



# REMEDIAL APPROPRIATE ASSESSMENT SCREENING REPORT

FOR

SUBSTITUTE CONSENT FOR  
DEVELOPMENT


AT


MOUNT USHER VIEW, ASHFORD,  
CO. WICKLOW

ON BEHALF OF

VARTRY DEVELOPMENTS LTD

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## DOCUMENT CONTROL SHEET

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# 1 INTRODUCTION

## 1.1 Background

Enviroguide Consulting was commissioned by Vartry Developments Ltd. to prepare a Remedial Appropriate Assessment Screening Report in relation to the Development at Mount Usher View, Ashford, Co. Wicklow. This application is made on foot of a grant of leave to apply for substitute consent under ref. ABP-309566-21. The application site occurs over the majority of the front of a 1.19 ha. site for which planning permission was granted and taken up under Reg. Ref. 081704 (extended under Reg. Ref. 14118) for a mixed use residential, retail and office development consisting of 24 no. residential units (20 no. 3 bed terraced houses above either retail or office space and 4 no. 4 bed semi-detached houses) in 5 no. blocks.

This report contains information to enable the Competent Authority to undertake remedial Stage 1 Appropriate Assessment screening in respect of the Development.

## 1.2 Legislative Background

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs). SACs and SPAs are collectively known as Natura 2000 or European Sites. It is the responsibility of each member state to designate SPAs and SACs. SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

An 'Appropriate Assessment' (AA) / remedial Appropriate Assessment (rAA) is a required assessment to determine the likelihood of significant effects, based on best scientific knowledge, of any plans or projects on European Sites. A screening for AA determines whether a plan or project, either alone or in combination with other plans and projects, is likely to have significant effects on a European Site, in view of its conservation objectives.

This AA Screening has been undertaken to determine the potential for significant effects on relevant European Sites. The purpose of this assessment is to determine, the appropriateness, or otherwise, of the Development in the context of the conservation objectives of such sites.

### 1.2.1 Legislative Context

An Appropriate Assessment is required under Article 6 of the Habitats Directive where a project or plan may give rise to significant effects upon a European Site. Paragraph 3 states that:

*“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 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.”*

These obligations in relation to Appropriate Assessment have been implemented in Ireland under Part XAB of the Planning and Development Act 2000, as amended (“the 2000 Act”), and in particular Section 177U and Section 177V thereof. The relevant provisions of Section 177U in relation to AA screening have been set out below:

*“177U.— (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European Site.*

*(2) ...*

*(3) ...*

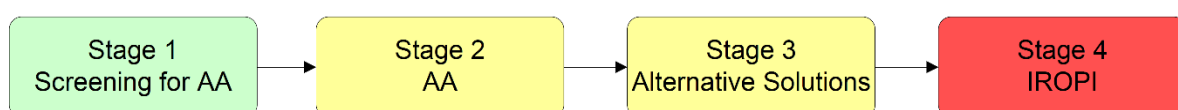
*(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European Site.*

*(5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European Site.”*

### 1.2.2 Stages of AA

This Appropriate Assessment Screening Report (the “**Screening Report**”) has been prepared by Enviroguide Consulting. It considers whether the Development is likely to have a significant effect on a European Site and whether a Stage 2 Appropriate Assessment is required.

The AA process is a four-stage process, with 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.



**FIGURE 1. THE FOUR STAGES OF THE APPROPRIATE ASSESSMENT PROCESS (DEHLG, 2010).**

The four stages of an AA, can be summarised as follows:

- Stage 1 *Screening* addresses:
  - whether a plan or project is directly connected to or necessary for the management of the site, or
  - whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a European Site in view of its conservation objectives.
- Stage 2: *Natura Impact Statement (NIS)*. The second stage of the AA process assesses the impact of the project or plan (either alone or in combination with other projects or plans) on the integrity of the European Site, having regard to the conservation objectives of the site and its ecological structure and function. A NIS must provide the objective scientific information to enable the competent authority to carry out an appropriate assessment of the proposed development. It should describe any mitigation measures to avoid and reduce significant negative impacts.
- Stage 3: *Assessment of alternative solutions*. If the outcome of Stage 2 is negative i.e., adverse impacts to the sites cannot be scientifically ruled out, despite mitigation, the plan or project should proceed to Stage 3 or be abandoned. This stage examines alternative solutions to the proposal.
- Stage 4: *Assessment where no alternative solutions exist and where adverse impacts remain*. The final stage is the main derogation process examining whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project to adversely affect a European Site, where no less damaging solution exists.

## 2 METHODOLOGY

### 2.1 Guidance

This remedial AA Screening Report has been undertaken in accordance with the following guidance:

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

## 2.2 Screening Steps

Screening for AA involves the following steps:

- Establish whether the plan or project is directly connected with or necessary for the management of a European Site,
- Description of the plan or project and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the European Site,
- Identification of European Sites potentially affected,
- Identification and description of potential effects on the European Site,
- Assessment of the likely significance of the effects identified on the European Site, and
- Exclusion of sites where it can be objectively concluded that there will be no significant effects.

