



**Appropriate Assessment Screening Report
For Whitehaven Strategic Housing Development**

prepared for Cosgrave Developments

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Appendix I

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site (see Figure 1)

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1 Introduction

- 1 This report, which contains information required for the competent authority (in this instance An Bord Pleanála) to undertake a screening for Appropriate Assessment (AA), has been prepared by Scott Cawley Ltd. on behalf of the applicant, Cosgrave Unlimited Company. It provides information on, and assesses the potential for, the proposed development to impact on the Natura 2000 network (hereafter referred to as European sites)¹. The proposed development is located at Northwood Avenue, in Northwood, Santry, Dublin 9 (Figure 1, Figure 2) and involves 5no. blocks of apartments ranging from 1-9 floors, underground parking, a ground-floor childcare facility, gym and all associated site works including roads, footpaths, landscaping, site services and SuDS measures. Apartment block elevations will range from to 24.2m-28.15m above ground level.
- 2 An AA is required if significant effects on European sites arising from a proposed development cannot be ruled out at the screening stage, either alone or in combination with other plans or projects. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European sites, either individually or in combination with other plans or projects.

For the reasons set out in detail in this AA Screening Report, an **Appropriate Assessment of the proposed development is not required in this instance** as it can be excluded in view of best scientific knowledge, on the basis of objective information, that the proposed development, either individually or in combination with other plans or projects, will not have a significant effect on any **North Dublin Bay SAC, South Dublin Bay SAC, Howth Head SAC, Rockabill to Dalkey Island SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Howth Head Coast SPA.**

2 Methodology

2.1 Guidance

- 3 This Appropriate Assessment Screening Report has been prepared with regard to the following guidance documents, as relevant:
 - *OPR Practice Note PN01. Appropriate Assessment Screening for Development Management* (Office of the Planning Regulator, 2021)
 - *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

¹ The Natura 2000 network is a European network of important ecological sites, as defined under Article 3 of the Habitats Directive 92/43/EEC, which comprises both special areas of conservation and special protection areas. Special conservation areas are sites hosting the natural habitat types listed in Annex I, and habitats of the species listed in Annex II, of the Habitats Directive, and are established under the Habitats Directive itself. Special protection areas are established under Article 4 of the Birds Directive 2009/147/EC for the protection of endangered species of wild birds. The aim of the network is to aid the long-term survival of Europe's most valuable and threatened species and habitats.

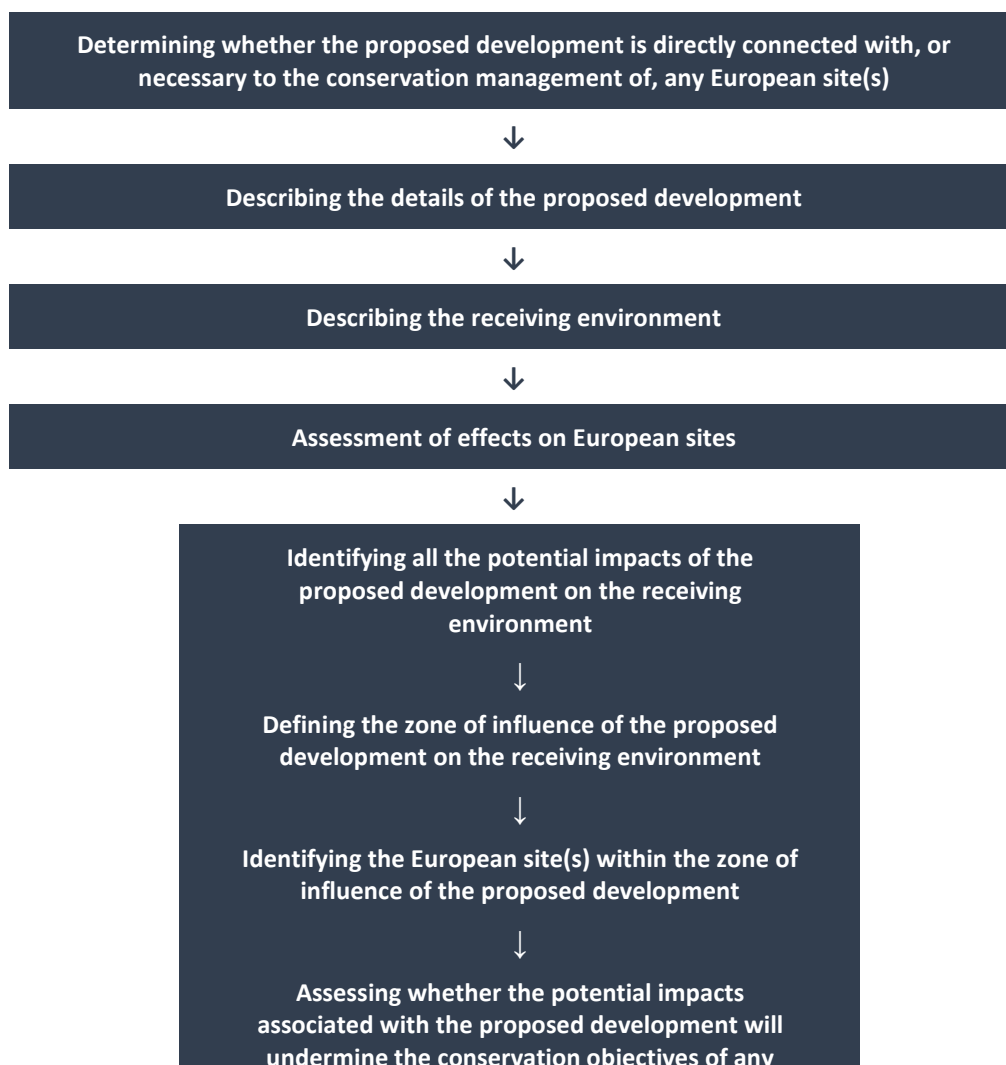
In Ireland these sites are designated as *European sites* - defined under section 177R of the Planning and Development Act 2001 (as amended) Regulations as (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area. They are commonly referred to in Ireland as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

