *Practice Note PN01 Appropriate Assessment Screening for Development Management;*
- National Parks and Wildlife Services (NPWS) (2021). *Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority.*

2.2 Baseline Data Collection and Field Visits

A desk-based assessment was undertaken between March and May 2023 at the proposed development site and its environs. The appraisal focussed 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) for European sites.

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.

In order to provide a comprehensive baseline on the local ecological environment, ecological surveys were first undertaken on the site and in the adjoining lands in 2021 and 2022 as part of the planning application for the Church Fields Housing and Eastern Linear Park Development (permitted under FCC Ref.: PARTXI/012/21).

A walkover ecological survey was undertaken at the site of the proposed development by Brady Shipman Martin on 04 May 2023. The surveys undertaken comprised habitat, invasive species, rare and/or protected species, large mammals (including otters), bird survey and day-time bat survey.

In addition to the ecological surveys undertaken by the authors, specialist bat ecologist Mr Brian Keeley (a suitably qualified and experienced ecologist) carried out dedicated dusk and dawn bat surveys on various dates between August 2020 and September 2022. The bat surveys undertaken are consistent with the level of survey recommended in the NPWS document *Bat Mitigation Guidelines for Ireland – Wildlife Manuals No. 134* and *No. 25*. A detailed bat survey report is submitted as part of the planning application, as an appendix to the EIAR.

An examination of available information from Bat Conservation Ireland (BCI), previous data from neighbouring sites was also undertaken to compile a list of most likely species in the overall area in addition to the evaluation of the habitat for bats. There are no bat species listed as Qualifying Interests in any European sites within the Zone of Influence (see Section 5.1). However, Article 12 of the Habitats Directive requires Member States to take *requisite measures to establish a system of strict protection of animal species listed in Annex IV(a) in their natural range*.

In addition to the biodiversity surveys, a tree survey was undertaken during May 2023 by experienced arborist John Morgan (Independent Tree Surveys Ltd.). The arboricultural impact assessment and related documentation (submitted separately as part of the planning application) were prepared in accordance with *BS5837: Trees in relation to design, demolition and construction (2012)*.

[2] Now Transport Infrastructure Ireland (TII).

The potential impacts of the proposed development on bats, badgers and otters (like bats, also protected under Article 12 of the Habitats Directive) are assessed in the Biodiversity chapter of the Environmental Impact Assessment Report that accompanies the planning application.

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 Housing, Local Government and Heritage (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 imagery, 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);
- Draft for Public Consultation, Ireland's 4th National Biodiversity Action Plan (Department of Housing, Local Government and Heritage, 2022);
- Fingal Development Plan 2023 – 2029, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

This report takes full account of the design of the proposed development, and a detailed examination of all relevant elements of the proposal 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 scheme on the QIs and SCIs of European sites.

3 Description of the Proposed Development

3.1 Site Location

The proposed development site is located in the peri-urban area of Dublin 15, c. 11.5km to the north-west of Dublin city centre and c. 1.5km north of Blanchardstown town centre. The site is situated in the administrative area of Fingal County Council, in the townland of Tyrrelstown, the local electoral area of 'Blanchardstown Mulhuddart' and the electoral division of 'Blanchardstown- Tyrrelstown'.

The development site is located between a stand of mature beech trees along Church Road to the east, the permitted Church Fields Housing and Eastern Linear Park Development (PARTXI/012/21) to the west, Damastown Avenue to the north, and a new linear park to the south. The site is located west of

protected structure RPS No. 670 Mulhuddart Church (in ruins) and Graveyard, which is located east of Church Road. Further to the south-west of the proposed development site are the existing residential developments of Avondale and Well View where recent housing extension works have been completed. The surrounding area is a relatively new suburban area comprising a mix of uses from residential to commercial. An overhead powerline runs across the north-eastern section of the site.

Further to the north of Damastown Avenue the lands are in community use comprising of a church and educational facilities (Powerstown Educate Together NS Tyrrelstown and Gaelscoil an Chuilinn). The Tyrrelstown local centre is c. 750m to the north-east of the proposed development. Lady's Well Park is c. 100m to the south-east of proposed development site. The TU Dublin Blanchardstown Campus is a further c. 720m to the south-east. Further to the north-east is the Amazon Data Centre Technology Park, Pharmaceutical facilities, Blanchardstown Corporate Park, Northwest Logistics and Business Parks and Ballycoolin Business Park, while to the south-west is the Damastown Industrial Park and Plato Business Park, comprising light industrial and pharmaceutical activities. Refer to **Figure 3.1** below.

Figure 3.1 The location of the proposed development site

3.2 Development Description

The proposed development relates to a site of c.5.52 hectares at Church Fields East, Mulhuddart, Dublin 15. The development site is located south of Damastown Avenue; west of Church Road; east of previously permitted residential development at Church Fields (Planning Reg. Ref.: PARTXI/012/21); and north of a permitted linear park (Eastern Linear Park Planning Reg. Ref.: PARTXI/012/21), in the townland of Tyrrelstown, Dublin 15. The proposed development seeks the construction of 217 no. residential units (ranging from 2 – 4 storeys in height) in a mixed tenure development, comprising of 121 no. houses and 96 no. apartments. The development will also include the provision of car parking,

cycle parking, new pedestrian / cycle links, services, drainage and attenuation, and all associated site and infrastructural works.

Please refer to the Planning Report & Statement of Consistency prepared by Brady Shipman Martin for further details of the proposed development.

3.3 Water Infrastructure

3.3.1 Surface Water

As stated in the Engineering Assessment Report (Waterman Moylan, 2023 and submitted separately), the existing records show that there is an existing 225mm diameter surface water sewer, used to discharge surface water from the Avondale Park development to a dry ditch via a headwall at a rate of 4.38 l/s, located adjacent the south-western boundary of the Church Fields lands, approximately 800m from the subject site. The dry ditch continues further south-west and ultimately discharges to the Pinkeen River.

The proposed development will ultimately outfall into the Pinkeen River to the far west of the site at an overall allowable outfall rate of 35.01 l/s. Runoff from the proposed development will be restricted to the equivalent of the Qbar runoff rate of 3.70 l/s/ha as agreed with Fingal County Council's drainage department in discussions that took place as part of finalising the overall master plan for the Church Fields lands. Surface water runoff shall be restricted via a hydro-brake, or similar approved device, installed at the outfall manhole of the surface water catchment with excess stormwater attenuated within the development site.

The proposed surface water drainage system for the development has been designed as a sustainable urban drainage system and will use above and below ground attenuation together with a flow control device, grass swales, green roofs, rain garden planters, filter drains, and permeable paving. It is proposed to provide sufficient attenuation capacity to cater for the 1:100-year critical storm events with 20% climate change. Strict separation of surface water and wastewater will be implemented within the development. Drains will be laid out to minimise the risk of inadvertent connection of waste pipes etc. to the surface water system. Excess stormwater shall be attenuated within the 800mm deep detention basin and below ground stone tank system.

Surface water shall be managed in accordance with Fingal County Council specific prerequisites and with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments. Surface water public sewers will be in accordance with the recommendations contained in the Technical Guidance Documents, Section H and will be laid strictly in accordance with the requirements of Fingal County Council.

3.3.2 Foul Water

As per the Engineering Assessment Report (Waterman Moylan, 2023), it is proposed that the foul water from the proposed development will drain by gravity in a south-western direction and discharge into the existing 900mm foul water trunk sewer located along the western boundary via a single outfall.

Drains generally will consist of PVC pipes and all foul water sewers within the development will be laid to comply with the requirement of the Building Regulations and in accordance with the recommendations contained in the Technical Guidance Documents, Section H. Wastewater sewers which will be taken into charge will be laid strictly in accordance with Uisce Éireann's requirements for taking in charge.

As per the Irish Water Wastewater Code of Practice, the domestic wastewater loads have been calculated based on 2.7 persons per unit with a per capita foul flow of 150 litres per head per day. The total dry weather flow from the development is 1.119 l/s, with a peak flow of 6.716 l/s. A peak foul flow factor of 6 has been used, as per the Irish Water Wastewater Code of Practice. The outfall pipe from the development is a 300mm-diameter pipe laid at a minimum gradient of 1:200 which has sufficient capacity to serve all of the future development on the Church Fields lands, and will outfall into the existing 900mm diameter infrastructure located approximately 800m to the west of the site which ultimately flows to Ringsend Wastewater Treatment Plant (WwTP). Therefore, there is adequate capacity in the public foul sewer available to cater for the proposed development.