## 2.3 Desk Study

A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of this Screening Report. The desktop study relied on the following sources:

- Information on the network of European Sites, boundaries, qualifying interests and conservation objectives, obtained from the National Parks and Wildlife Service (NPWS) at [www.npws.ie](http://www.npws.ie),
- Text summaries of the relevant European Sites taken from the respective Standard Data Forms and Site Synopses available at [www.npws.ie](http://www.npws.ie),
- Information on species records and distributions, obtained from the National Biodiversity Data Centre (NBDC) at [www.maps.biodiversityireland.ie](http://www.maps.biodiversityireland.ie),
- Information on waterbodies, catchment areas and hydrological connections obtained from the Environmental Protection Agency (EPA) at [www.gis.epa.ie](http://www.gis.epa.ie),
- Information on bedrock, groundwater, aquifers and their statuses, obtained from Geological Survey Ireland (GSI) at [www.gsi.ie](http://www.gsi.ie),
- Satellite imagery and mapping obtained from various sources and dates including Google, Digital Globe, Bing and Ordnance Survey Ireland,
- Information on the existence of permitted developments, or developments awaiting decision, in the vicinity of the Development available at the National Planning Application Database and Wicklow County Council.

For a complete list of the specific documents consulted as part of this assessment, see *Section 5 References*.



## 2.4 Assessment of Significant Effects

The potential for significant effects that may arise from the Development were considered through the use of key indicators, namely:

- Habitat loss or alteration
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in population density
- Changes in water quality and resource

In addition, information pertaining to the conservation objectives of the European Sites, the ecology of the designated habitats and species and known or perceived sensitivities of the habitats and species were considered.

## 3 STAGE 1 SCREENING

### 3.1 Management of European Sites

The Development is not directly connected with or necessary to the management of European Sites.

### 3.2 Description of Development

#### 3.2.1 Site location

The Development Site, as seen in Figure 2, is 1.19 ha and is located within Ashford town, along Main Street (R772), and almost 700m west of the M11. The Site is bounded on the east by the R772, on the south and west by residential dwellings, and on the north by a commercial unit. The immediate surrounding landscape is urban in nature, with the wider environment consisting of agricultural lands.

#### 3.2.2 Description of Development

This application is made on foot of a grant of leave to apply for substitute consent under ref. ABP-309566-21. The application site occurs over a 1.19 ha. site for which planning permission was granted and taken up under Reg. Ref. 081704 (extended under Reg. Ref. 14118) for a mixed use residential, retail and office development consisting of: 24 no. residential units (20 no. 3 bed terraced houses above either retail or office space and 4 no. 4 bed semi-detached houses) in 5 no. blocks; vehicular access from two points on the northern and southern corners of the site from Mount Alto Road (L1096); and all ancillary site development works including the installation of a new surface water sewer which outflows to the Vartry River. Development under Reg. Ref. 081704 was not completed.

Development for which substitute consent is sought consists of the development that is complete and was permitted under Reg. Ref. 081704. Development is currently progressed over the majority of the site as follows:

- Blocks A & B consisting of 9 no. 2.5 storey terraced houses with retail (total 528 sqm below) to pad or first floor plate level;

- Blocks C and D consisting of 11 no. 3 storey terraced houses with ground floor offices are complete;
- and Block E consisting of 4 no. 2.5 storey semi-detached houses is complete for 2 no. houses to roof level but not weather tight.

According to the Wicklow County Council planning applications web page, three commencement notices for development were issued for the Development under Reg. Ref. 081704, with the intention to commence development on the following dates:

- Commencement: July 2015 – (proposed) end-date: November 2016
- Commencement: January 2016 – (proposed) end-date: November 2016