- *Assessment of Plans and Projects in Relation to Natura 2000 sites: Methodological Guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, 2021)
- *Communication from the Commission on the precautionary principle* (European Commission, 2000), and
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019)

2.2 Assessment Methodology

- 4 The above referenced guidance sets out a staged process for carrying out Appropriate Assessment. To determine if an Appropriate Assessment is required, documented screening is required. Screening identifies the potential for effects on the conservation objectives of European sites, if any, which would arise from a proposed plan or project, either alone or in combination with other plans and projects (i.e. likely significant effects).
- 5 Significant effects on a European site are those that would undermine the conservation objectives supporting the favourable conservation condition of the Qualifying Interest (QI) habitats and/or the QI/Special Conservation Interest (SCI) species of a European site(s).
- 6 Image 1 describes the steps involved in Stage One Screening for Appropriate Assessment:

Image 1: Stage One Screening Process for Appropriate Assessment



European site(s), either alone or in combination
with other plans or projects



Conclusions of screening assessment process

- 7 If the conclusions at the end of screening are that there is no likelihood of significant effects occurring on any European sites as a result of the proposed plan or project, either alone or in combination with other plans and projects, then there is no requirement to undertake a Stage Two Appropriate Assessment.
- 8 A source-pathway-receptor approach has been applied. In order for a likely significant effect to occur, there must be a risk enabled by having a source (e.g., water abstraction or construction works), a receptor (e.g., a European site or its QI(s) or SCI(s)²), and a pathway between the source and the receptor (e.g., by air for airborne pollution, or a pathway by a watercourse for mobilisation of pollution). For an impact to occur, all three elements must exist; the absence or removal of one of the elements means there is no possibility for likely significant effects to occur.
- 9 The identification of source-pathway-receptor connection(s) between the proposed development and European sites essentially is the process of identifying which European sites are within the Zone of Influence (Zoi) of the proposed development, and therefore potentially at risk of significant effects. The Zoi is the area over which the proposed development could affect the receiving environment such that it could potentially have significant effects on the QI habitats or QI/SCI species of a European site, or on the achievement of their conservation objectives³.
- 10 The identification of a source-pathway-receptor link does not mean that significant effects will arise. Rather, the likelihood for significant effects will depend upon the characteristics of the source (e.g. extent and duration of construction works), the characteristics of the pathway (e.g. direction and strength of prevailing winds for airborne pollution) and the characteristics of the receptor (e.g. the sensitivities of the European site and its QIs/SCIs).
- 11 The 'likely significant effects' test is based on the precautionary principle⁴. The precautionary principle means that, based on the most reliable available information, where there is uncertainty or doubt as to the absence of significant effects, the project cannot be screened out and an appropriate assessment must be carried out.