3.3.3 Water Supply

As stated in the Engineering Assessment Report (Waterman Moylan, 2023), there is an existing water pipeline that traverses the proposed development site, running from south-west side of the site towards the north-east side. However, Uisce Éireann has granted a diversion application for this watermain. The new route for the water pipeline diversion will start from Damastown Avenue on the north side of the site and then run southwards along the new Church Fields link road. The proposed development site will connect into the network of the adjoining Church Fields Housing and Eastern Linear Park Development (permitted under PARTXI/012/21) to the west (under construction).

An estimate of water demand from the public water supply system for the proposed site has been based on the development of 217 units, with an average occupancy of 2.7 persons (in compliance with Irish Water- Code of Practice for Water Infrastructure). The average daily demand from the public supply for the development is estimated at 87.9 m^3/day.

In addition, water conservation measures will be used, to further reduce overall water demand, including low volume flush / dual flush WC's, aerated shower heads, spray taps, draw off tap controls, rainwater reuse – water butts where applicable / raingardens and leak detection measures – through the metering of supply.

3.4 Flood Risk Assessment

A site-specific Flood Risk Assessment (SSFRA) (Waterman Moylan, 2023), has been carried out for the proposed development and accompanies the planning submission under separate cover. The SSFRA has been carried out in accordance with the requirements of the OPW "The Planning System and Flood Risk Management Guidelines for Planning Authorities", 2009. The site has been analysed for risks including; tidal, fluvial, pluvial, groundwater and drainage system failures due to human or mechanical failure.

The proposed development site is outside of the 0.1% AEP (1 in 1,000 year) flood event for both fluvial and coastal flooding. Therefore, the site can be classified as Flood Zone C, suitable for development.

4 Screening for Appropriate Assessment

4.1 Background

The first part of the AA 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, 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.

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 under section 177V of the Planning Acts for the purposes of compliance with 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.

4.2 Potential Zone of Influence

This assessment is based on the source-pathway-receptor model, which dictates that, for an 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 two (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.

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

There are no set recommended distances for projects to consider European sites as being relevant for assessment. In 2010, DoEHLG stated that (pp. 31 – 32):

> *"The approach to screening is likely to differ somewhat for plans and projects, depending on scale and on the likely effects, but the following should be included:*
>
> 1. *Any Natura 2000 sites within or adjacent to the plan or project area*
> 2. *Any Natura 2000 sites within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must 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*
> 3. *Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the cases of sites with water dependent habitats or*

species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment."

The 2021 OPR guidelines, *Practice Note PN01: Appropriate Assessment Screening for Development Management*, state that the Zone of Influence *"should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km)"* (p. 8).

Therefore, considering the nature, scale and location of the proposed development and in accordance with the source-pathway-receptor model, the potential 'Zone of Influence' for the proposed development has been defined as follows:

- Any site to which there is a pathway from the proposed development site during either the construction or operational phase of the development.

4.2.2 Natura 2000 sites

There are no European sites within the immediate vicinity of the proposed development site at Church Fields East, Mulhuddart, Dublin 15.

The site of the proposed development is not under any designation for nature conservation and there are no European sites in the immediate vicinity. The nearest such sites are as follows (as shown in **Figure 4.2**):

- Special Areas of Conservation (SAC):
  - Rye Water Valley/ Carton SAC (site code 001398), c. 8.2 km to the south-west;
  - Malahide Estuary SAC (site code 000205), c. 13.5 km to the north-east;
  - South Dublin Bay SAC (site code 000210), c. 14.5 km to the south-east;
  - North Dublin Bay SAC (site code 000206), c. 15 km to the south- east;
  - Rogerstown Estuary SAC (site code 000208), c. 16.5 km to the north-east;
  - Baldoyle Bay SAC (site code 000199), c. 16.7 km to the east;
  - Howth Head SAC (site code 000202), c. 20.2 km to the south-east;
  - Rockabill to Dalkey Island SAC (site code 003000), c. 21.2 km to the east;
  - Ireland's Eye SAC (site code 002193), c. 21.3 km to the east;
  - Lambay Island SAC (site code 000204), c. 25.2 km to the north-east.
- Special Protected Areas (SPA):
  - North Bull Island SPA (site code 004006), c. 12.2 km to the south-east;
  - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 14.5 km to the south-east;
  - Malahide Estuary SPA (site code 004025), c. 13.5 km to the north-east;
  - Rogerstown Estuary SPA (site code 004015), c. 16.5 km to the north-east;
  - Baldoyle Bay SPA (site code 004016), c. 16.7 km to the east;
  - Ireland's Eye SPA (site code 004117), c. 21.1 km to the east;
  - Howth Head Coast SPA (site code 004113), c. 23 km to the south-east;
  - Dalkey Islands SPA (site code 004172) , c. 24.6km to the south-east;
  - Lambay Island SPA (site code 004069), c. 25.2 km to the north-east.

The Conservation Objectives of these sites are to maintain (or restore) the favourable conservation condition of the QIs / SCIs in question. Where specific conservation objectives have been set out by the NPWS, 'favourable conservation condition' is defined in respect of specific attributes and targets for the habitat or species in question. For further information, refer to Appendix II.

Note that the above-listed distances are linear (i.e. 'as the crow flies').

A review of the Environmental Protection Maps (EPA) web-tool indicates that the Macetown stream (IE_EA_09T010800) flows c. 570m to the west of the proposed development site and runs south-west into the Pinkeen River (EPA name Powerstown 09, IE_EA_09T010800) which is c. 820 m to the west of the proposed development. The Pinkeen River runs south and in turn joins the River Tolka at Mulhuddart. The River Tolka flows into Dublin Bay via Tolka Estuary, approximately 14.8 km to the east (linear distance) of the proposed development site. Refer to **Figure 4.1**. The Tolka Estuary (IE_EA_090_0200) is classified as a Nutrient Sensitive Area under the Urban Waste Water Treatment Directive.

There is therefore a potential surface water link between the proposed development site and the European sites associated with Dublin Bay.

There are no links or potential impact pathways to any other European site including the Rye Water Valley / Carton SAC, which, at c. 8.2km to the south-west is the nearest such site.

There is another potential link to European sites in Dublin Bay via the emission point of the Ringsend wastewater treatment plant (WwTP), which will receive foul water flows from the proposed development during its operation. The WwTP, which is the largest in Ireland, operates under licence from the EPA (licence no. D0034-01) and received planning permission for upgrade works in 2019 (ABP reg. ref. 301798). These upgrade works are ongoing, and will increase the plant capacity from 1.64 million population equivalent (m PE) to 2.4 m PE. Though the WwTP is currently operating over capacity, recent water quality assessment undertaken in Dublin Bay (published by the EPA) confirms that Dublin Bay is classified as 'unpolluted', indicating that the over-capacity issues at Ringsend are not having significant effects on water quality in Dublin Bay.

Figure 4.1 EPA waterbodies in the vicinity of the proposed development.