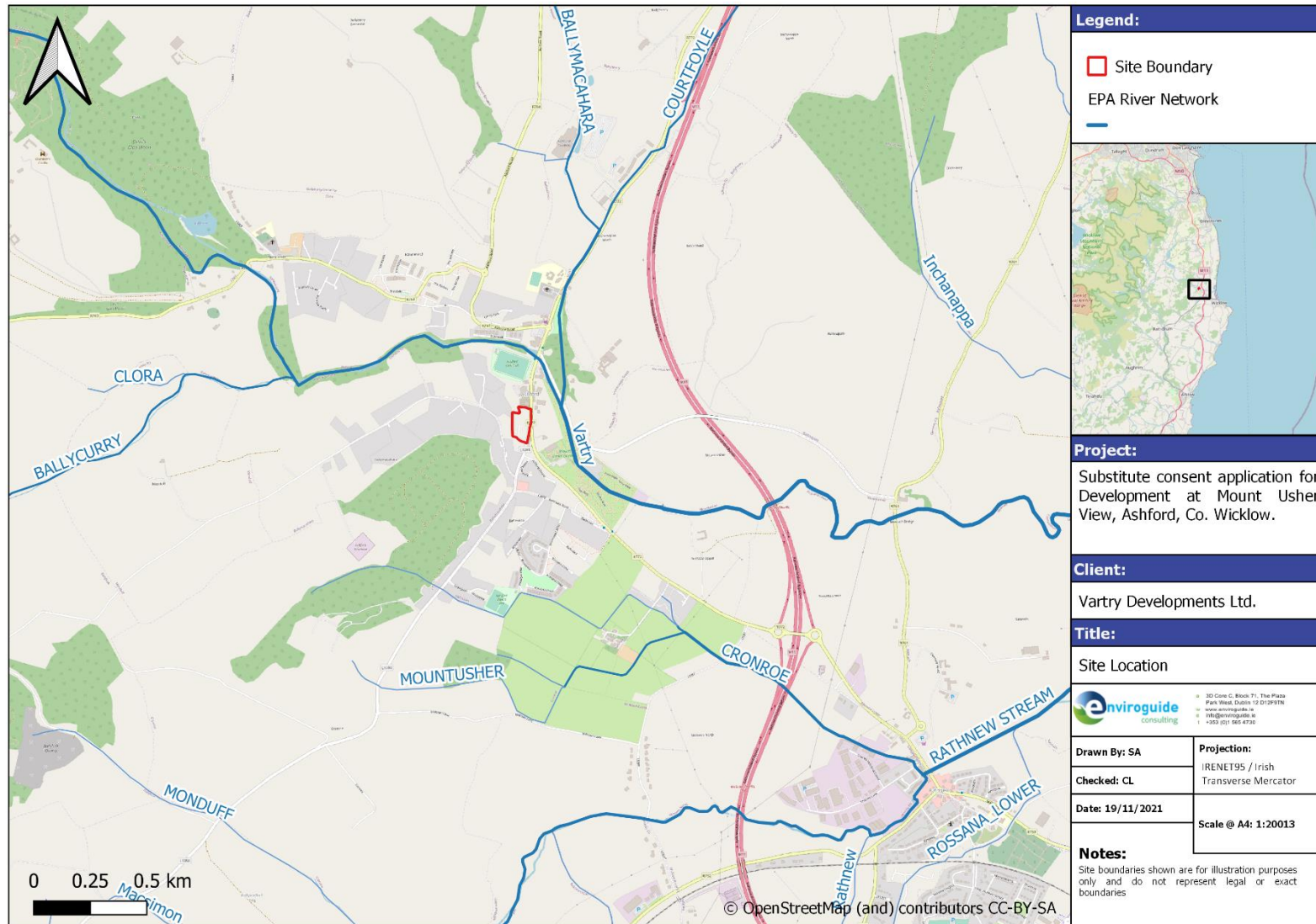


FIGURE 2. SITE LOCATION

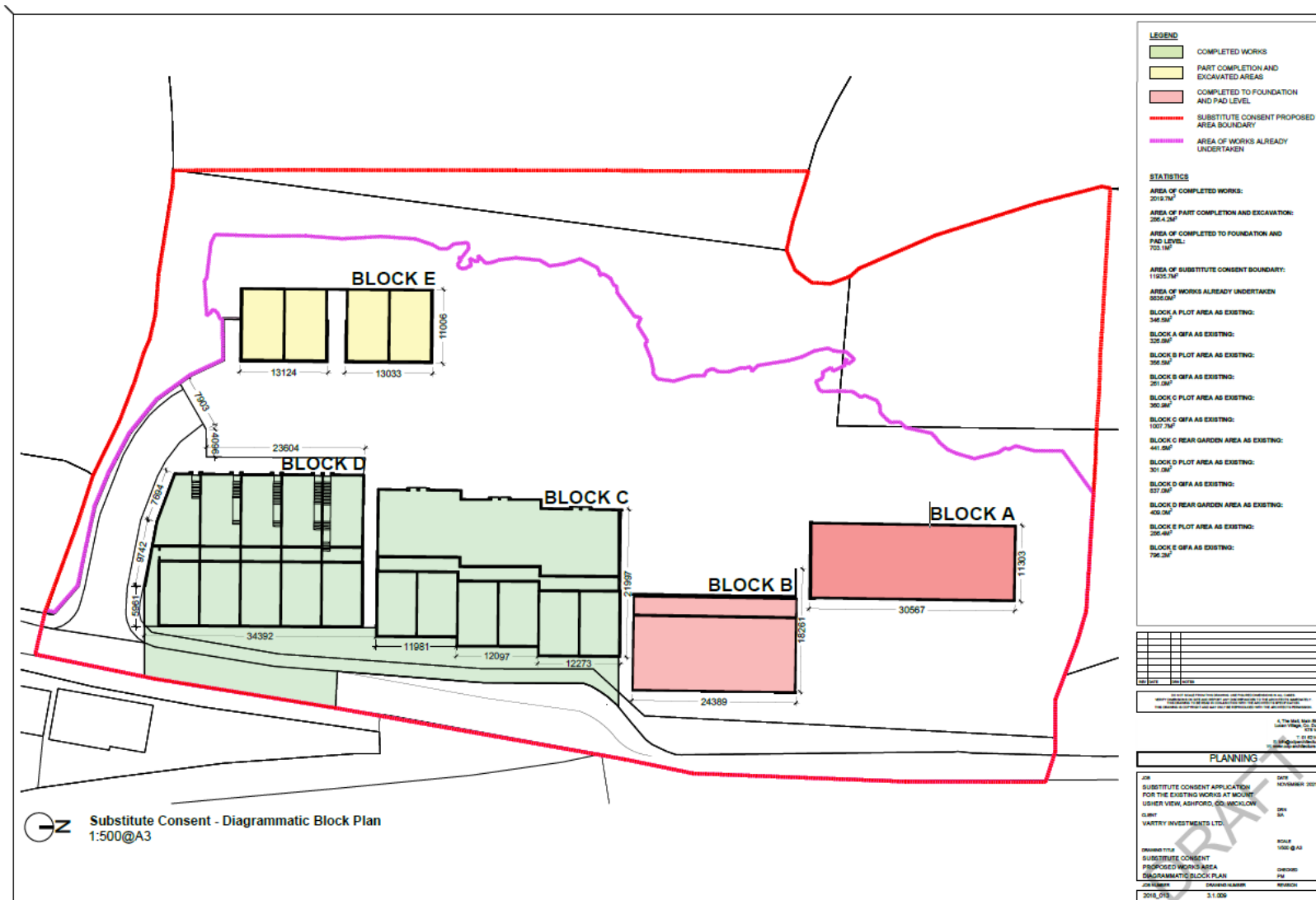


FIGURE 3. SITE LAYOUT (CDP ARCHITECTURE, 2021)

### 3.3 Existing Environment

#### 3.3.1 Geology, Hydrology and Hydrogeology

The Site of the Development is within the *Avoca-Vartry* catchment and *Vartry\_SC\_010* sub-catchment. The closest watercourse to the Site is the River Vartry approximately 127m east, which flows into Broad Lough Estuary and then enters Wicklow Harbour. The status of the River Vartry was designated as Q 3-4 (Moderate Status) in 2009. At present (2020), the status of the River Vartry is *Good* (station code: RS10V010300). The Vartry is a Designated Salmonid Water under S.I. No. 293/1988 - European Communities (Quality of Salmonid Waters) Regulations 1988.

