

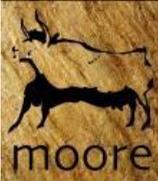
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Natura Impact Statement

Grange Castle Media Park

Prepared by: Moore Group – Environmental Services

12 March 2024



On behalf of Lens Media Limited

Project Proponent	Lens Media Limited	
Project	Grange Castle Media Park	
Title	Natura Impact Statement Appropriate Assessment Grange Castle Media Park	

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Abbreviations

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AA	Appropriate Assessment
ABP	An Bord Pleanála
CEMP	Construction Environmental Management Plan
EEC	European Economic Community
EPA	Environmental Protection Agency
EU	European Union
FWPM	Freshwater Pearl Mussel
GIS	Geographical Information System
LAP	Local Area Plan
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife Service
OSI	Ordnance Survey Ireland
pNHA	proposed Natural Heritage Area
SAC	Special Area of Conservation
SPA	Special Protection Area
SuDS	Sustainable Drainage System
UÉ	Uisce Éireann
WFD	Water Framework Directive

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1. Introduction

1.1. General Introduction

This Natura Impact Statement (NIS) has been prepared by Moore Group – Environmental Services on behalf of Lens Media Ltd. This NIS report contains information to assist the competent authority in carrying out an Appropriate Assessment (AA) for the purposes of Article 6(3) of the Habitats Directive and section 177V of the Planning and Development Act 2000, as amended, (the “Planning Acts”) in respect of planning permission for a Media Park at Grange Castle West, Dublin 22 (hereafter referred to as the Proposed Development).

This NIS informs the Appropriate Assessment process in the determination of any adverse effects on the integrity of European sites, having regard to their conservations objectives and in light of best scientific knowledge. It is necessary that the Proposed Development complies with Article 6(3) of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (referred to as the Habitats Directive). For the purposes of the Proposed Development, this is transposed into Irish Law by Part XAB of the Planning and Development Act 2000 as amended¹. The focus of the assessment is on objectively assessing by reference to the evidence as to whether the Proposed Development will adversely affect the integrity of the European sites in light of their conservation objectives.

1.2. Legislative Background - The Habitats and Birds Directives

Articles 6(3) and 6(4) of the Habitats Directive are transposed into Irish Law inter alia by the Part XAB of the Planning Acts (section 177U and 177V) governing the requirement to carry out appropriate assessment screening and appropriate assessment, where required, per Section 1.1 above.

The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992) on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under Article 3 of the Habitats Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

¹The European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) as amended (referred to as the Habitats Regulations) transposes the Habitats Directive for the purposes of proposed projects subject to legislation other than the Planning and Development Act 2000, as amended.

The Birds Directive (Council Directive 2009/147/EC) on the conservation of wild birds), transposed into Irish law by the Habitats Regulations 2011, as amended, and the Wildlife Act 1976, as amended, is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Birds Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

SACs designated under the Habitats Directive and SPAs, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to in Irish legislation as 'European sites'.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for the assessment of proposed plans and projects likely to have a significant effect on Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out an appropriate assessment if required (Appropriate Assessment (AA)):

***Article 6(3):** "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

These obligations in relation to Appropriate Assessment have been implemented in Ireland under Part XAB of the Planning and Development Act 2000, as amended, and in particular Section 177T thereof.

Section 177T(1)(b) and (2) state as follows with regard to a Natura Impact Statement:

"(b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites."

"(2) Without prejudice to the generality of subsection (1), a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites."

1.3. Methodology

The Commission's methodological guidance (EC, 2002, 2018, 2021 see Section 1.4 below) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

Stage 1 Screening: This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. In order to screen out a project, it must be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

Stage 2 Appropriate Assessment: In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect on the integrity of the Natura 2000 site either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are predicted impacts, an assessment of the potential mitigation of those impacts is considered.

Stage 3 Assessment of Alternative Solutions: This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain: Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

1.4. Guidance

The NIS has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.)(soon to be superseded by EC Guidance in prep.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.

- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (EC, 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 (EC, 2021).
- Office of the Planning Regulator (OPR) Practice Note PN01 Appropriate Assessment Screening for Development Management (OPR, 2021).

1.5. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
 - National Parks & Wildlife (NPWS) protected site boundary data;
 - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
 - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
 - Open Street Maps;
 - Digital Elevation Model over Europe (EU-DEM);
 - Google Earth and Bing aerial photography 1995-2023;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including:
 - Natura 2000 - Standard Data Form;
 - Conservation Objectives;
 - Site Synopses;
- National Biodiversity Data Centre records;
 - Online database of rare, threatened and protected species;
 - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and
- Relevant Development Plans in neighbouring areas;
 - South Dublin County Development Plan 2022-2028

1.6. Statement of Authority

This report was compiled by Ger O'Donohoe (B.Sc. Applied Aquatic Sciences (ATU Galway , 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has 30 years' experience in environmental impact

assessment and has completed numerous reports for Appropriate Assessment Screening and Natura Impact Statements in terrestrial and aquatic habitats.

Breeding and Wintering Birds were surveyed by Éire Ecology. The Birds Report (presented as Appendix 1) was compiled by John Curtin of Eire Ecology providing information on birds. John Curtin B.Sc. is the principal ecologist with Éire Ecology and has over 10 years of experience in ecological impact assessment having conducted plant, habitats, birds, bats and mammal surveys since 2010 including at windfarm and solar sites. John holds a first class honours degree in Environmental Science from NUI Galway, and has served on the Council of Bat Conservation Ireland since 2017. Primarily a field worker with experience in botanical and habitat identification, ornithological surveys, monitoring and mammal surveys.

Engineering and technical data was supplied by BMCE for the Proposed Development.

1.7. Description of the Proposed Development

Lens Media Limited are seeking planning permission for the development of a Media Park at a site in the townlands of Coolscudden, Brownstown and Milltown, west of Grange Castle Business Park, Newcastle, County Dublin.

The proposed development will comprise the construction of studio/sound stages with ancillary support offices, workshop buildings a TV studio building outdoor stage areas, a TV studio and reception building, outdoor stages, a dining hall building, a standalone café, hardstanding areas including a backlot area and shooting lanes, production suite buildings, 3-storey car parking deck with ancillary offices, an electrical substation, gate houses, surface car parking and HGV parking area, a waste collection area, rooftop PV panels, green roofs and associated development works and landscaping.