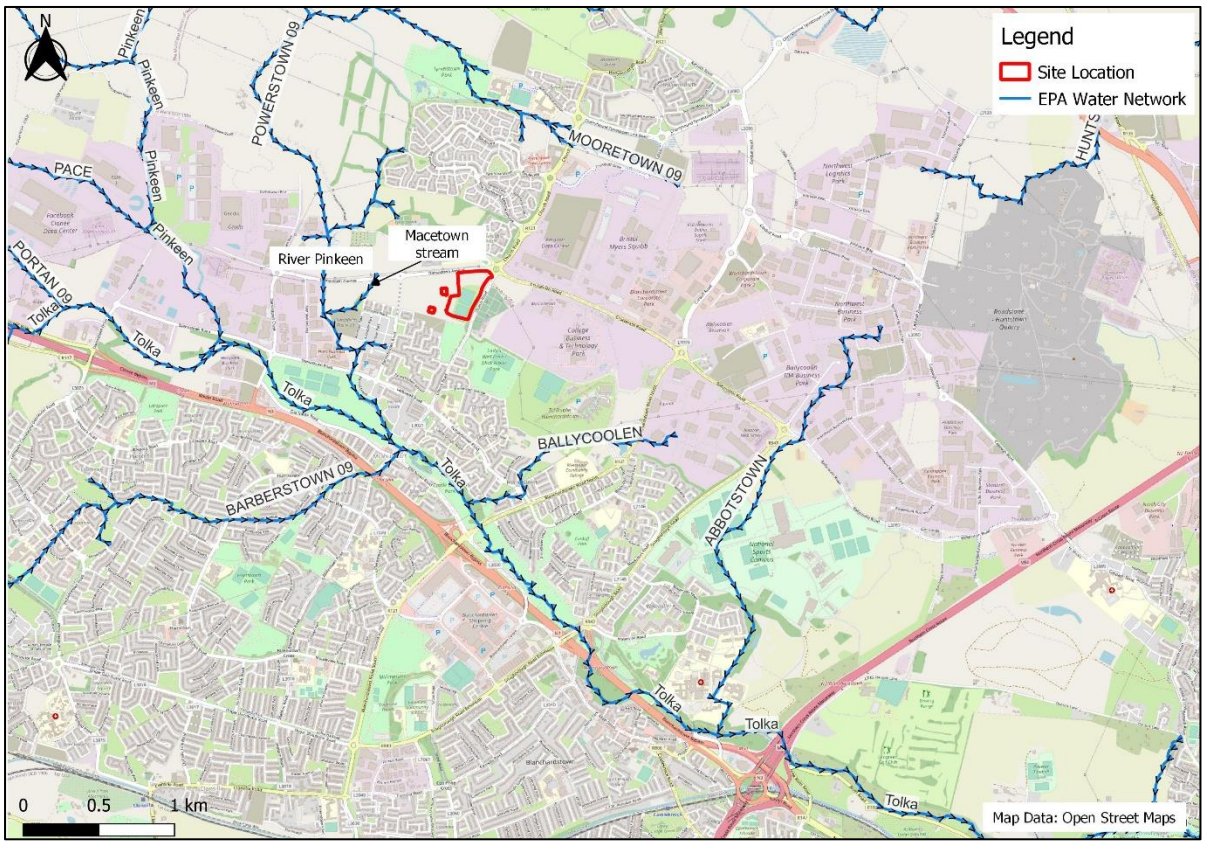
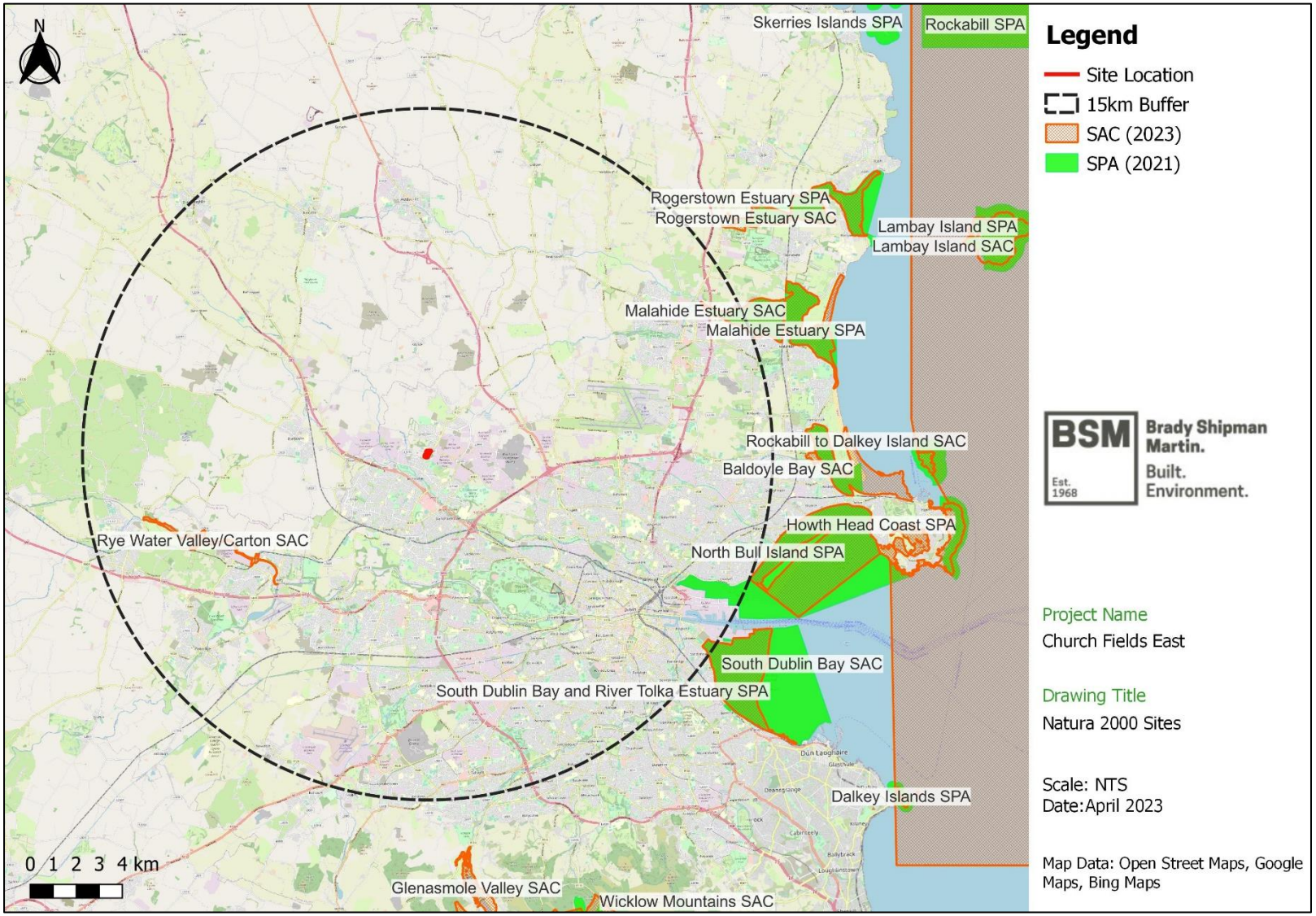


Figure 4.2 European sites within the potential zone of influence of the proposed development. A 15km radius is shown for scale.



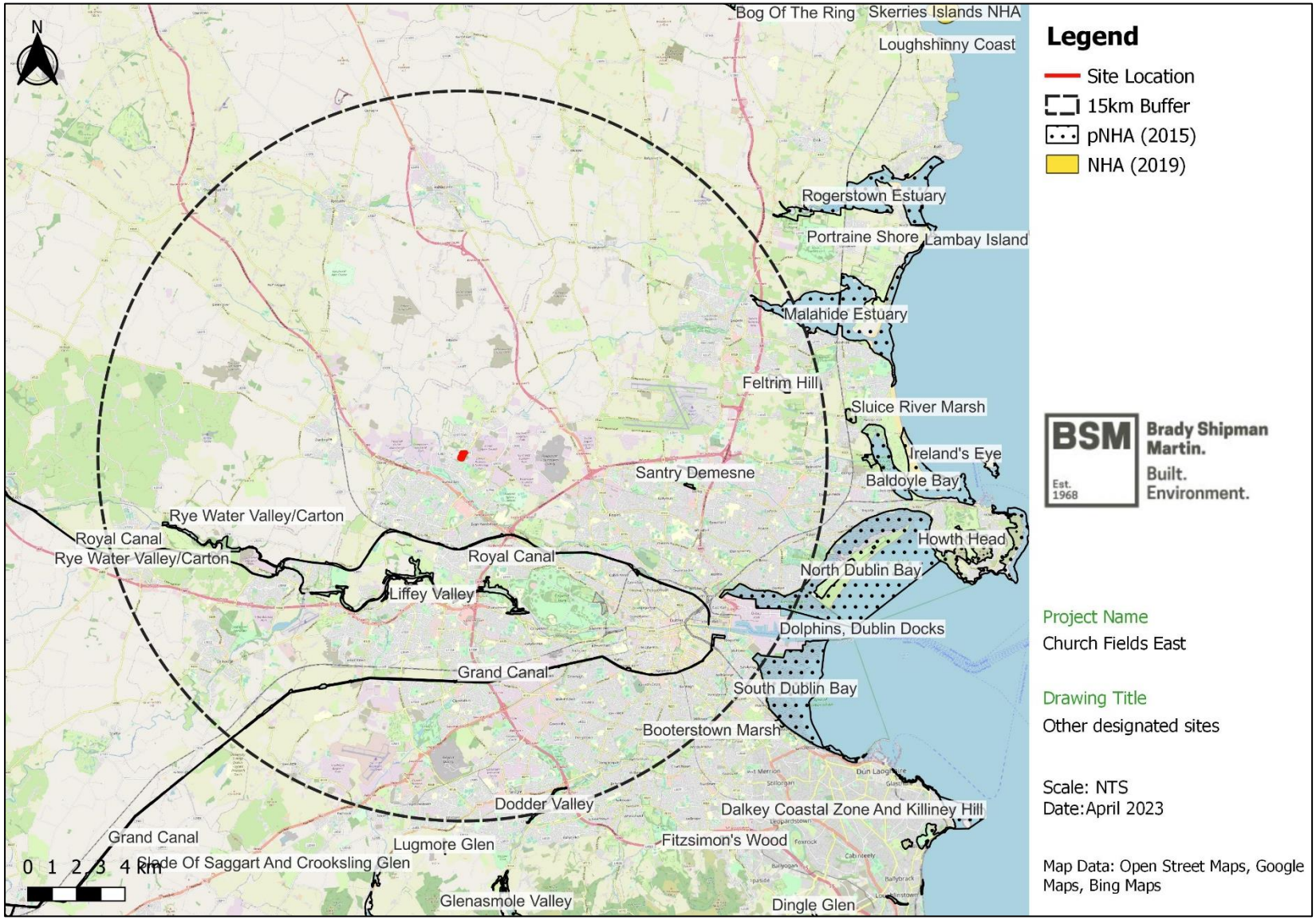
4.2.1 Other Designated Areas (other than European sites)