² The term Qualifying Interest is used when referring to the habitats or species for which an SAC is designated; the term Special Conservation Interest is used when referring to the bird species (or wetland habitats) for which an SPA is designated.

³ As defined in the *Guidelines for Ecological Impact Assessment in the UK and Ireland* (CIEEM, 2018)

⁴ The precautionary principle is a guiding principle that derives from Article 191 of the Treaty on the Functioning of the European Union and has been developed in the case law of the European Court of Justice (e.g. ECJ case C-127/02 – Waddenzee, Netherlands).

The guidance document *Communication from the Commission on the Precautionary Principle* (European Commission, 2000) notes that the precautionary principle “covers those specific circumstances where scientific evidence is insufficient, inconclusive or uncertain and there are indications through preliminary objective scientific evaluation that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the chosen level of protection”.

2.3 Desktop Data Review

- 12 The desktop data sources used to inform the assessment presented in this report are as follows (accessed on the 11th October 2021 and updated on the 10th February 2022)
- Online data available on European sites and protected habitats/species as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie⁵, including conservation objectives documents
 - Online data available on protected species as held by the National Biodiversity Data Centre (NBDC) from www.biodiversityireland.ie
 - Information on the surface water network and surface water quality in the area available from www.epa.ie
 - Information on groundwater resources and groundwater quality in the area available from www.epa.ie and www.gsi.ie
 - Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie
 - Information on the location, nature and design of the proposed development supplied by the applicant's design team:
 - J.B. Barry Engineering Consultant and Partners Ltd. (2022). Water Service Report for Whitehaven Strategic Housing Development (SHD), Northwood, Santry Demesne, Dublin 9,
 - Kevin Fitzpatrick Landscape Architect Ltd. (2022). Concept landscape Masterplans for Whitehaven Strategic Housing Development (SHD), Northwood, Santry Demesne, Dublin 9,
 - The Tree File Consultant Arborists Ltd. (2022) Arboricultural Report of Whitehaven SHD, Northwood, Santry, Dublin 9.
 - McElliott Consulting Engineers Ltd. (2022) Public Lighting Report for Whitehaven Strategic Housing Development (SHD), Northwood, Santry Demesne, Dublin 9,
 - J.B Barry Engineering Consultants and Partners Ltd. (2021). Flood Risk Assessment Report for Whitehaven Strategic Housing Development (SHD), Northwood, Santry Demesne, Dublin 9,
 - Ground Investigations Ireland Ltd. (2021). Report for Whitehaven Strategic Housing Development (SHD), Northwood, Santry Demesne, Dublin 9.
 - Fingal County Council (2017) Fingal Development Plan 2017-2023.
 - Fingal County Council (2022) Draft Fingal Development Plan 2023-2029.

2.4 Consultations

- 13 The NPWS was consulted via email dated 30th March 2021 regarding the proposed development. An acknowledgement email indicating receipt of said email was received on the on the 30th March 2021.
- 14 Recommendations by Inland Fisheries Ireland (IFI) on the 11th November 2021 included the consideration of protected aquatic species as well as the restoration program of the River Santry that is being currently undertaken by Dublin City Council.