The Site is situated on the Wicklow groundwater body, which is presently *Not at Risk* of not meeting its WFD objectives. The aquifer type within the Site boundary is a *Locally Important Aquifer* (LI) on bedrock which is *Moderately Productive only in Local Zones*. The groundwater rock units underlying the aquifer are classified as *Ordovician Metasediments* (GSI, 2021). The level of vulnerability of the Site to groundwater contamination via human activities includes *High* and *Extreme*, with *Rock at or near surface*. The soil is classified as *Urban* and *Clonroche* (Fine loamy drift with siliceous stones) and the subsoil is man-made (*Made*), sandstone and shale till (Lower Paleozoic) (*TLPSSs*) and bedrock at surface (*Rck*) (EPA, 2021).

#### 3.4 Identification of Relevant European Sites

To identify the European Sites that potentially lie within the Zone of Influence (ZOI) of the Development, a Source-Path-Receptor method (S-P-R) was adopted, as described in 'OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management' (OPR, 2021), a practice note produced by the Office of the Planning Regulator, Dublin. This note was published to provide guidance on screening for appropriate assessment (AA) during the planning process, and although it focuses on the approach a planning authority should take in screening for AA, the methodology is also readily applied in the preparation of remedial Appropriate Assessment Screening Reports such as this.

The guidance document published by the Department of Housing, Planning and Local Government (then DEHLG) 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' (2009) recommends an arbitrary distance of 15km as the precautionary ZOI for a plan or project being assessed for likely significant effects on European Sites, stating however that this should be evaluated on a case-by-case basis.

As such, the 15km ZOI is used in this report as an initial starting point for collating European Sites for AA screening.

The methodology used to identify relevant European Sites comprised the following:

- Use of up-to-date GIS spatial datasets for European designated sites and water catchments – downloaded from the NPWS website ([www.npws.ie](http://www.npws.ie)) and the EPA website ([www.epa.ie](http://www.epa.ie)) to identify European Sites which could potentially be affected by the Development;
- The catchment data were used to establish or discount potential hydrological connectivity between the Project Boundary and any European Sites.

- All European Sites within the zone of influence (within 15km of the Development Site) were identified and are shown in Figure 4.
- The potential for connectivity with European Sites at distances greater than 15km from the Development was also considered in this initial assessment. In this case, there is no potential connectivity between the Development Site and European Sites located at a distance greater than 15km from the Development based on the S-P-R model.
- Table 1 provides details of all relevant European Sites as identified in the preceding steps. The potential for pathways between European Sites and the Development Site was assessed on a case-by-case basis using the Source-Pathway-Receptor framework as per the OPR Practice Note PN01 (March 2021). Those European Sites where a pathway has been identified are highlighted in green. Pathways considered included:
  - a. Direct pathways (e.g., proximity (i.e., location within the European Site), water bodies, air (for both air emissions and noise impacts).
  - b. Indirect pathways (e.g., disruption to migratory paths, 'Sightlines' where noisy or intrusive activities may result in disturbance to shy species).
- The site synopses and conservation objectives of these sites, as per the NPWS website ([www.npws.ie](http://www.npws.ie)), were consulted and reviewed at the time of preparing this report.
- There is absolutely no reliance placed in this remedial Appropriate Assessment Screening Report on measures intended to avoid/reduce harmful effects on the European Sites.

The result of this preliminary screening concluded that there is a total of 9 SACs and 3 SPAs located within the ZOI of the Development Site. The distances to each site listed are taken from the nearest possible point of the Development Site boundary to the nearest possible point of each European Site.

Potential pathways between the Development Site and two European Sites within the ZOI was identified. The European Sites linked to the Development are:

- The Murrough Wetlands SAC
- The Murrough SPA

**TABLE 1. EUROPEAN SITES WITHIN THE 15KM PRECAUTIONARY ZONE OF INFLUENCE OF THE DEVELOPMENT AND POTENTIAL PATHWAYS BETWEEN THEM. THOSE EUROPEAN SITES FOR WHICH A S-P-R LINK WAS IDENTIFIED ARE HIGHLIGHTED IN GREEN.**

Site Name & Site Code	Qualifying Interests (*= priority habitats)	Distance to Site	Connections (Source- Pathway- Receptor)
<b>Special Areas of Conservation (SAC)</b>			
The Murrough Wetlands SAC (002249)	[1210] Annual vegetation of drift lines; [1220] Perennial vegetation of stony banks; [1330] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ); [1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ); [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> ; [7230] Alkaline fens	2.7km	<p><b>Yes</b> – Weak hydrological pathway via (a) wastewater and surface water which will/would have passed through Wicklow WWTP and ultimately entered Wicklow Bay via the combined sewerage network, (b) combined sewer overflows (CSOs) which could discharge both wastewater and stormwater from the combined sewer to surface waterbodies (e.g. River Vartry and Wicklow Bay); (c) surface water discharges into the River Vartry during (i) the Construction Phase due to the construction of the surface water sewer, and (ii) during the Operational Phase.</p> <p>There is also a weak hydrogeological pathway between the Site and this SAC via groundwater flows.</p> <p>However, the intervening distance between the Site and the SAC are sufficient to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p>
Deputy's Pass Nature Reserve SAC (000717)	[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	6.8km	<b>None</b> – There is no hydrological connection. In addition, the intervening distances between the Site and the SACs are sufficient to exclude the possibility of significant effects on the