Designated sites other than European sites (i.e. Proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA)) within the potential Zone of Influence have been included in this assessment in order to address their potential to act as supporting sites for European sites. These sites (excluding those already designated as European sites) are as follows:

- Royal Canal pNHA (site code 002103), c. 3.5 km south;
- Liffey Valley pNHA (site code 000128), c. 5 km south;
- Santry Demesne pNHA (site code 000178), c. 8.8 km south-east;
- Rye Water Valley/Carton pNHA (site code 001398), c. 8.2km south-west;
- Grand Canal pNHA (site code 002104), c. 9.2 km south;
- Feltrim Hill pNHA (site code 001208), c. 13 km north-east;
- North Dublin Bay pNHA (site code 000206), c. 12.2 km to the south-east;
- South Dublin Bay pNHA (site code 000210), c. 14.5 km to the south-east;
- Dolphins, Dublin Docks pNHA (site code 000201), c. 15.3 km south-east;
- Booterstown Marsh pNHA (site code 001205), c. 16.8km south-east;
- Howth Head pNHA (site code 000202), c. 20.2 km to the south-east;
- Dalkey Coastal Zone and Killiney Hill pNHA (site code 001206), c. 24.6km to the south-east.

Note that the above-listed distances are linear (i.e. 'as the crow flies'). Figure 4.3 illustrates all of the pNHA within the potential Zone of Influence (including those which overlap with European sites). There are no fully designated Natural Heritage Areas (NHA) within the potential Zone of Influence.

Figure 4.3 pNHA sites within the potential zone of influence of the proposed development. A 15km radius is shown for scale.



4.3 Study Area and Surrounding Environment

4.3.1 Site Location and European Sites

The lands are within the jurisdiction of the Fingal County Development Plan 2023 – 2029 and are zoned 'RS', Residential - '*Provide for residential development and protect and improve residential amenity*'. No existing buildings are present on the site. To the south of the proposed development site is a linear park that stretches from Church Road to the east to the Pinkeen River in the west. The linear park was permitted under FCC Reference PARTXI/012/21.

No habitats of notable ecological value are present within the proposed development site at Church Fields East. The majority of the proposed development site, south of a wooded ridge that crosses through the northern half, comprises amenity grassland (GA2). This section of the site is regularly mown and is species poor. The grassland is dominated by common grass species such as meadow grasses, bents, cock's-foot grass (*Dactylis glomerata*), crested dog's tail grass (*Cynosurus cristatus*) and false oat grass (*Arrhenatherum elatius*) and wildflower species such as dandelion (*Taraxacum vulgaria*) and white clover (*Trifolium repens*).

There is a stand (WL2) of mature beech trees (*Fagus sylvatica*) outside the eastern site boundary, which separates the site from Church Road. A cycleway (permitted under FCC Planning Ref. No.: PARTXI/011/19) is under construction between the beech trees and the proposed development site.

To the west of the area of amenity grassland there is a grass-covered raised earth bank (BL2). The section of the site to the west of the earth bank comprises dry calcareous and neutral grassland (GS1). Further west (and outside the red line) the lands will be developed under the permitted Church Fields Housing and Eastern Linear Park Development (PARTXI/012/21). Species in this area include cowslip (*Primula veris*), creeping cinquefoil (*Potentilla reptans*), vetches (*Vicia cracca*, *Vicia sativa*), various grasses (*Festuca rubra*, *Festuca pratensis, Arrhenatherum elatius, Agrostis canina, Agrostis stolonifera, Agrostis capillaris, Poa annua, Poa pratensis, Cynosurus cristatus*), bird's foot trefoil (*Lotus corniculatus*), selfheal (*Prunella vulgaris*) and mosses.

To the north of the amenity grassland there is a large earth bank, with which is associated a semi-mature/mature tree line and hedgerow (WL1/WL2). Species associated with this feature include a group of tall white poplar (*Populus alba*) on the western side mixed group of trees in the eastern part, comprising hybrid black poplar (*Populus X canadensis*), sycamore (*Acer pseudoplatanus*), common alder (*Alnus glutinosa*), silver birch (*Betula pendula*), goat willow (*Salix caprea*), small-leaved lime (*Tilia cordata*), beech (*Fagus sylvatica*), and hawthorn (*Crataegus monogyna*). The understorey is species poor, being dominated by ivy (*Hedera helix*) and nettle (*Urtica dioica*).

The northern side of the treeline/hedgerow comprises rough ground, with scrub (WS1) encroaching. This scrub comprises bramble (*Rubus fruticosus* agg,) and nettle, with saplings of various tree species, including oak (*Quercus* sp.) also becoming established.

Further north again, the scrub gives way to more open dry calcareous and neutral grassland (GS1), but with bramble and nettle scrub beginning to dominate. There is an existing boundary wall that traverses the northern grassland and ends abruptly close to the eastern field boundary. The north-eastern section comprises of bare ground covered in spoil and rubble (ED2).

No badgers or other protected mammal species are known to be present and no evidence of such species was recorded within the site or in the immediate vicinity.

There are no buildings or other structures on the site. As noted in the bat survey report, none of the trees within the project red line itself are of significant value for roosting bats and the line of beech

trees is entirely outside the proposed development site. It is separated from it by a cycleway, currently under construction.

Three species of bat – common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's bat (*Nyctalus leisleri*) – were recorded feeding within the Church Fields lands during the surveys undertaken. The beech trees outside the proposed site boundary on the east have high bat roost potential.

As noted in the bat survey report:

> *None of the bats were seen to enter or leave the trees on site prior to sunrise or to emerge at sunset. There was one Leisler's bat mating perch within the substantial beech trees on the eastern edge of the site in 2021 and a Leisler's bat was noted in this area prior to sunrise in 2022. This tree is therefore a bat roost, but it is not a maternity roost. A soprano pipistrelle activity was noted around trees prior to sunrise in 2020 but the final destination of the bat was not discovered.*
>
> *Leisler's bat activity was relatively high within the site, over the grassland and towards the mature line of beech trees.* […] *Leisler's bats were present after sunset and prior to sunrise and it is probable that roosts are present close to the site, but no maternity roosts or other Leisler's bat daytime roosts were confirmed during these surveys.*

All Irish bat species are fully protected under the Wildlife Act (1976) and subsequent amendments, and under the *EU Habitats Directive*, via the *European Communities (Birds and Natural Habitats) Regulations, 2011-2021*.

No species listed on the Third Schedule of the Habitats Regulations, such as giant hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Reynoutria japonica*), Himalayan balsam (*Impatiens glandulifera*) or three-cornered leek (*Allium triquetrum*) were recorded within the proposed scheme extents during the surveys undertaken in the preparation of this report.

As noted in Section 4.2, the Macetown stream (IE_EA_09T010800) flows c. 570m to the west of the proposed development site and flows south-west into the Pinkeen river (EPA name Powerstown 09, IE_EA_09T010800) which is c. 820 m to the west of the proposed development. The Pinkeen River runs south and in turn joins the River Tolka at Mulhuddart. The River Tolka flows into Dublin Bay via the Tolka Estuary, approximately 14.8 km to the east (linear distance) of the proposed site. Refer to Figure 4.1. The Tolka Estuary (IE_EA_090_0200) is classified as a Nutrient Sensitive Area under the Urban Waste Water Treatment Directive. The site of the proposed development is situated in the 'Liffey and Dublin Bay' (09) catchment, and the 'Tolka_SC_010' (09_10) sub-catchment. Downstream of the site, the River Tolka also passes through the 'Tolka_SC_020' (09_4) sub-catchment. The Water Framework Directive (WFD) monitoring data 2016-2021 for the surface waterbodies connected to the site and downstream are set out in Table 4.1 below.