The current land use of proposed development area is primarily arable. A variety of bird surveys were conducted within the site from February 2023 to November 2023 with high regional numbers of Golden Plover noted.

Figure 1 shows the Proposed Development location and Figure 2 shows a detailed view of the Proposed Development boundary on recent aerial photography. Figure 3 presents a plan of the Proposed Development.

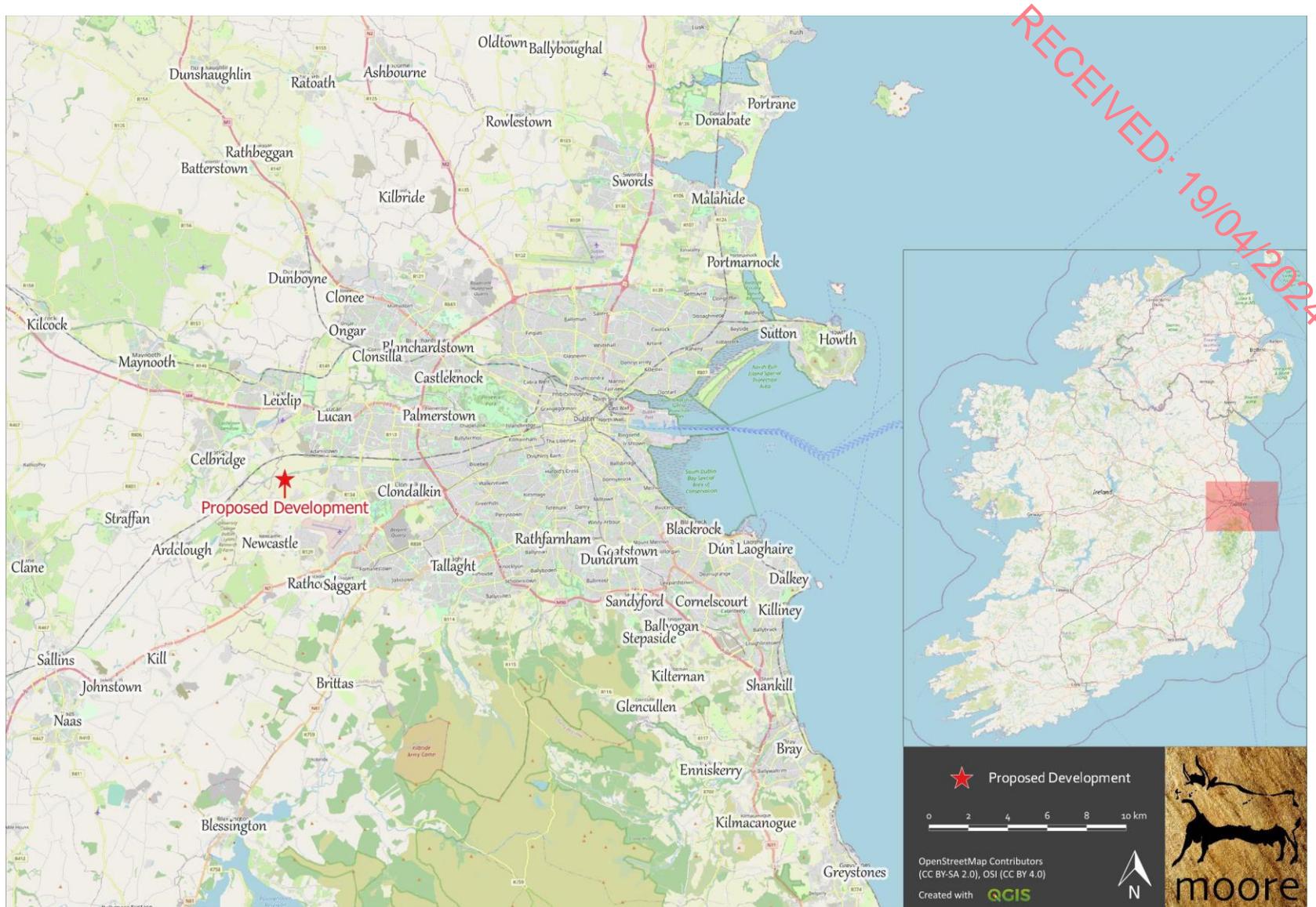


Figure 1. Showing the Proposed Development location at Grange Castle Business Park West, Co. Dublin.



Figure 2. Showing the Proposed Development site on recent aerial photography.



Figure 3. Plan of the Proposed Development.

2. Stage 1 – Screening for Appropriate Assessment

A Report for AA Screening was compiled and is presented as a stand-alone document in the planning application. The following is a summary of the Screening process.

The potential for source pathway receptor connectivity is firstly identified through GIS interrogation and detailed information is then provided on sites with connectivity. European sites that are located within a potential Zone of Influence of the Proposed Development are presented in Table 1 and Figures 4 and 5, below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website (www.npws.ie) on 8 December 2023. This data was interrogated using GIS analysis to provide mapping, distances, locations and pathways to all sites of conservation concern including pNHAs, NHA and European sites.

Table 1 European Sites located within the potential Zone of Influence² of the Proposed Development.

Site Code	Site name	Distance (km) ³
000206	North Dublin Bay SAC	20.38
000210	South Dublin Bay SAC	17.97
000397	Red Bog, Kildare SAC	14.05
001209	Glenasmole Valley SAC	10.51
001398	Rye Water Valley/Carton SAC	3.92
002122	Wicklow Mountains SAC	11.97
004006	North Bull Island SPA	20.37
004024	South Dublin Bay and River Tolka Estuary SPA	17.26
004236	North-West Irish Sea SPA	21.24

The Proposed Development is located at Grange Castle Business Park West, Co Dublin, adjacent to and south of the Grand Canal pNHA.

There is an existing watercourse approx. 100m West of the site, which is culverted under the Grand Canal and parts of Adamstown and under the N4 at west Lucan where it joins the Lucan Stream and eventually the River Liffey c. 4.7 km downstream. The new surface water network within the site will convey surface water flows to two swales located within the 50m buffer zone between the proposed development and the Grand Canal to the North of the site. Surface water flows from the site will outfall to the stream west of the site.

² All European sites potentially connected irrespective of the nature or scale of the Proposed Development.

³ Distances indicated are the closest geographical distance between the Proposed Development and the European site boundary, as made available by the NPWS.

The hydrological pathway to the European sites located in Dublin Bay at Alexandra Road Extension, Dublin Port is over 25 river km downstream.