Site Name & Site Code	Qualifying Interests (*= priority habitats)	Distance to Site	Connections (Source- Pathway- Receptor)
Wicklow Reef SAC (002274)	[1170] Reefs	8.2km	SACs arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.
Vale of Clara (Rathdrum Wood) SAC (000733)	[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	8.4km	
Wicklow Mountains SAC (002122)	[3110] Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ); [3160] Natural dystrophic lakes and ponds; [4010] Northern Atlantic wet heaths with <i>Erica tetralix</i> ; [4030] European dry heaths; [4060] Alpine and Boreal heaths; [6130] Calaminarian grasslands of the <i>Violetalia calaminariae</i> ; [6230] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe); [7130] Blanket bogs (* if active bog); [8110] Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ); [8210] Calcareous rocky slopes with chasmophytic vegetation; [8220] Siliceous rocky slopes with chasmophytic vegetation; [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; [1355] <i>Lutra lutra</i> (Otter)	9.9km	
Magherabeg Dunes SAC (001766)	[1210] Annual vegetation of drift lines; [2110] Embryonic shifting dunes; [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes); [7220] Petrifying springs with tufa formation (Cratoneurion)	10.2km	
Carriggower Bog SAC (000716)	[7140] Transition mires and quaking bogs	10.8km	
Buckronev-Brittias Dunes And Fen SAC (000729)	[1210] Annual vegetation of drift lines; [1220] Perennial vegetation of stony banks; [1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ); [2110] Embryonic shifting dunes; [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes); [2150] Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> ); [2170] Dunes with <i>Salix repens</i>	13.0km	



Site Name & Site Code	Qualifying Interests (*= priority habitats)	Distance to Site	Connections (Source- Pathway- Receptor)
	<i>ssp. argentea (Salicion arenariae)</i> ; [2190] Humid dune slacks; [7230] Alkaline fens		
Glen of the Downs SAC (000719)	[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	13.1km	
<b>Special Protected Area (SPA)</b>			
The Murrough SPA (004186)	[A001] Red-throated Diver ( <i>Gavia stellata</i> ); [A043] Greylag Goose ( <i>Anser anser</i> ); [A046] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ); [A050] Wigeon ( <i>Anas penelope</i> ); [A052] Teal ( <i>Anas crecca</i> ); [A179] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ); [A184] Herring Gull ( <i>Larus argentatus</i> ); [A195] Little Tern ( <i>Sterna albifrons</i> ); [A999] Wetland and Waterbirds	2.8km	<p><b>Yes</b> – Weak hydrological pathway via (a) wastewater and surface water which will/would have passed through Wicklow WWTP and ultimately entered Wicklow Bay, (b) combined sewer overflows (CSOs) which could discharge both wastewater and stormwater from the combined sewer to surface waterbodies (e.g. River Vartry and Wicklow Bay); (c) surface water discharges into the River Vartry during (i) the Construction Phase due to the construction of the surface water sewer, and (ii) during the Operational Phase.</p> <p>There is also a weak hydrogeological pathway between the Site and this SPA via groundwater flows.</p> <p>However, the intervening distance between the Site and the SPA are sufficient to exclude the possibility of significant effects on the SPA arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p>
Wicklow Head SPA (004127)	[A188] Kittiwake ( <i>Rissa tridactyla</i> )	7.0km	<b>None</b> – There is no hydrological connection. In addition, the intervening distances between the Site and the SPAs are

Site Name & Site Code	Qualifying Interests (*= priority habitats)	Distance to Site	Connections (Source- Pathway- Receptor)
Wicklow Mountains SPA (004040)	[A098] Merlin ( <i>Falco columbarius</i> ); [A103] Peregrine ( <i>Falco peregrinus</i> )	11.8km	<p>sufficient to exclude the possibility of significant effects on the SPAs arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p> <p>The Site does not provide significant <i>ex-situ</i> habitat for QI/SCI species within the Site of the Development.</p>