The River Tolka (IE_EA_09T010800) is generally of poor ecological status, due to a broad range of pressures, primarily of an urban nature (urban run-off and combined sewer overflows) but also including agriculture and industry, generally resulting in elevated organic and nutrient loads. The third WFD cycle report for the Liffey and Dublin Bay catchment also notes that there is increasing pressure on the Tolka from the development of large, private greenfield sites. The Tolka Estuary and Liffey Estuary are designated as nutrient sensitive areas (NSA) due to the presence of water-dependent European sites. The Liffey Estuary Lower is also designated as a heavily modified water body (HMWB) due to modifications associated with Dublin Port.

Table 4.1 Surface Water WFD status 2016-2021 and risk for waterbodies in vicinity and downstream of the proposed development

Waterbody		Status 2016-2021	Risk
Name	Code		
TOLKA_030	IE_EA_09T010800	Poor	At risk
TOLKA_040	IE_EA_09T011000	Poor	At risk
TOLKA_050	IE_EA_09T011100	Poor	At risk
TOLKA_060	IE_EA_09T011150	Poor	At risk
Tolka Estuary	IE_EA_090_0200	Poor	At risk
Liffey Estuary Lower	IE_EA_090_0300	Moderate	At risk
Dublin Bay	IE_EA_090_0000	Good	Not at risk

There are 19no. European sites located within the potential Zone of Influence (**Figure 4.2**):

- Rye Water Valley/ Carton SAC (site code 001398), c. 8.2 km to the south-west;
- North Bull Island SPA (site code 004006), c. 12.2 km to the south-east;
- North Dublin Bay SAC (site code 000206), c. 15 km to the south- east;
- South Dublin Bay SAC (site code 000210), c. 14.5 km to the south-east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 14.5 km to the south-east;
- Malahide Estuary SAC (site code 000205), c. 13.5 km to the north-east;
- Malahide Estuary SPA (site code 004025), c. 13.5 km to the north-east;
- Rogerstown Estuary SPA (site code 004015), c. 16.5 km to the north-east;
- Rogerstown Estuary SAC (site code 000208), c. 16.5 km to the north-east;
- Baldoyle Bay SPA (site code 004016), c. 16.7 km to the east;
- Baldoyle Bay SAC (site code 000199), c. 16.7 km to the east;
- Rockabill to Dalkey Island SAC (site code 003000), c. 21.2 km to the east;
- Ireland's Eye SAC (site code 002193), c. 21.3 km to the east;
- Ireland's Eye SPA (site code 004117), c. 21.1 km to the east;
- Howth Head SAC (site code 000202), c. 20.2 km to the south-east;
- Howth Head Coast SPA (site code 004113), c. 23 km to the south-east;
- Dalkey Islands SPA (site code 004172) , c. 24.6km to the south-east;
- Lambay Island SAC (site code 000204), c. 25.2 km to the north-east;
- Lambay Island SPA (site code 004069), c. 25.2 km to the north-east.

The Conservation Objectives of these Sites are to maintain the favourable conservation condition of the QIs / SCIs in question. Where specific conservation objectives have been set out by the NPWS, 'favourable conservation condition' is defined in respect of specific attributes and targets for the habitat or species in question. For further information, refer to Appendix II.

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 will require the clearance of the existing site for the construction of a residential development at Church Fields East, Mulhuddart, Dublin 15. The tree corridor along Church Road is outside the proposed development boundary and will be left undisturbed. The open space within the proposed development to the east will connect with the linear park development (permitted under PARTXI/012/21) to the south of the development.

The proposed development site is not under any wildlife or conservation designation. There are no designated sites on the site of the proposed development or in the immediate vicinity. 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, 2022 (SI No. 235 of 2022) or the Habitats Directive, are known to occur within the site.

The hedgerow/treeline loss, required in order to facilitate the proposed development will be addressed by additional planting along the eastern site boundary as detailed in the Landscape Design Statement, prepared by Brady Shipman Martin and submitted separately.

No evidence of any protected species such as otter or roosting bats (protected under Article 12 of the Habitats Directive) was recorded during the desk study or on site. No evidence of any habitats or species with links to European sites was recorded during the 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.

Overall the site is of no more than Local Importance (Lower 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)).

5.1.1 Potential impacts during construction

At any development 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.

The nearest European site is the Rye Water Valley / Carton SAC, c. 8.2 km south-west, and there is no potential impact pathway to this European site from the proposed development site.

There are no watercourses present on the site. The nearest watercourse to the site is the Pinkeen River, which is c. 820m to the west and is linked to the River Tolka downstream. Given the location of the site a theoretical potential surface water pathway exists between the proposed development site and the coastal European sites associated with Dublin Bay (North Bull Island SPA, the closest site, is approximately 12.2 km south-east from the proposed development boundary), via the Tolka system. There is no possibility of any significant effects on European sites via ground water.

Despite the presence of a potential surface water pathway between the proposed development site and the European sites of Dublin Bay, the risk of contamination of water 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:

- There is a significant distance between the site of the proposed development and the nearest European sites. The nearest European sites in the potential Zone of Influence are the designated sites of Dublin Bay which are at a minimum, approximately 12.2 km (straight-line distance to the south-east via the River Tolka), from the proposed development site. 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 Bay any pollutants would be even further diluted and dissipated by the receiving waters;

- 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;

During the construction phase, typical environmental effects associated with construction works of this nature and scale are predicted, including elevated levels of noise, emissions of dust, direct and indirect greenhouse gas emissions, etc. These effects will be short-term in duration, at most, temporary and reversible. There will also be environmental risks associated with the presence of potential pollutants typically stored and used on-site (e.g. hydrocarbons, solvents, cementitious materials).

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.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, no predicted impact on *ex-situ* species and no interference with the key relationships that define the structure or function of 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

During the operational phase, typical environmental effects associated with the presence and operation of a residential development are also predicted, including water consumption, surface and foul water loading to the municipal network, additional traffic volumes and direct and indirect greenhouse gas emissions. Operational phase effects are expected to be permanent in duration.

As set out in the Engineering Assessment Report prepared by Waterman Moylan (2023) and submitted separately, surface water arising at the proposed development site will be attenuated to greenfield run-off rates and will comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and agreed with Fingal County Council.

The proposed surface water drainage system for the development has been designed as a sustainable urban drainage system and will use above and below ground attenuation together with a flow control device, grass swales, green roofs, rain garden planters, filter drains, and permeable paving. It is proposed to provide sufficient attenuation capacity to cater for the 1:100-year critical storm events with 20% climate change. Even in the total absence of any SuDS measures there would be no impacts on any European sites. The significant distances to European sites and the natural characteristics of the receiving waters ensure rapid mixing of water such that there is no possibility of any appreciable effect on water quality in European sites in any event.

A site-specific Flood Risk Assessment (SSFRA) (Waterman Moylan, 2023), has been carried out for the proposed development and accompanies the planning submission under separate cover. 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 Engineering Assessment Report prepared by Waterman Moylan (2023), a new foul network will be constructed. A Statement of Design Acceptance from Uisce Éireann, dated 18 May 2023, has been received by the engineers and is included in Appendix C of the Engineering Assessment Report submitted as part of this planning application. It states that Uisce Éireann has no objections to the proposals.

It is proposed that the foul water from the proposed development will drain by gravity in a south-western direction and discharge into the existing 900mm foul water trunk sewer located along the western boundary via a single outfall. The outfall pipe from the development is a 300mm-diameter pipe laid at a minimum gradient of 1:200 which has sufficient capacity to serve all of the future development on the Church Fields lands, and outfall into the existing 900mm diameter infrastructure located approximately 800m to the west of the site.

Foul sewage will be directed to the Uisce Éireann Wastewater Treatment Plant (WwTP) at Ringsend prior to final 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 foul flow (6.713 l/s) 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*", indicating that the over-capacity issues at Ringsend are not having any impacts on water quality in Dublin Bay. Regardless of the foregoing, the loading from the proposed development is inconsequential in the context of the WwTP.

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.

A detailed discussion of the potential impacts of the proposed development on individual European sites within the potential Zone of Influence is presented in Table 5.1, below.