There will be no direct or indirect effects on any Annexed habitats. There are no direct pathways and no connectivity to any European sites in the Zone of Influence. All of the European sites in Table 2 with the exception of the North Bull Island SPA are excluded at this preliminary screening stage due to distance of removal and large dilution factor which occurs in the downstream water bodies including the River Liffey and Dublin Bay itself .

During EIAR fieldwork, numbers of Golden Plover were recorded within the site and buffer zone of up to 150m from the site boundary regional importance. This species was also recorded frequently, adding to the potential importance of the subject lands as supporting habitat. They are considered by the consultant ornithologist as an *ex situ* component of the North Bull Island flock.

Proposed development will result in permanent loss of feeding habitat. At this point significant impacts cannot be ruled out, particularly when considering the in-combination effect of this development alongside other plans in the locality.

It cannot be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on the Special Conservation Interest; A140 *Pluvialis apricaria* Golden Plover, of one European site; the North Bull Island SPA (Site code 004006).

Thus, in line with Departmental Guidance and having regard to ECJ and Irish case law and the 'Precautionary Principle', Stage 2 Appropriate Assessment is required.

Stage 2 Appropriate Assessment of the Proposed Development has been prepared as follows.

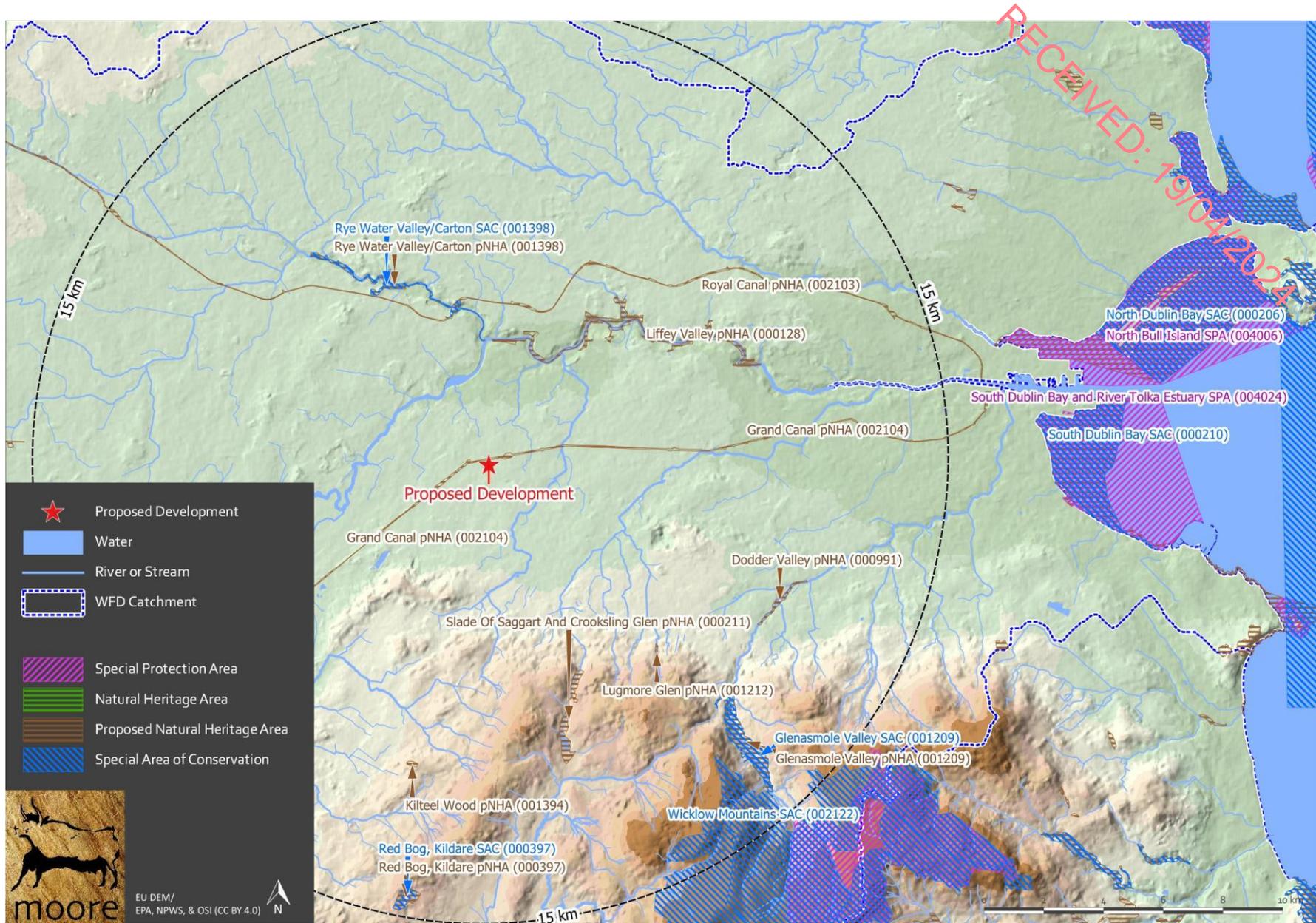


Figure 4. Showing European sites and NHAs/pNHAs in the wider vicinity of the Proposed Development.



Figure 5. Detailed view of European sites in the nearer vicinity of the Proposed Development.

3. Stage 2 – Appropriate Assessment

This stage considers whether the Proposed Development, alone or in combination with other projects or plans, will have adverse effects on the integrity of a European site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. The Stage 2 Appropriate Assessment comprises a scientific examination of the plan / project and the relevant European site; to identify and characterise any possible implications for the site in view of the site's conservation objectives, structure and function; taking account of in combination effects.

3.1. Description of European Sites Potentially Affected

Potential impacts on the following European site have been identified:

3.1.1. North Bull Island SPA [004006]

The NPWS provides the following Site Synopsis in relation to the North Bull Island SPA (Version date 25.3.2014):

This site covers all of the inner part of north Dublin Bay, with the seaward boundary extending from the Bull Wall lighthouse across to Drumleck Point at Howth Head. The North Bull Island sand spit is a relatively recent depositional feature, formed as a result of improvements to Dublin Port during the 18th and 19th centuries. It is almost 5 km long and 1 km wide and runs parallel to the coast between Clontarf and Sutton. Part of the interior of the island has been converted to golf courses.