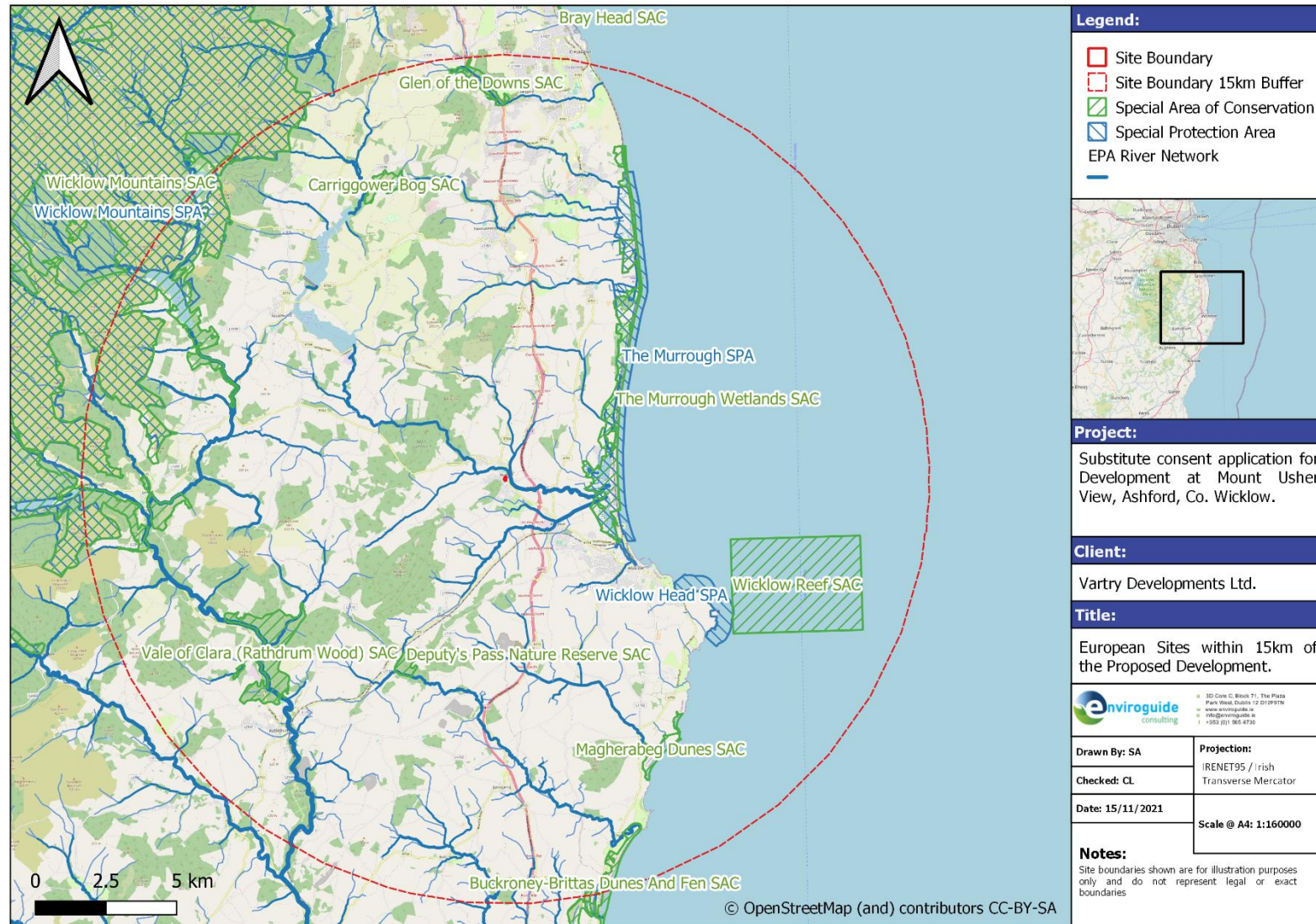


FIGURE 4. EUROPEAN SITES WITHIN 15KM OF THE DEVELOPMENT SITE.

### **3.5 Assessment of Likely Significant Effects**

A European Site will only be at risk from likely significant effects where the Source-Pathway-Receptor link exists between the Development and the European Site. As such, the remainder of this remedial AA Screening report will focus on the European Sites for which a S-P-R link was identified, namely:

- The Murrough Wetlands SAC
- The Murrough SPA

#### **3.5.1 Conservation objectives**

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within European Sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and 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.
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved 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.

#### **3.5.2 Identification and Assessment of Likely Significant Effects**

The conservation objectives of the European Site within the zone of influence were reviewed and assessed to establish whether the construction and future operation of the Development has the potential to have a significant effect on any of the qualifying interests and/or conservation objectives of the European Sites listed above.

The assessment framework is taken from the best practice guidelines issued by the European Commission, i.e., "Assessment of plans and projects significantly affecting Natura 2000 sites

– Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”.

The potential for significant effects resulting from the Development during the Construction and Operational Phases was determined based on a range of indicators, including:

- Habitat loss or alteration,
- Habitat/species fragmentation,
- Disturbance and/or displacement of species,
- Changes in population density, and
- Changes in water quality and resource.

The following elements of the Development were assessed for their potential for likely significant effects on European Sites.

- **Construction Phase**

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

- **Operational Phase** (estimated duration: indefinite)

- Surface water drainage from the Site of the Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plants;
- Increased lighting in the vicinity emitted from the Development; and
- Increased human presence in the vicinity as a result of the Development.

### 3.5.3 Construction Phase – July 2015-November 2016

According to the Wicklow County Council planning applications web page, commencement notices for development were issued, with the intention to commence development on the following dates:

- Commencement: July 2015 – (proposed) end-date: November 2016
- Commencement: January 2016 – (proposed) end-date: November 2016

The following works have been carried out as part of the Development:

- Site clearance over the red line area (entire)
- Installation of underground services within red line boundary area.
- Instatement of footpath edge and footpath to front (east) of site.
- Instatement of entrance in south-eastern corner of site.

- Part construction of the permitted scheme under Reg. Ref. 081704 (Table 2).

**TABLE 2. DEVELOPMENT PERMITTED UNDER REG. REF. 081704.**

Block No.	Height (stories)	Accommodation	Ref. 081704 No. of residential units	Units nos.	Stage of completion
<b>A</b>	2.5 – 3	Ground floor retail with residential above	5	1-5	Pad level
<b>B</b>	2.5 – 3	Ground floor retail with residential above	4	6-9	Pad level
<b>C</b>	3	Ground floor office with residential above	6	10-15	Roof level (roof complete, opes complete)
<b>D</b>	3	Ground floor office with residential above	5	16-20	Roof level (roof complete, opes complete)
<b>E</b>	2.5	Semi-detached houses	4	21 & 22, 23 & 24	Roof level (roof complete, not weather-tight)
<b>Total</b>			<b>24 no. residential units (20 no. with retail or office below)</b>		

**Importantly, although it was proposed as part of the Development, construction of the surface water sewer did not commence during the Construction works carried out.**

### **3.5.3.1 Habitat Loss and Alteration**

The project is not located within any European Site and therefore there would have been no loss or alteration of habitat as a result of the Development.