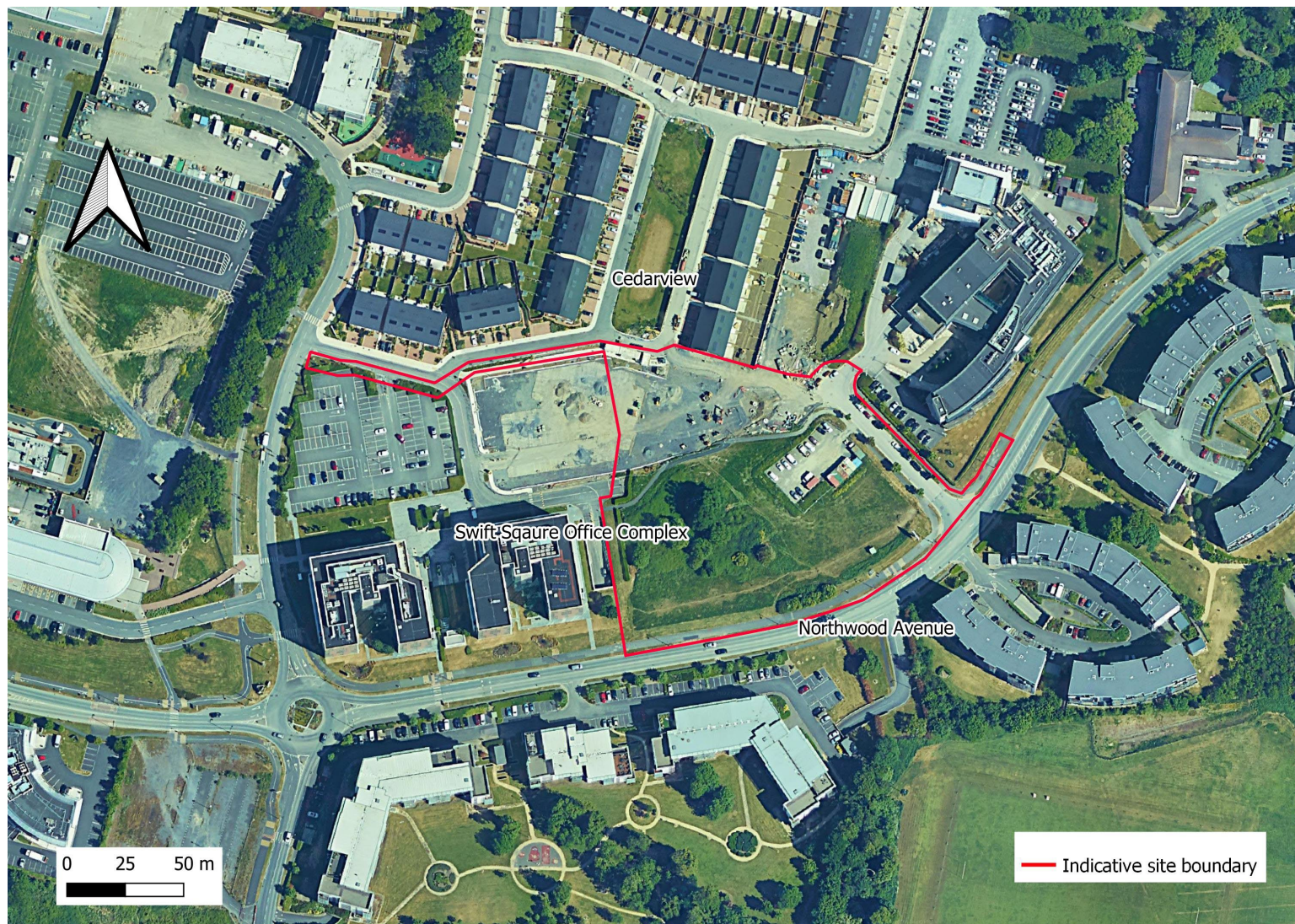
⁵ The following SAC and SPA GIS boundary datasets are the most recently available at the time of writing: SAC_ITM_2022_02 and SPA_ITM_2021_10.

- 15 A Statement of Design Acceptance letter was received from Irish Water on the 20th January 2022 stating that no objections were raised with the proposed development design plans (Connection reference No: CDS21000686).

2.5 Baseline Surveys

- 16 This section describes the ecological surveys carried out to inform the assessment of likely significant effects on European sites within the boundary of the proposed development (Figure 1).

Figure 1: Proposed development site survey area.