*Saltmarsh extends along the length of the landward side of the island and provides the main roost site for wintering birds in Dublin Bay. The island shelters two intertidal lagoons which are divided by a solid causeway. These lagoons provide the main feeding grounds for the wintering waterfowl. The sediments of the lagoons are mainly sands with a small and varying mixture of silt and clay. Green algal mats (*Ulva* spp.) are a feature of the flats during summer. These sediments have a rich macro-invertebrate fauna, with high densities of Lugworm (*Arenicola marina*) and Ragworm (*Hediste diversicolor*).*

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone and Black-headed Gull. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The North Bull Island SPA is of international importance for waterfowl on the basis that it regularly supports in excess of 20,000 waterfowl. The site supports internationally important populations of three species, Light-bellied Brent Goose (1,548), Black-tailed Godwit (367) and Bar-tailed Godwit (1,529) - all figures are mean peaks for the five winters between 1995/96 and 1999/2000. The site is one of the most important in the country for Light-bellied Brent Goose. A further 14 species have populations of national importance – Shelduck (1,259), Teal (953), Pintail (233), Shoveler (141), Oystercatcher (1,784), Grey Plover (517), Golden Plover (2,033), Knot (2,837), Sanderling (141), Dunlin (4,146), Curlew (937), Redshank (1,431), Turnstone (157) and Black-headed Gull (2,196). The populations of Pintail and Knot are of particular note as they comprise 14% and 10% respectively of the all-Ireland population totals. Other species that occur regularly in winter include Grey Heron, Little Egret, Cormorant, Wigeon, Goldeneye, Red-breasted Merganser, Ringed Plover and Greenshank. Gulls are a feature of the site during winter and, along with the nationally important population of Black-headed Gull (2,196), other species that occur include Common Gull (332) and Herring Gull (331). While some of the birds also frequent South Dublin Bay and the River Tolka Estuary for feeding and/or roosting purposes, the majority remain within the site for much of the winter. The wintering bird populations have been monitored more or less continuously since the late 1960s and the site is now surveyed each winter as part of the larger Dublin Bay complex.

The North Bull Island SPA is a regular site for passage waders, especially Ruff, Curlew Sandpiper and Spotted Redshank. These are mostly observed in single figures in autumn but occasionally in spring or winter.

The site formerly had an important colony of Little Tern but breeding has not occurred in recent years. Several pairs of Ringed Plover breed, along with Shelduck in some years. Breeding passerines include Skylark, Meadow Pipit, Stonechat and Reed Bunting. The island is a regular wintering site for Short-eared Owl, with up to 5 present in some winters.

The North Bull Island SPA is an excellent example of an estuarine complex and is one of the top sites in Ireland for wintering waterfowl. It is of international importance on account of both the total number of waterfowl and the individual populations of Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit that use it. Also of significance is the regular presence of several species that are listed on Annex I of the E.U. Birds Directive, notably Golden Plover and Bar-tailed Godwit, but also Ruff and Short-eared Owl. North Bull Island is a Ramsar Convention site, and part of the North Bull Island SPA is a Statutory Nature Reserve and a Wildfowl Sanctuary.

3.2. Description of the Existing Environment

The Proposed Development is located at Grange Castle Business Park West, Co Dublin, south of the Grand Canal pNHA. The proposed development areas comprise arable land which are bounded by fringing woodland adjacent to the Grand Canal. Access to the site will be provided by an extension of the eastern section of the Grange Castle West Business Park (GCWBP) access route.

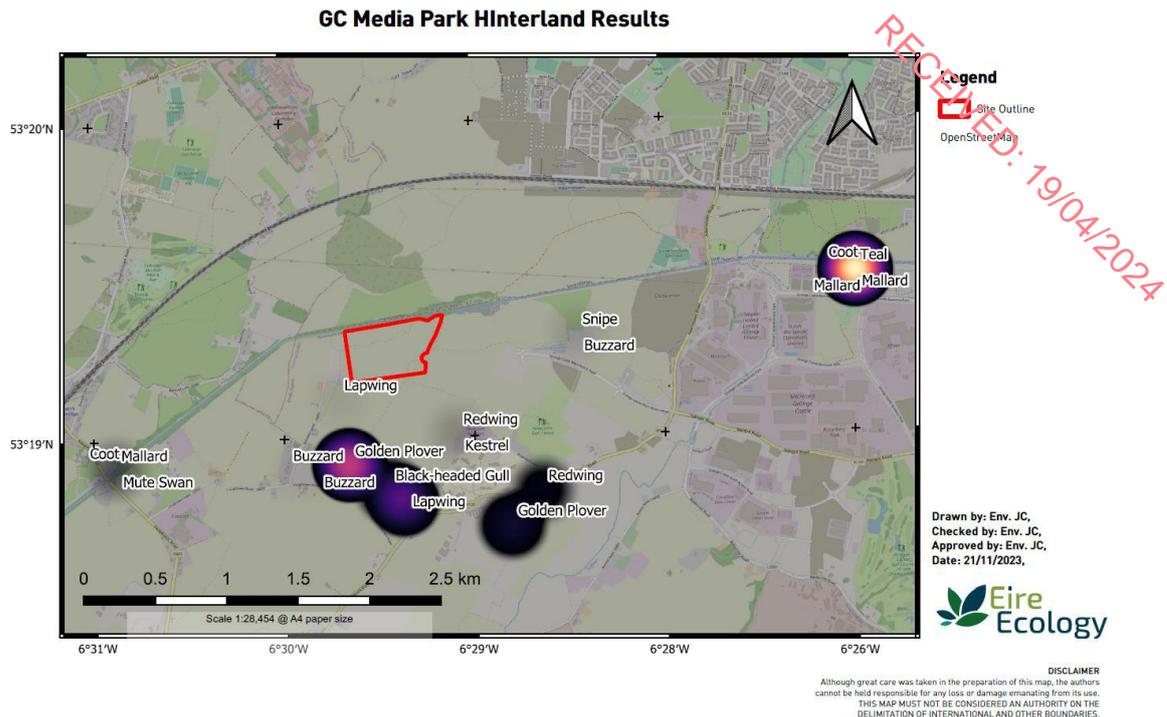
BC1- Arable crops

These fields were either growing wheat (*Triticum* sp.), barley (*Hordeum vulgare*) or beans (*Vicia* sp.). Other species were rarely encountered, but included Common field-speedwell (*Veronica persica*), Doves-foot Cranesbill (*Geranium molle*), Knotgrass (*Polygonum aviculare*), *Poa* spp., Common Poppy (*Papaver somniferum*), Groundsel (*Senecio vulgaris*), Redshank (*Persicaria maculosa*), Field Pansy (*Viola arvensis*), Forget me not (*Myosotis* sp.), Chickweed (*Stellaria media*), Red Dead-nettle (*Lamium purpureum*) and Pineappleweed (*Matricaria discoidea*) mainly in the tramlines within the crop area.