### **3.5.3.2 Habitat / Species Fragmentation**

As there would have been no direct habitat loss within any European Site, no habitat fragmentation could have arisen as a result of the Development.

### **3.5.3.3 Changes in Water Quality and Resource**

#### **Construction Phase**

Although not constructed, a new surface water sewer was proposed as part of the Development. During the Construction Phase, there would have been a possibility of discharge/run-off of contaminated surface water (sediment, silt, oils and/or other pollutants) entering the River Vartry as a result of the construction of a proposed new surface water sewer and headwall, and via surface water discharge. This contaminated surface water could have eventually reached the Murrough Wetlands SAC and The Murrough SPA, which are located approximately 4km downstream of the Development. In the absence of appropriate mitigation measures, there could have been potential for sediments/pollutants from the Site to enter The Murrough Wetlands SAC and The Murrough SPA, which could have resulted in impacts on water quality within these European Sites.

There was also a possibility that contaminated surface water run-off from the Site could have eventually reached the Murrough Wetlands SAC and The Murrough SPA via the combined sewerage network during the historic construction works carried out. The combined sewerage network would have conveyed surface water to Wicklow WWTP and ultimately Wicklow Bay. During storm events, there was a possibility that combined sewer overflows (CSOs) would have discharged stormwater from the combined sewer to surface waterbodies (e.g. River Vartry and Wicklow Bay). However, the potential for contaminated stormwater generated at the Site during the works carried out, and reach The Murrough Wetlands SAC and The Murrough SPA and cause significant effects would have been **negligible** as:

- CSOs will only overflow during severe rainfall events when the capacity of the combined sewer system is exceeded;
- There is significant potential for dilution in the surface water network during these heavy rainfall events;
- The Wicklow WWTP was commissioned in February 2010 to allow for the future growth of Wicklow, Rathnew and Ashford and therefore would have been functioning below capacity during the construction works carried out;
- The Wicklow WwTP is currently compliant with the Discharge Licence and the Urban Wastewater Treatment Directive and can meet current and future needs (Irish Water, 2018).

During groundworks and other construction activities, the ground would have been exposed and any potential accidental discharges to ground could have potentially migrated vertically downward to the underlying bedrock aquifer and laterally within the aquifer to downgradient receiving surface water bodies. The Maudlin Formation Bedrock aquifer beneath the site is within the Wicklow Groundwater Body and groundwater within the Locally important (LI) bedrock aquifer has been assigned a groundwater vulnerability rating of high to extreme. Groundwater within the Wicklow Groundwater Body is characterised by poorly to moderately productive bedrock aquifers and characterised by local scale groundwater flow paths rather than regional scale flow as the bedrock do not have sufficient transmissivity to transport water over longer distances. Accordingly, lateral groundwater flow will be in the order of a couple of hundred metres, with discharge occurring to the closest surface water feature (GSI, 2021), therefore groundwater from the Site would flow towards and discharge to the Vartry River. While the bedrock aquifer has been assigned a high to extreme vulnerability rating, it is considered that any contamination arising from an incident at the site would likely be confined to a localised portion of the bedrock aquifer. Furthermore, any limited amount of contamination that would migrate to the Vartry would be diluted and attenuated within the Varty River. Therefore, taking the limited potential for groundwater migration, attenuation and dilution within the Vartry River and the intervening distance between the Site and the European sites (4km downstream via the Vartry River), the likelihood and the temporary nature of any accidental pollution events, the possibility of significant effects on the European sites arising from groundwater contamination is considered to be *negligible*.

## **Operational Phase**

### **Foul waters**

According to the Ashford Local Area Plan (2008-2014), the existing Wastewater Treatment Plant at Ashford was “*hydraulically and biologically overloaded*”. It is noted in the LAP that “*A contract for the development of a pumping station on the site of the existing plant to allow connection to a secondary treatment plant in Wicklow Town was signed on the 24th of July 2007. This new plant will serve the towns of Ashford, Rathnew and Wicklow, catering for a population equivalent of 34,000. Work on the plant is imminent and is expected to take at least two years to complete.*” It is noted that the Wicklow WWTP was commissioned in February 2010. As such, foul waters from the Site would have been conveyed to Wicklow WWTP via the existing combined sewer system during the Operational Phase. Therefore, there would have been a weak hydrological link between the Site and The Murrough Wetlands SAC and The Murrough SPA via combined sewer overflows and discharges from Wicklow WWTP during the Operational Phase.

However, the potential for foul waters generated at the Site of the Development to reach The Murrough Wetlands SAC and The Murrough SPA and cause significant effects during the Operational Phase would have been *negligible* due to:

- CSOs will only overflow during severe rainfall events when the capacity of the combined sewer system is exceeded;
- The potential for dilution in the surface water network during these heavy rainfall events;
- The Wicklow WWTP was commissioned in February 2010 to allow for the future growth of Wicklow, Rathnew and Ashford and therefore would have been functioning below capacity;
- The Wicklow WWTP is currently compliant with the Discharge Licence and the Urban Wastewater Treatment Directive and can meet current and future needs (Irish Water, 2018).