Table 5.1 Potential impacts on designated sites in the potential Zone of Influence

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
Rye Water Valley/ Carton SAC [001398] c. 8.2 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 Conservation Objectives document (Version 1, dated 22 December 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 at Church Fields East and this SAC. It is over 8.2km 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.	No
North Bull Island SPA (site code 004006), c. 12.2 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 cly*peata)	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 North Bull Island SPA. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 12.2km (straight line distance) from the SPA and any pollution entering any watercourse 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. Furthermore, the construction of	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	▪ 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.	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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
North Dublin Bay SAC (site code 000206), c. 15km 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 ▪ 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.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 North Dublin Bay SAC. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 15km (straight line distance) from the SAC and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
South Dublin Bay SAC (site code 000210), c. 14.5 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 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.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 South Dublin Bay SAC. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 14.5km (straight line distance) from the SAC and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	No
South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 14.5 km to the south-east	▪ A144 Sanderling (*Calidris alba*) ▪ A157 Bar-tailed Godwit (*Limosa lapponica*) ▪ A149 Dunlin (*Calidris alpina*) ▪ A162 Redshank (*Tringa totanus*)	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 at the Church Fields East site 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 Dublin Bay	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	▪ 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*) ▪ 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.	via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 South Dublin Bay and River Tolka Estuary SPA. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 14.5km (straight line distance) from the SPA and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
Malahide Estuary SAC [000205] c. 13.5 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 ▪ 1320 *Spartina* swards (*Spartinion maritimae*) ▪ 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) ▪ 1410 Mediterranean salt meadows (Juncetalia maritimi) ▪ 2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SAC. It is almost 13.5km 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.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	■ 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 I habitat(s) and/or the Annex II species for which the SAC has been selected. A Conservation Objective has not been prepared for 1320 Spartina swards (*Spartinion maritimae)*		
Malahide Estuary SPA (site code 004025), c. 13.5 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*) ■ 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	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SPA. It is almost 13.5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.		
Rogerstown Estuary SAC (site code 000208), c. 16.5 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 at Church Fields East and this SAC. It is almost 16.5km 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.	No
Rogerstown Estuary SPA (site code 004015), c. 16.5 km to the north-east	▪ A046 Light-bellied Brent Goose (*Branta bernicla hrota*) ▪ A141 Grey Plover (*Pluvialis squatarola*) ▪ A043 Greylag Goose (*Anser anser*) ▪ A143 Knot (*Calidris canutus*) ▪ A137 Ringed Plover (*Charadrius hiaticula*) ▪ A130 Oystercatcher (*Haematopus ostralegus*) ▪ A048 Shelduck (*Tadorna tadorna*) ▪ A056 Shoveler (*Anas clypeata*) ▪ A149 Dunlin (*Calidris alpina*)	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SPA. It is almost 16.5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	▪ A162 Redshank (*Tringa totanus*) ▪ A156 Black-tailed Godwit (*Limosa limosa*) ▪ A999 Wetlands According to this SPA's site Conservation Objectives document (Version 1, dated 20 May 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.		
Baldoyle Bay SPA (site code 004016), c. 16.7 km to the east	▪ A137 Ringed Plover (*Charadrius hiaticula*) ▪ A048 Shelduck (*Tadorna tadorna*) ▪ A140 Golden Plover (*Pluvialis apricaria*) ▪ A157 Bar-tailed Godwit (*Limosa lapponica*) ▪ A141 Grey Plover (*Pluvialis squatarola*) ▪ A046 Light-bellied Brent Goose (*Branta bernicla hrota*) ▪ A999 Wetlands According to this SPA's site Conservation Objectives document (Version 1, dated 27 February 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.	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SPA. It is almost 16.7km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.	No
Baldoyle Bay SAC (site code 000199), c. 16.7km to the 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*)	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SAC. It is almost 16.7km 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.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	▪ 1410 Mediterranean salt meadows (*Juncetalia maritimi*) According to this SAC's site Conservation Objectives document (Version 1, dated 19 November 2012), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.		
Rockabill to Dalkey Island SAC (site code 003000), c. 21.2 km to the east;	▪ 1170 Reefs ▪ 1351 Harbour Porpoise (*Phocoena phocoena)* According to this SAC's site Conservation Objectives document (Version 1, dated 07 May 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 Rockabill to Dalkey Island SAC. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 21.2km (straight line distance) from the SAC and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
Ireland's Eye SAC (site code 002193), c. 21.3 km to the east	■ 1220 Perennial vegetation of stony banks ■ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts According to this SAC's site Conservation Objectives document (Version 1, dated 27 January 2017), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SAC. It is almost 21.3km 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.	No
Ireland's Eye SPA (site code 004117), c. 21.1 km to the east	■ A017 Cormorant (*Phalacrocorax carbo*) ■ A184 Herring Gull (*Larus argentatus*) ■ A188 Kittiwake (*Rissa tridactyla*) ■ A199 Guillemot (*Uria aalge*) ■ A200 Razorbill (*Alca torda*) According to this SPA's First Order Conservation Objectives document (Version 1, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SPA. It is almost 21.1km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.	No
Howth Head SAC (site code 000202), c. 20.2 km to the south-east	■ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts ■ 4030 European dry heaths According to this SAC's site Conservation Objectives document (Version 1, dated 06 December 2016), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		enough to impact upon surface/ground water quality locally, this would not be perceptible in Howth Head SAC. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 20.2km (straight line distance) from the SAC and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
Howth Head Coast SPA (site code 004113), c. 23 km to the south east	▪ A188 Kittiwake (Rissa tridactyla) According to this SPA's First Order Conservation Objectives document (Version 1, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 Howth Head Coast SPA. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 23km (straight line distance) from the SPA and any pollution entering any watercourse 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. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		possibility of long-term impacts arising as a result of the construction elements of the proposed development. There will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	
Dalkey Islands SPA (site code 004172) , c. 24.6km to the south-east	▪ A192 Roseate Tern (*Sterna dougallii*) ▪ A193 Common Tern (*Sterna hirundo*) ▪ A194 Arctic Tern (*Sterna paradisaea*) According to this SPA's First Order Conservation Objectives document (Version 1, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	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 at the Church Fields East site 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 Dublin Bay via the Pinkeen River (Powerstown) and the River Tolka. Dust, noise and vibration arising during construction will similarly be remote from any European site. There will 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 Dalkey Islands SPA. This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 24.6km (straight line distance) from the SPA and any pollution entering any watercourse 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. Furthermore, 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 will be no loss of wetland habitats or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	No
Lambay Island SAC (site code 000204), c.	▪ 1170 Reefs	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SAC. It is almost 25.2km distant and is completely unconnected.	No

Site	Reasons for designation (information correct as of 23 May 2023) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
25.2 km to the north-east	▪ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts ▪ 1364 Grey seal *Halichoerus grypus* ▪ 1365 Harbour seal *Phoca vitulina* According to this SAC's site Conservation Objectives document (Version 1, dated 22 July 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.	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.	
Lambay Island SPA (site code (004069), c. 25.2 km to the north-east	▪ A009 Fulmar (*Fulmarus glacialis*) ▪ A017 Cormorant (*Phalacrocorax carbo*) ▪ A018 Shag (*Phalacrocorax aristotelis*) ▪ A043 Greylag Goose (*Anser anser*) ▪ A183 Lesser Black-backed Gull (*Larus fuscus*) ▪ A184 Herring Gull (*Larus argentatus*) ▪ A188 Kittiwake (*Rissa tridactyla*) ▪ A199 Guillemot (*Uria aalge*) ▪ A200 Razorbill (*Alca torda*) ▪ A204 Puffin (*Fratercula arctica*) According to this SPA's First Order Conservation Objectives document (Version 1, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	There is no hydrological link or any other pathway between the proposed development site at Church Fields East and this SPA. It is almost 25.2km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.	No

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:

- Habitat loss and/or fragmentation;
- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution / vibration impacts;
- Light pollution;
- Emissions to air (including dust);
- Emissions to water.

No invasive plant species (*i.e.* those species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011 (as amended)*, 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.

6 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 confirmed the 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 (as it related to the consideration of SUDs and whether these represented mitigation measures).

Advocate General Kokott delivered her Opinion[3] in this case (Case C-721/21) on 19 January 2023, and, while the decision of the CJEU is awaited, it is notable that the Opinion states the following (Section V, paragraph 109(4)):

> *At the stage of screening the need for an appropriate assessment under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2013/17/EU of 13 May 2013, features of the plan or project involving the removal of contaminants that may have the effect of mitigating a harmful effect on the protected site may be taken into account, where it is clear, on the basis of objective considerations, that those features were incorporated into the design as standard features irrespective of any effect on the protected site concerned, and all reasonable scientific doubt concerning their effectiveness can be ruled out.*

[3] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CC0721

In relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development. SuDS measures will be incorporated into the design of the proposed development as standard features. SuDS features are highly effective and are required to be included in developments where appropriate (as noted in Section 5 SuDS are a requirement of Fingal County Council under the GDSDS and the Greater Dublin Regional Code of Practice for Drainage Works). These standard measures are considered best practice in construction and, therefore reasonable scientific doubt concerning their effectiveness can be ruled out.