There are no rare or protected habitats recorded in the study area inside the site boundary. The site may be considered of Low to Moderate Ecological Value at a Local level.

Bird Surveys

Field surveys of the entirety of Grange Castle West Business Park (GCWBP) were conducted from February to August 2023 by Éire Ecology. Walkover surveys (wintering and breeding) were undertaken during the survey visits within the area within the site of the proposed development. All bird species observed or heard within the site and the surrounding area were recorded during the walkover survey. A preliminary site outline included a larger area than the existing proposal, which included lands to the east and west thus additional bird surveys were carried out in the surrounds. This data is presented in Appendix 1 and adds to a greater understanding of bird activity throughout the broader area, see excerpt map from Appendix 1 below.



Golden Plover

Large flocks of Golden plover overwinter in Ireland before returning to Iceland to breed. These can be found in a variety of habitats including coastal and inland and are often associated with wetlands as well as tilled fields. In addition, Ireland hosts a small breeding population limited to the acidic uplands of NW counties.

(S. Gillings, 1999) states this species avoids lands over 200m in winter and have a preference for winter cereals, bare till and grassland with a sward height of 7cm or less. They are also renowned for cold weather movements, likely moving towards the coast during cold snaps to avoid frozen ground. (Gilling, 2007) found that Golden plover tend to ignore seemingly suitable lands more than Lapwing and can often be found repeatedly utilising the same fields in preference to other similar fields.

The closest SPA is Bull Island SPA located 20.3km to the east, with Golden Plover as a qualifying interest with express conservation objectives. IWeBS data collating high tide counts for waterbirds from the Bull Island areas shows this species has highly variable counts thus does not remain at the SPA regularly but avails of surrounding terrestrial habitats. The peak count from the seven subsites surrounding Bull Island varied from 7548 total in 2018/2019 to a low of 35 in 2021/2022. In addition to the coastal sites, Golden plover can be found to the west, with a small breeding population located in the Curragh and wintering flocks in the wider Kildare area. Wintering surveys conducted in grasslands at Clonburris, 3.5km to the east did not find Golden Plover. This is unsurprising as the grasslands here are rank and typically over 7cm in sward height thus unfavourable for this species.

21 sighting of Golden plover were recorded from VP's, 8 from transects and once from hinterland surveys. Records occurred between the 23rd of February and the 17th of April. The average count of Golden Plover from VPs was 236 birds, ranging from 1 to 560. A single record was also recorded during hinterland surveys with 500 individuals noted to the north at Backstown.

Thermal night time surveys showed low numbers roosting on the subject site at night (1 on 27 February and 30 on 14 March).

It is estimated that the wintering population of Golden Plover in Ireland is 92,000. For a record to reach National Importance it requires numbers of over 920 birds. Records within the Proposed Development site are of Regional Importance.

3.3. Conservation Objectives of European Sites

3.3.1. North Bull Island SPA [004006]

Conservation Objectives are set by the NPWS (Generic Version 1 09 March 2015) for the North Bull Island SPA (004006) as follows.

To maintain the favourable conservation condition of [the bird species listed] in North Bull Island SPA, which is defined by the following list of attributes and targets:

Population trend; Percentage change; Long term population trend stable or increasing

Distribution; Range, timing and intensity of use of areas; No significant decrease in the range, timing or intensity of use of areas by golden plover, other than that occurring from natural patterns of variation.

The Conservation Objectives Supporting Document⁴ which includes the North Bull Island SPA also contains the following consideration.

Ex-situ factors: several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it. The reliance on these habitats will vary from species to species and from site to site. Significant habitat change or increased levels of disturbance within these areas could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

⁴ North Bull Island Special Protection Area (Site Code 4006) & South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 4024) Conservation Objectives Supporting Document Version 1 National Parks & Wildlife Service October 2014

While the subject site may not be considered as 'within the immediate hinterland of the SPA', the flocks recorded in and adjacent to the subject site are large enough to be considered *ex situ* components of the SPA.

3.4. Consideration of Effects on European Sites

3.4.1. Annex I Habitats Directive Habitats

The overall study area comprises typical agricultural habitats while the Proposed Development site comprises arable farmland. The main habitat recorded throughout Grange Castle West Business Park is arable crops (BC1) with associated hedgerows (WL1) and treelines (WL2). There are no Annexed habitats located on or adjacent to the Proposed Development area.

There will be no direct or indirect effects on annexed habitats.

3.4.2. Annex I Birds Directive Birds

Golden Plover

Displacement and barrier effect

The IECS Toolkit²⁶ (EU, 2010) suggests that golden plover is of moderate sensitivity to disturbance. There is the potential of disturbance to wintering Golden Plover located in the hinterland through construction phase activities. Based on continued bird surveys through the construction phase it is proposed to identify wintering sites and create a 300m buffer surrounding the zone (buffer size is based on IECS Toolkit²⁶). Activity in this zone will be limited to time when the species is not present.

Temporary and of low to negligible magnitude and will not result in long-term adverse effects.

Occurs during construction phase.

The magnitude of impact is assessed as Medium. Very high sensitivity species + Low Impact = Medium effect significance. No likely significant effects at a local level are predicted.

3.4.3. Ecological Network Supporting Natura 2000 Sites

An analysis of the proposed Natural Heritage Areas and designated Natural Heritage Areas in terms of their role in supporting the species using Natura 2000 sites was undertaken. These supporting roles

mainly relate to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the AA process.

The NHAs and pNHAs identified in Figure 4 are located outside the Zone of Influence, with the exception of the Grand Canal pNHA. There is no connectivity to the Grand Canal and no areas of supporting habitat will be impacted by the proposed development. The proposed development is located c. 250m from the pNHA ensuring no possibility of disturbance or effects. The Lucan Stream is culverted under the Grand Canal and there are no predicted negative effects on these biodiversity areas.

Golden Plover

Direct Habitat Loss

Seven sightings from within site; Higher numbers observed in the surrounds.

Within the overall Grange Castle West landbank, Golden Plover appear to favour fields to the west, and were never recorded perched on lands to the east where a halting site is located. It is likely this species avoids the higher anthropological activity associated with this area.