### Surface Waters

It was proposed to drain Operational Phase surface water from the Site via a series of sewers, ultimately discharging to the River Vartry via a new sewer and headwall. SuDS Measures were included in the project design, however, *they are not being relied upon in any way to mitigate against likely significant effects on a European Site*. It is a policy of the Wicklow County Development Plan (2016-2022) to “require all new developments to include proposals to deal with rain and surface water collected on site and where deemed necessary, to integrate attenuation and SUDS measures”. In addition, it was a policy of Wicklow County Council, as part of the 2004-2010 Development Plan, “to promote in a sustainable manner development and expansion of County Wicklow in accordance with the recommendations of the Greater Dublin Strategic Drainage Study”. In order to both reduce and attenuate the flow; the Development was designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS). SUDS measures included rainwater harvesting, permeable paving and attenuation. As the Development was designed in accordance with the principles of SuDS, no impacts due to surface water run-off would be anticipated during the Operational Phase.

In addition, the potential for surface water generated at the Site of the Proposed Development to reach The Murrough Wetlands SAC and The Murrough SPA and cause significant effects, during the Operational Phase, would have been *negligible* due to:



- The distance and consequent potential for dilution as surface water discharges would have to travel over 4km along the River Vartry before reaching the European Sites
- The potential for dilution in the surface water network during heavy rainfall events.

#### **3.5.3.4 Disturbance and / or Displacement of Species**

As outlined in section 3.5.3.3 above, there was a hydrological link between the Site and The Murrough SPA via the proposed (but not constructed) new surface water sewer. As such, there could have been potential for disturbance and/or displacement to the bird species associated with The Murrough SPA due to effects on the water quality and resource indicator during the Construction and Operational Phases.

#### **3.5.3.5 Changes in Population Density**

The Development would not have had the capacity to cause any significant changes to the population density of any species within any European Site.

#### **3.5.3.6 Potential for In-combination Effects**

##### **Plans & Planning Permissions at time of original lodgement**

A search of existing planning permissions on record in the Ashford area at the time of original lodgement and the months leading up to original lodgement (January 2008 – October 2008) was carried out. In addition, a search of existing planning permissions on record in the Ashford area at the time of lodgement of the Extension for the Development (141188) and the months leading up to it (October 2013 to March 2014) was carried out. The listed developments were typically small in scale (once-off dwellings, garages, extensions, attic conversions). The Ashford Local Area Plan 2008-2014 was also reviewed and considered for possible in-combination effects with the Development. Based on the available information, it is considered that there were no means for the Development to act in-combination with any plans or projects which were permitted at the time of lodgement that would cause any likely significant effects on any European Sites.

**TABLE 3. SUMMARY OF IMPACT ASSESSMENT ON EUROPEAN SITES AS A RESULT OF THE DEVELOPMENT.**

Site	Habitat Loss / Alteration	Habitat or Species Fragmentation	Disturbance and/or Displacement of Species	Changes in Population Density	Changes in Water Quality and/or Resource	In-combination effects	Stage 2 AA Required
<b>SAC</b>							
The Murrough Wetlands SAC (002249)	No	No	No	None	YES	None	YES
Deputy's Pass Nature Reserve SAC (000717)	No	No	No	None	None	None	NO
Wicklow Reef SAC (002274)	No	No	No	None	None	None	NO
Vale of Clara (Rathdrum Wood) SAC (000733)	No	No	No	None	None	None	NO
Wicklow Mountains SAC (002122)	No	No	No	None	None	None	NO
Magherabeg Dunes SAC (001766)	No	No	No	None	None	None	NO
Carriggower Bog SAC (000716)	No	No	No	None	None	None	NO
Buckronev-Brittus Dunes And Fen SAC (000729)	No	No	No	None	None	None	NO
Glen of the Downs SAC (000719)	No	No	No	None	None	None	NO
The Murrough SPA (004186)	No	No	YES	None	YES	None	YES
Wicklow Head SPA (004127)	No	No	No	None	None	None	NO
Wicklow Mountains SPA (004040)	No	No	No	None	None	None	NO

#### **4 REMEDIAL APPROPRIATE ASSESSMENT SCREENING CONCLUSION**

The Development at Mount Usher View, Ashford, Co. Wicklow has been assessed taking into account:

- the nature, size and location of the works and possible impacts arising from the construction works.
- the qualifying interests and conservation objectives of the European Sites
- the potential for in-combination effects arising from other plans and projects.

In conclusion, upon the examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that, on the basis of objective information; the possibility **may be excluded** that the Development will have a significant effect on any of the European Sites listed below:

**Deputy's Pass Nature Reserve SAC (000717)**

**Wicklow Reef SAC (002274)**

**Vale of Clara (Rathdrum Wood) SAC (000733)**

**Wicklow Mountains SAC (002122)**

**Magherabeg Dunes SAC (001766)**

**Carriggower Bog SAC (000716)**

**Buckroney-Brittis Dunes And Fen SAC (000729)**

**Glen of the Downs SAC (000719)**

**Wicklow Head SPA (004127)**

**Wicklow Mountains SPA (004040)**

However, upon examination of the relevant information including in particular the nature of the Development and the likelihood of significant effects on European Sites, the possibility may not be excluded that the Development could have had a likely significant effect on the European Sites listed below:

**The Murrough Wetlands SAC (002249)**

**The Murrough SPA (004186)**

Accordingly, a remedial Natura Impact Statement has been prepared for the Development and is included under separate cover.

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