As set out in this report, it is certain that likely significant effects on European sites as a result of both the construction and operation of the proposed development can be excluded. Even if no SuDS measures were to be incorporated into the design there could be no impacts on European sites.

No mitigation is necessary or proposed for the protection of European sites.

7 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)[4]. 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.

The following sources were consulted to identify relevant other plans or projects:

- Fingal Development Plan 2023-2029 (FCC, 2022);
- The National Planning Application database (www.myplan.ie - accessed May 2023);
- An Board Pleanála database (www.pleanala.ie - accessed May 2023); and
- EIA Portal (www.housinggovie.maps.arcgis.com - accessed May 2023).

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, have recently been granted planning permission or are in the pipeline as summarised in Table 7.1 below.

The Ringsend WwTP is the largest in Ireland, providing over 40% of Ireland's wastewater treatment capacity. It serves much of Dublin, and in-combination effects inherently arise as a result of the foul water loading of all developments within its catchment. As discussed above, the WwTP (which will receive foul water flows from the proposed development) is currently operating over capacity. However, permitted upgrade works to secure additional capacity are ongoing; and EPA monitoring data indicate that current over capacity issues at the WwTP are not having a significant water quality impact in the Bay, which is classed as 'unpolluted'. Significant effects on European sites can, therefore, be excluded.

[4] 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)

Table 7.1 Permitted and proposed developments to which regard has been had in the assessment of potential cumulative impacts

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
Existing Developments					
PARTXI/002/17	Fingal County Council	Avondale, Mulhuddart, Dublin 15	Construction of 44 new dwelling units, and associated site development and external works.	**Completed**	-
Permitted developments					
PARTXI/012/21	Fingal County Council	Church Fields, Mulhuddart, Dublin 15	Construction of 300 no. dwellings, 1 no. crèche facility, 1 no. communal facility, 2 no. retail units, Eastern Linear Park and all associated site development works on a 9.47 ha site at Church Fields, Mulhuddart, Dublin 15, and amendments of a section from Damastown Avenue to Wellview Avenue of the previously permitted Church Fields Link Road and Cycleway Networks Project (FCC Planning Ref. No.: PARTXI/011/19).	Lodged 09 December 2021; Decision 14 March 2022. Proposed to commence construction in Q4 2023	-
PARTXI/010/19	Fingal County Council	Church Fields, Mulhuddart, Dublin 15	Construction of 70 no. dwellings, including 7 x 1-bed units, 19 x 2-bed units, 34 x 3-bed units and 10 x 4-bed units. All associated site development works including access road, footways, site boundaries, open space, drainage, public lighting, utilities and services. All dwellings will be provided with private external open space (gardens), and there will be a mix of 116 in-curtilage and 20 off street parking bays, a total of 136 bays.	Under construction Lodged 09 December 2019; Decision 10 February 2020	EIA Screening Report, AA Screening Report
PARTXI/011/19	Fingal County Council	Church Fields, Mulhuddart, Dublin 15	Construction of a 690m link road (comprising of 380m upgrade of existing Wellview Avenue and 310m new construction) linking Ladyswell Road to the south and Damastown Avenue to the north. Provision of 3m wide vehicle lanes in each direction along the link road with 3m wide tree lined central median to separate lanes. Provision of 3m wide footpath, 2m wide off-road cycle tracks and 1.75m wide tree lined verge on each side of the link road. Provision of junction accesses to existing and future developments with National Cycle Manual compliant pedestrian and cyclist junction crossings. Provision of pedestrian crossings and toucan crossings at various locations along the proposed link road, Damastown Avenue and on the arms of the existing roundabouts on Damastown Avenue. Provision of a cycle friendly roundabout on the link road.	Under construction	EIA Screening Report

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			Construction of a 1.5km long 4m wide 2-way off-road cycle track with 3m wide pedestrian footpath along Damastown Avenue linking the proposed new link road to the two schools on the Powerstown road and the proposed parkland adjacent to Church Road. The combined new cycle-track and footway will connect to the existing footpath and cycle infrastructure in the surrounding area. Fencing, earthworks and pavement, utility provisions, drainage, landscaping and accommodation works. All associated site works.		
PARTXI/006/18	Fingal County Council	Wellview, Mulhuddart, Dublin 15	Construction of 20 no. dwellings and all associated site development works, including 4 no. 2-bedroom, 3-person, 2-storey house, 3 no. 2-bedroom, 3-person, 2-storey houses, 7 no. 3-bedroom, 5-person, 2-storey houses, 6 no. 4-bedroom, 7-person, 2-storey houses. All dwellings will be provided with private open space. A total of 44 no. car parking spaces will be provided across the development.	Under construction Lodged 25 February 2019; Decision 08 April 2019	EIA Screening Report, AA Screening Report
PARTXI/001/22	Fingal County Council	Wellview, Mulhuddart, Dublin 15	Fingal County Council (Architects Department) applied for permission at Wellview Park, Wellview Green and Wellview Terrace comprising of rejuvenation and upgrade Wellview Park and two existing areas of public realm in Wellview Green and Wellview Terrace. Works included pedestrian access points, footpath upgrades, paving and associated drainage works.	Planning permission was granted on 10th October 2022.	EIA Screening Report
TA06F.312271	Glenveagh Homes Limited	Lands at Hollystown-Kilmartin, Dublin 15	Demolition of an existing shed, construction of 548 no. residential units (401 no. houses, 147 no. apartments), 2 no. creches and associated site works.	Permission granted 23 March 2023; Lodged 17 December 2021.	EIAR; AA Screening Report
FW22A/0287	Powerstown Educate Together National School	Powerstown Educate Together National School, Powerstown Road, Tyrellstown, D15VR80	The works will consist of the construction of a two storey special needs accommodation unit (997sqm.) to side of existing school to include a central activities space, 5 No. classrooms, toilets and shower areas and ancillary spaces with minor alterations to existing school facade at ground and first floor to facilitate connection to the extension. External works will include 12 No. additional parking spaces, play area	Permission granted 10 March 2023	

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			(200sqm) and sensory garden (100 sqm) together with all associated site works.		
FW22A/0156	Earlstand Corporation Unlimited Company	Mooretown and Northwest Logistics Park, Ballycoolin, Dublin 15	Construction of 6 no. warehouses/logistics units including ancillary office/administration use and entrance/reception areas over two levels (Units 1-6). Ancillary ESB substations (6 no. in total) are included for each of the proposed warehouses/logistics units. The proposal includes a new estate road entrance from Kilshane Avenue, access arrangements and internal road network to serve the proposed units, and pedestrian and cycle infrastructure. The units are served by a total of 501 no. car parking spaces, 230 no. cycle spaces, 80 no. heavy goods vehicle parking spaces (including loading bay parking), loading bays and service yard areas. The proposed includes PV panels at roof level, hard and soft landscaping and planting, boundary treatments , public open spaces and woodland areas, security gates, cycle shelters, lighting, entrance signage, signage zones for each of the proposed units and all associated works including underground foul and storm water drainage network, attenuations rea, SUDS features and utility cables.	Under construction; Permission granted 11 October 2022	EIAR; AA Screening Report
FW22A/0066	Earlstand Corporation Unlimited Company	A site (known as site A), located to the north of Northwest Logistics Park, (NWLP), Ballycoolin, Dublin 15	Construction of a high technology manufacturing unit (for the manufacturing of high technology electrical components. Provision of a link corridor between the proposed high technology manufacturing unit and Unit 900 to the south (logistics/warehouse unit permitted under Reg. Ref. FW21A/0146); The provision of 562 no. car parking spaces, dedicated bus drop off and 275 no. bicycle parking spaces along with HGV loading bays and a service yard to the west of the proposed unit. The vehicular access to the unit will be provided via two entrances from the roundabout proposed under Reg. Ref. FW21A/0146, which provides access to Kilshane Avenue to the east. The development also includes rooftop plant for the proposed unit, an ESB substation with switchroom, 2 no. emergency generators, 2 no. sprinkler/water tanks and 2 no. pumphouses, 2 no. smoking	Permission granted 07 July 2022	EIAR; AA Screening Report