In terms of direct habitat loss, the proposed development would result in the permanent loss of feeding and roosting habitat at the proposed development site. The determination of the magnitude of the effect is described in Appendix 1 as:

- Permanent and of very high magnitude and will result in long-term effect. Occurs once, long term. In the absence of mitigation, the magnitude of the impact is assessed as very high. Very high sensitivity species + high Impact = very high effect significance.

Thus, having regard to Article 10 of the Habitats Directive, it cannot be excluded, on the basis of objective information, that the Proposed Development, will have a significant effect on the Special Conservation Interest; A140 *Pluvialis apricaria* Golden Plover, of one European site; the North Bull Island SPA (Site code 004006) in terms of permanent loss of ex situ feeding and roosting habitat.

The loss of ex situ habitat has the potential to reduce species density due to pressures associated with the loss of feeding and roosting availability.

3.5. Mitigation Measures

3.5.1. Construction Phase

An Ornithologist ECoW will be employed during the construction phase to micromanage construction locations to avoid disturbance on key species.

Whilst halting the construction to times outside the wintering period was considered, the scale of works was not considered impactful enough to negatively impact wintering birds within the remainder of GCWBP. Rather, an ECoW will be involved in the construction and limit construction in areas based on when they are of value to birds. The monitoring section below outlines how bird surveys will continue during the construction phase and based on these results micro exclusion zones can be put in place. Table 6-3 of Appendix 1 goes through potential buffer zones and timings when works may need to be halted here. For Golden Plover, a 300m buffer zone will be set in place surrounding the typical resting place of identified flocks. Figure 6 below shows the usual feeding grounds for Golden plover.

A 300m buffer surrounding this area does not encroach within the development site. Notwithstanding this, given the mobility of this species the appointed ECoW should regularly visit the site during the wintering period and map where flocks favor. Should flocks of Golden plover be noted within 300m of the western edge of the site this person should have the authority to halt noisy works temporarily. This method based on co-operation between overseeing ornithologist, site manager and NPWS / Local Authority representative will allow works to continue throughout the year whilst also avoiding disturbances to key species at vulnerable times.

Newer equipment will be utilised where possible, newer equipment is generally quieter than older equipment. When older equipment is used consideration will be given to potential modifications that are available to reduce noise levels.

All equipment will be well maintained, which is known to reduce noise levels.

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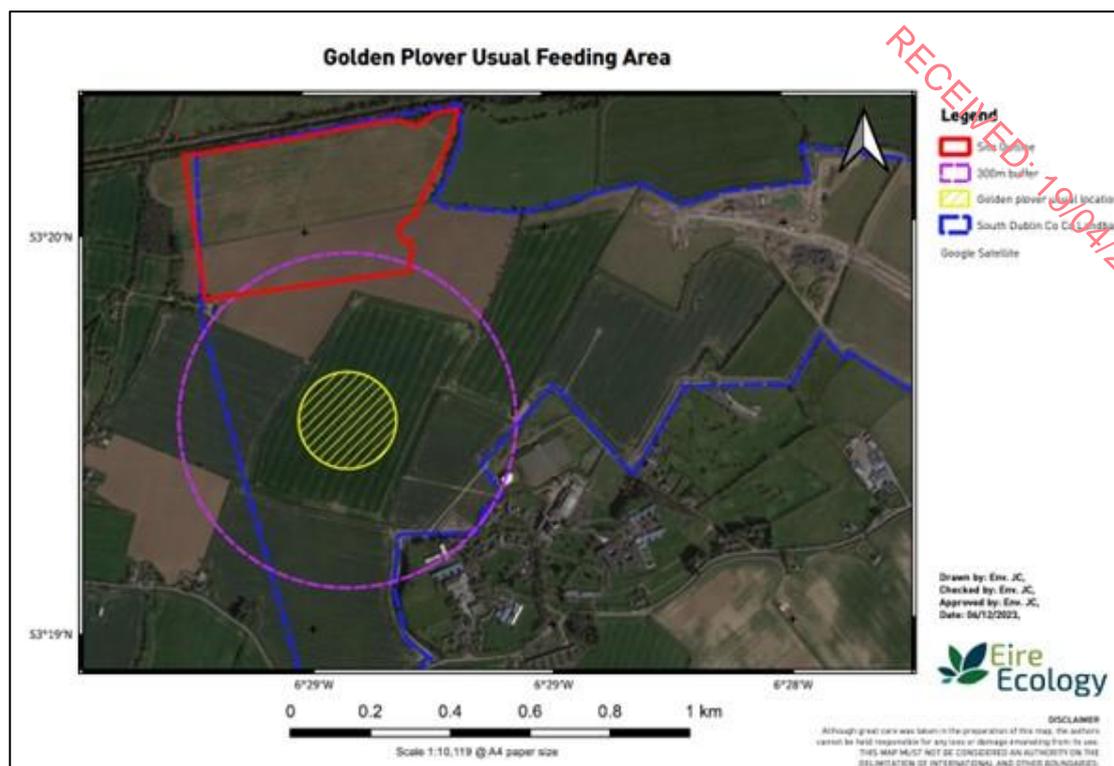


Figure 6. Typical feeding ground of Golden Plover

3.5.2. Operational Phase

The loss of lands usable by Golden plover is of concern in terms of potential negative effects on the species density and in consideration of the conservation objective ; to maintain the favourable conservation condition of Golden Plover in North Bull Island SPA with a long term target to maintain a stable or increasing population. It is essential the flocks utilising the site have alternative, suitable lands they can use going into the future, particularly as development continues westwards. These lands need to be identified and farming practices managed in such a way that Golden Plover can utilise them. Ideally, these lands will already be used by Golden plover as the species appears faithful to existing sites.

Communication with South Dublin County Council has identified that such lands are available (Appendix 2). SDCC are making available an area of land in its ownership within an overall landholding comprising 37 hectares in provision with the policies and objectives set out in the South Dublin County Development Plan 2022-2028 and the South Dublin Biodiversity Action Plan. The grazing lands at this location, which are within a distance of 9.1 km from the Grange Castle West lands contain large scale field systems and short sward management grassland, that can be maintained as a short sward during the winter months, thereby providing optimal conditions to support winter feeding birds. Land management strategies will be agreed with farmers and will form part of the conditions of relevant land management licenses issued by the Council to farmers managing the relevant lands.

The residual effect of providing alternative feeding and roosting land, which will be guaranteed by management in cooperation with SDCC and land owners, is that the potential negative effect of the loss of ex situ feeding and roosting habitat at the Proposed Development site will be removed.

3.6. Assessment of In-Combination Effects

The Commission services' interpretation document 'Managing Natura 2000 sites', makes clear that the phrase 'in combination with other plans or projects' in Article 3(3) refers to cumulative effects caused by the projects or plans that are currently under consideration together with the effects of any existing or proposed projects or plans. When impacts are assessed in combination in this way, it can be established whether or not there may be, overall, an impact which may have significant effects on a Natura 2000 site or which may adversely affect the integrity of a site.

As part of the Appropriate Assessment, in addition to the proposed works, other relevant projects and plans in the region must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination or cumulative effects / impacts of the proposed development with other such plans and projects on the Natura 2000 site.

A review of the National Planning Application Database was undertaken. The first stage of this review confirmed that there were no data outages in the area where the Proposed Development is located. The database was then queried for developments granted planning permission within 1km of the Proposed Development within the last three years, these are presented in Table 2.

Table 2. Planning Application granted permission in the vicinity of the Proposed Development.

Planning Ref.	Description of development	Comments
SD19A/0042	Phased development that will include 4 single storey data halls all with associated plant at roof level; 32 standby generators with associated flues (each 15m high); associated office and service areas; service road infrastructure and car parking; ESB sub-station/transformer yard with an overall gross floor area of 17,685sq.m; temporary gas powered generation plant within a walled yard containing 19 generator units with associated flues (each 17m high) to be located to the west of the proposed data halls; Phase 1, 2 single storey data halls (6,950sq.m.) with roof plant and 16 stand-by generators with associated flues (each 15m high) as well as associated water tower and pump room and other services; single storey goods receiving area/store and single storey office area (1,522sq.m.); temporary gas powered generation plant with 15 generators with associated flues (each 17m high); attenuation pond; two storey ESB sub-station (494sq.m) with associated transformer yard and single storey transformer building (247sq.m) within compound; Phase 2, 2 single storey data halls (6,950sq.m.) with roof plant and 16 stand-by generators with associated flues (each 15m high) as well as associated water tower and	Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out

Planning Ref.	Description of development	Comments
	<p>pump room and other services; single storey goods receiving area/store and single storey office area (1,522sq.m); 4 additional generators with associated flues (each 17m high) to be constructed within the temporary gas powered generation plant; also ancillary site works; connections to existing infrastructural services as well as fencing; signage; car park for 39 car parking spaces, bicycle parking. The development will be enclosed with landscaping to all boundaries of the overall site of 22.1ha.. An Environmental Impact Assessment Report (EIAR) has been submitted with this application. An EPA-Industrial Emissions (IE) licence will be applied for to facilitate the operation of Phase 2 of the permission.</p>	<p>RECEIVED: 19/04/2024</p>
SD20A/0058	<p>Demolition of the existing buildings; construction of a gas powered Power Plant with all its associated elements; The Power Plant compound of 14,475sq.m will contain 2 Power Units each with 1 25m height stack (2 overall), transformers, air intakes and electrical modules; two storey administration and workshop building (427sq.m) and LV switchgear building (140sq.m) (567sq.m in total) plus an AGI connection, gas compressor, water tank, water treatment, firewater tank and pumps, fuel skids, fuel tank and 1 emergency diesel generator; battery energy storage system compound of 3,300sq.m containing 15 battery containers and 15 inverters that will be linked to the Power Plant; all ancillary site development works, including attenuation pond and dry swales to connect to existing infrastructural services and network as well as fencing, signage, services road entrance gate and 8 car parking spaces; an EPA-Industrial Emissions Directive (IED) licence will be applied for to facilitate the operation of the proposed development for a period of 10 years on a site of 8.2 hectares on lands that contain the 2 residential properties of 'Little Acre' and 'Bulmer'.</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>
SD20A/0108	<p>Retention of 15 metre high telecommunications support structure carrying telecommunications equipment, together with existing equipment container and associated equipment within a fenced compound as previously granted under local authority reference SD12A/0045. The development will continue to form part of Meteor Mobile Communications Ltd's existing and future telecommunications and broadband network.</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>
SD20A/0324	<p>Demolition of existing buildings; construction of 2 two storey Information Communication Technology (ICT) facilities each with three storey plant levels and associated ancillary development which will have a gross floor area of 30,518sq.m on an overall site of 8.2 hectares; 1 two storey ICT facility (building A) will be located to the south-east of the site and will have a gross floor area of 15,196sq.m including 18 emergency generators located at ground and first floor level within a compound to the north-eastern side of the ICT facility with associated flues; building B will be located to the north-west of Building A including 18 emergency generators located at ground and first floor level within a compound to the north-eastern side of the ICT facility with associated flues; each of the two ICT facilities will include data storage rooms, associated electrical and mechanical plant rooms, loading bays, maintenance and storage spaces, office administration areas; 2 pump rooms of plus water storage tanks and plant as well as a separate house generator; each generator will also include a diesel belly tank with a single refuelling area; 1 temporary and single storey substation (26sq.m); ancillary site development works; the development will be enclosed with</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>