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			shelters, bicycle shelters, landscaping, boundary treatments, entrance gates, site lighting, all associated site development works, underground foul and storm water drainage services and attenuation areas including connections to existing/permitted services infrastructure and all ancillary works.		
FW21A/0146	Earlstand Corporation Unlimited Company	A site (known as site A), located to the north of Northwest Logistics Park, (NWLP), Ballycoolin, Dublin 15	Construction of 1 no. warehouse / logistics unit, with a maximum building height of 17.09 metres. The proposal includes a signage zone for the proposed unit. The provision of 181 no. car parking spaces, 60 no. cycle parking spaces, HGV loading bays and service yard area; The access to the unit will be provided by extending the existing Kilshane Avenue access road serving Northwest Logistics Park (including alterations to the existing road layout). The development also includes an ESB substation, a smoking shelter, a sprinkler tank with a pumphouse and valvehouse, landscaping, boundary treatments, entrance gates, site lighting, and all associated site development works, underground foul and storm water drainage services (including a connection to an existing pumphouse to the southwest of the proposed warehouse / logistics unit) and attenuation areas.	Permission granted 15 February 2022	EIAR; AA Screening Report
FW22A/0142	Earlstand Corporation Unlimited Company	Site to the north of Northwest Logisticstic Park, (Formerly known as Northwest Business Park), Ballycoolin, Dublin 15	Planning permission for the retention and completion of amendments to the development permitted under Reg. Ref.: FW21A/0146 on a site to the north of Northwest Logistics Park, Ballycoolin, Dublin 15 (formerly known as Northwest Business Park). The application site is located to the west of Kilshane Avenue, to the south of Bay Lane and is bound by greenfield lands to the west.	Permission granted 11 October 2022	
FW22A/0300	Alexion Pharma International Operations Ltd.	College Business & Technology Park, Blanchardstown Road North, Blanchardstown, Dublin 15	Expansion of the existing Biopharmaceutical Manufacturing Campus, located at College Business and Technology Park, Blanchardstown, Dublin 15. This application relates to development which comprises an activity which holds and	Permission granted 04 May 2023 (final grant awaited); Lodged 15 December 2022 Registration date 15 March 2023	EIAR; AA Screening Report

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			Industrial Emissions Directive Licence (Reg no P1030).The proposed expansion will include: (i) a new 5 storey Active Pharmaceutical Ingredient (API) manufacturing building; (ii) a new 2 storey chemical materials store; (iii) a new 4 storey laboratory building; (iv) extensions to the existing warehouse, including alterations to the previously permitted extension to the warehouse (planning ref. FW21A/0174); (v) a bunded solvent tank storage area including tanker loading and unloading yard; (vi) a chemical materials yard including liquid nitrogen storage tank, scrubbers and a thermal oxidiser abatement unit complete with c.46 m high flue stack; (vii) a manufacturing building utilities yard including chillers and other miscellaneous plant and equipment; (viii) a medium voltage electrical building and solvent area control building; (ix) an extension to the existing high level pipe rack connecting all existing and new buildings and yard areas; (x) 2 No. new diesel generators and 2 No. new bunded diesel storage tanks; (xi) modifications to site infrastructure, including; addition of 200 new car park spaces on the eastern side of the site, expansion of the site's existing storm water attenuation/fire water retention pond, and alterations and extensions to internal site roads, paving and underground services; (xii) enhancements to the site internal and boundary landscaping; (xiii) provision of a temporary contractor's compound and parking area on lands to the east of the site for the duration of the construction works.		
FW22A/0319	Tech Group Europe Limited	Site fronting Damastown Road & Damastown Green, Damastown, Mulhuddart, Dublin 15	1) Construction of a 16,805 sq. m. (GFA) medical devices manufacturing facility with associated ancillary warehousing and a three storey office/administration block; 120 no. surface car parking spaces (incl. 7 no. disabled parking spaces and 12 no electric charging spaces); 40 no. cycle parking spaces (incl. 6 no. e-bike parking spaces); 12 no. motorcycle parking spaces; building and site signage and 3 no. flagpoles; 2) Construction of ancillary buildings and structures Including: 2 no. single	Permission granted on 25 April 2023	Natura Impact Statement (NIS); Ecological Impact Assessment Report

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			storey security huts, an ESB Substation and MV Room, 4 no. condenser unit enclosures, a sprinkler water storage tank and pumphouse building, 10 no. materials silos and 6 no. loading docks; 3) All other associated site works required to facilitate the proposed development.		
Proposed developments (decision pending)					
FW22A/0169	Glenveagh Homes Limited	Local Centre Lands,, adjacent to the existing Tyrrelstown Local Centre,, in the townland of Hollywoodrath, Dublin 15	The proposed development will consist of the construction of; a Local Centre facility of 2-4 storey height equivalent providing a primary retail unit; back of house storage (BOH), staff facilities at first floor level, lobby and circulation areas a service yard and loading bay adjoining BOH area; 3 no. ground floor retail/ retail service units; cafe unit and medical centre at first floor level. Car parking is provided at surface level to the rear of the Local Centre (157 no. car parking spaces including visitor, disabled, parent & child spaces, and EV spaces). Cycle parking is provided at surface level to the south, west, and north of the Local Centre comprising 76 no. spaces including standard spaces, staff parking, cargo spaces and electric charging stands. Road improvement works to the Hollywood Road are proposed as part of the development including the upgrade of pedestrian crossings to the north, segregated pedestrian/ cyclist facilities, a new zebra crossing, 2 no. new bus stops, 3 no. public parking spaces, and taxi set down area; associated site servicing (water drainage and supply); and all associated site development works above and below ground.	Clarification of Further Information issued by FCC 31 March 2023	EIA Screening Report and an Ecological Impact Assessment Report
FW22A/0308	Universal Developers LLC	Cruiserath Road, Dublin 15	The proposed development consists of the following: Construction of three data centre buildings (Data Centre E, Data Centre F, and Data Centre G), each over two levels (with Data Centre F and G each including two mezzanine levels). Emergency generators and associated flues will be provided within compounds adjoining each of the three data centre buildings (1 no. for Data Centre E, 19 no. for Data Centre F, and 19 no. for Data Centre G). The development includes one diesel tank and two filling areas to serve the proposed emergency	Request for additional information on 17 February 2023; Lodged 16 December 2022	EIAR

Reference	Applicant	Location	Description – overview	Status	Environmental Assessments
			generators. Provision of ancillary structures including two MV buildings, water storage tanks and three bin stores. Construction of access arrangements and internal road network and circulation areas, footpaths, provision of car parking (105 no. spaces), motorcycle parking (12 no. spaces) and bicycle parking (56 no. spaces), hard and soft landscaping and planting (including alteration to a landscaped berm to the north of proposed Data Centre E), lighting, boundary treatments, and all associated and ancillary works including underground foul and storm water drainage network, and utility cables.		
FW23A/0100	Unit 900, Northwest Logistics Park, (formally Northwest Business Park), Ballycoolin, Dublin 15	Earlstand Corporation Unlimited Company	Retention permission is sought for the following- Provision of solar panels (with an area of c.335 sq.m in total) at roof level of the warehouse/logistics unit; Amendments to the permitted northern boundary treatment, to comprise 1.8m high fencing atop a plinth wall, pending the delivery of future development to the north of site (under Reg. Ref.: FW22A/0066).	Application registered on 14 April 2023	
Proposed under Church Fields Site Strategy Plan					
There is potential for up to 500 No. additional residential units Church Fields West (to west of permitted Church Fields Housing and Eastern Linear Park Development PARTXI/012/21)					

The Fingal County Development Plan 2023 – 2029 have a series of objectives intended to protect and enhance the natural environment. For example both Plans include 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 objectives of the Fingal County Development Plan have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites. The proposed development will not impact on the flow of water through the area, nor increase potential flood impacts.

The proposed development is in compliance with all of the relevant Plan objectives.

8 Screening Conclusion

In view of best scientific knowledge, this report concludes that the proposed development at Church Fields East, Mulhuddart, Dublin 15, individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion 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 Fingal County Council to carry out an AA Screening, and to 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.

9 References

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- NPWS (2022a). Conservation Objectives documents for European sites, available at https://www.npws.ie/protected-sites.
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- Wyse Jackson, M., FitzPatrick, Ú., Cole, E., Jebb, M., McFerran, D., Sheehy Skeffington, M. & Wright, M. (2016). *Ireland Red List No. 10: Vascular Plants.* Dublin Ireland: NPWS, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

[5] Now Transport Infrastructure Ireland (TII).

Appendix I: Background

The European[6] 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 European Union (Birds and Natural Habitats) Regulations 2011-2021 (hereafter referred to as the Birds and Habitats Regulations)[7] and by the Planning and Development Act 2000, as amended.

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

[6] 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"
[7] SI No. 477 of 2011 and subsequent amendments

Stages in the Assessment

European Commission guidance (2021)[8] 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 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.

[8] European Commission (2021) *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

Appendix II: 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[9] 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;
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.

[9] Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission November 2018)

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