Planning Ref.	Description of development	Comments
	landscaping to all frontages including a wetland to the south-east and will be accessed from the Peamount Road (R120); An Environmental Impact Assessment Report (EIAR) is included with the application.	
SD20B/0027	Removal of the existing vehicular entrance, gates and driveway; new vehicular entrance to the east of the existing house with new gates and driveway and all ancillary site and landscaping works.	Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out
SD21A/0042	Construction of two single storey data centres with associated office and service areas; and three gas powered generation plant buildings that will comprise : Demolition of buildings; Construction of 2 single storey data centres (12,797sq.m), both with associated plant at roof level, with 24 standby diesel generators with associated flues (each 25m high) that will be attached to a single storey goods receiving area/store and a single storey office area (2,404sq.m); The development will also include the phased development of 3 two storey gas powered generation plants (9,286sq.m). Gas plant 1 (3,045sq.m) will contain 20 generator units (18+2) with associated flues will facilitate, once operational the decommissioning of the temporary Gas Powered Generation Plant within its open compound. Gas plant 2 (3,045sq.m) will contain 20 generator units (18+2) with associated flues (each 25m high). and, Gas plant 3 (3,196sq.m) will contain 21 generator units (19+2) with associated flues (each 25m high); New attenuation pond to the north of the site; Green walls are proposed on the southern elevation of each power plant, as well as to the northern elevation of the generator compound of the data centres, and enclosing the water tower/pump room compound, and a new hedgerow is proposed linking east and west of the site;. The development will be accessed off the R120 via the permitted access granted under SDCC planning Ref. SD19A/0042/ABP Ref. PL06S.305948. An EPA-Industrial Emissions (IE) licence will be applied for to facilitate the operation of the gas powered generation plant. An Environment Impact Assessment Report (EIAR) has been submitted with this application. All on a site of 22.1hectares.	Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out
SD22A/0105	Amendments to the electrical substation compound and structures permitted under Reg. Ref. SD19A/0042 and ABP Ref. 305948-19 reorientation of the Gas Insulated Switchgear (GIS) substation building to a northsouth orientation, and associated amendments to the building footprint, layout, and elevations, providing for a two storey building with a gross floor area (GFA) of c. 1,456 sq.m; alterations to the permitted single storey Client Control Building to provide for the substitution of this structure with 5 single storey modular client control units, with a combined total GFA of c. 231 sq.m, associated amendments to the permitted substation access arrangements, transformers, security fencing lighting, services, MV substation, parking, utility cabling, amendments to permitted landscaping and berms adjoining the substation compound and associated and ancillary works.	Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out
SD22A/0289	The development will consist of the amendment that shall read as follows: Condition no. 3(ii) Within four (4) years from the date the first Gas Plant commences operation, the applicant or operator shall undertake a review with GNI of the ability to serve the	Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects

Planning Ref.	Description of development	Comments
	<p>Gas Plant with green gas and / or hydrogen (or similar fuels) shall be Investigated and reported to the Planning Authority. Any ability for the Gas Plant to be operated with green gas and/ or hydrogen (or similar fuels) shall be implemented within an agreed timeline agreed with GNI. Condition no. 3(iii) If the applicant receives a firm offer from Eirgrid under which the Gas Plant is not required, and the connection has been realized with capacity onsite from Eirgrid, then the Gas Plants shall be removed from the entire site within a year of the ceasing of operation. The nature and extent of the permitted Gas Plants, or any other element of the parent permission granted under Reg. Ref. SD21A/0042 will otherwise not be amended by this application. An EPA Industrial Emissions (IE) licence will be applied for to facilitate the operation of the Gas Plant that is subject of this amendment application.</p>	<p>on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>
SD22B/0418	<p>Relocation of the existing entrance door and provision of an open porch to the front elevation. Demolition of an existing single storey extension and construction of new single storey extension to the rear. Replacement of the existing septic tank with a new secondary waste water treatment system and soil polishing filter and all associated ancillary site development works above and below ground.</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>
SD23A/0301	<p>The proposed development will consist of: The construction of five logistics / warehousing units (Units 1 - 5) with associated office accommodation, service yards, ancillary structures/areas, and substations. The overall floor area of the proposed logistics / warehousing units is c. 56,932 sq.m (Gross Internal Area (GIA)) with a total of c. 4,336 sq.m of office space. See following breakdown of each unit: Unit 1 will comprise GIA c. 10,432 sq.m (including c. 579 sq.m of associated office space) and measures c. 17.9m from finished floor level (FFL) to roof ridge; Unit 2 will comprise GIA c. 18,065 sq.m (including c. 1,005 sq.m of associated office space) and measures c. 18.4m from FFL to roof ridge; Unit 3 will comprise GIA c. 6,325 sq.m (including c. 579 sq.m of associated office space) and measure c. 17.4m from FFL to roof ridge; Unit 4 will comprise GIA c. 8,762 sq.m (including c. 484 sq.m of associated office space) and measures c. 17.6m from FFL to roof ridge; Unit 5 will comprise GIA c. 13,348 sq.m (including c. 1,689 sq.m of associated office space) and measures c. 17.8m from FFL to roof ridge; Access to the site will be from the existing roundabout to the south of the site; Provision of no. 419 car parking spaces and 172 bicycle spaces to serve the proposed development; Associated works for the diversion of the existing foul sewer within the site; The provision of attenuation basins / wetlands across the site; Associated works for re-routing of the existing ESB overhead wires which traverse the site to underground cables within the site; The formation of plateaus on the site with surplus excavated material to allow for the future Phase 2 development and; All ancillary landscaping, boundary treatments, internal roads and roundabout, cycle / pedestrian paths, associated infrastructure, and site development works to support the development</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out</p>
SD23A/0331	<p>10-year permission for development for a Filling & Packaging Facility for medicines, located at Grange Castle Business Park West, Milltown and Loughtown Upper Townlands, New Nangor Road, Clondalkin, Dublin 22</p>	<p>Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any</p>

Planning Ref.	Description of development	Comments
		European site, therefore in-combination impacts can be ruled out

3.6.1. Conclusion of In-combination Effects

Given the inclusion of site and species specific Mitigation Measures, the proposed development will have no predicted significant effects on Golden Plover or on any European site, therefore in-combination impacts can be ruled out.

The South Dublin County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same potential Zone of Influence of the Proposed Development site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way, any in-combination impacts with Plans or Projects for the proposed development area and surrounding townlands in which the proposed development site is located, would be avoided.

The listed developments have been granted permission in most cases with conditions relating to sustainable development by the consenting authority in compliance with the relevant Local Authority Development Plan and in compliance with the Local Authority requirement with regard to the Habitats Directive. The development cannot have received planning permission without having met the consenting authority requirement in this regard.

Any new applications for the Proposed Development area will be assessed on a case by case basis *initially* by South Dublin County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

4. Natura Impact Statement & Conclusion

This NIS has reviewed the predicted impacts arising from the Proposed Development and found that with the implementation of appropriate mitigation measures specifically with regard to Golden Plover, the proposed development will not adversely effect the integrity of the North Bull Island SPA in light of its conservation objectives relating to the Golden Plover. .

It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.5., that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard

to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

A final determination will be made by the competent authority in this regard.

5. References

Department of the Environment, Heritage and Local Government (2009) Guidance on Appropriate Assessment of plans and projects in Ireland (as amended February 2010).

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

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European Commission (2021) Guidance document on the strict protection of animal species of Community interest under the Habitats Directive, Brussels 12.10.21.

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

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

NPWS (2023) National Parks and Wildlife Service Metadata available online at <https://www.npws.ie/maps-and-data>

Office-of-the-Planning-Regulator (2021) Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021