2.5.1 Habitats and Flora Survey

- 19 A habitat survey was undertaken of the proposed development site on the 8th of April 2021 by Criostoir Mac Cuirc BA following the methodology described in Best Practice Guidance for Habitat Survey and Mapping⁶. All habitat types were classified using the Guide to Habitats in Ireland⁷, recording the indicator species and abundance using the DAFOR scale⁸ and recording any species of conservation interest. Vascular and bryophyte plant nomenclature generally follow that of The National Vegetation Database⁹, having regard to more recent taxonomic changes to species names after the New Flora of the British Isles¹⁰ and the British Bryological Society's Mosses and Liverworts of Britain and Ireland: A Field Guide¹¹. Annex I habitat types were classified after the Interpretation manual of European Union Habitats EUR28¹² with reference to the corresponding national habitat survey reports and NPWS wildlife manuals, as applicable. The nomenclature for Annex I habitats follows that of the Interpretation manual of European Union Habitats EUR28 with abbreviated names after those used in The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview¹³.
- 20 Relevés (defined vegetation recording stands) were recorded on hard copy printed survey forms and maps. The relevé size was 2m x 2m for all habitats except scrub habitats (which were sampled using a 5mx5m relevé). A photographic record of the associated habitat area was taken with plant species recorded.

2.5.2 Fauna Surveys

2.5.2.1 Terrestrial Mammals

- 21 A terrestrial fauna survey was undertaken on the 8th of April 2021 by Criostoir Mac Cuirc. The presence/absence of terrestrial fauna species were surveyed through the detection of field signs such as tracks, markings, feeding signs, and droppings, as well as by direct observation. The habitats on site were assessed for signs of usage by protected/red-listed fauna species, and their potential to support these species.
- 22 A desk study was undertaken to identify suitable breeding and foraging habitat for otters *Lutra lutra* within the proposed development site. No suitable habitat was identified. As such no otter suitability surveys were undertaken.

⁶ Smith, G.F., O'Donoghue, P., O'Hora, K. & Delaney, E. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council Church Lane, Kilkenny, Ireland.

⁷ Fossitt, J.A. (2000) *A Guide to Habitats in Ireland*. Heritage Council, Kilkenny.

⁸ The DAFOR scale is an ordinal or semi-quantitative scale for recording the relative abundance of plant species. The name DAFOR is an acronym for the abundance levels recorded: Dominant, Abundant, Frequent, Occasional and Rare.

⁹ Weekes, L.C. & FitzPatrick, Ú. (2010) *The National Vegetation Database: Guidelines and Standards for the Collection and Storage of Vegetation Data in Ireland*. Version 1.0. Irish Wildlife Manuals, No. 49. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

¹⁰ Stace, C. (2019) *New Flora of the British Isles. 4th Edition*. C&M Floristics.

¹¹ Atherton, I., Bosanquet, S. & Lawley, M. (2010) *Mosses and Liverworts of Britain and Ireland: A Field Guide*. Latimer Trend & Co., Plymouth.

¹² CEC. (Commission of the European Communities) (2013) *Interpretation manual of European Union Habitats EUR28*. European Commission, DG Environment.

¹³ NPWS (2019). *The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview*. Unpublished NPWS report. (accessible at <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>)

2.5.2.2 Birds

- 23 The results of the desk study have informed the assessment of likely significant effects on bird species arising from the Proposed Scheme. The results of the NBDC desk study are found in Appendix III.
- 24 Breeding bird surveys were undertaken on the 9th of May, 25th of May and the 9th of June 2021 by Wayne Daly using a methodology adapted from the Bird Monitoring Methods - A Manual of Techniques for Key UK Species¹⁴. The study area covered the lands within the red line boundary shown in Figure 1. Lands within the study area were slowly walked in a manner allowing the surveyor to come within 50m of all habitat features. Birds were identified by sight and song, and general location and activity were recorded using the British Trust for Ornithology (BTO) species and activity codes. The results are outlined on section 2.5.2 Flora and Fauna Surveys.
- 25 A desk study was carried out to identify any potential suitable inland feeding and / or roosting sites for winter birds located within or directly adjacent to the proposed development. This included a review of recent aerial photography and known inland feeding sites for the SCI bird species including light-bellied brent goose *Branta bernicla hrota* and curlew *Numenius arquata* (Benson, 2009, Scott Cawley Ltd., 2017¹⁵).
- 26 Habitats recorded on site included dry meadow and grassy verges, recolonising bare ground with treelines and hedgerows. Light-bellied brent geese typically use inland sites comprised of amenity grasslands such as sport grounds. Light-bellied brent geese have been recorded at nearby site such as Kilmore/Oscar Traynor Football Pitches and Darndale/Belcamp Park both c. 2km east of the proposed development (Scott Cawley 2017). Inland sites used by curlew include rough wet grassland, and some arable lands without tree cover. While amenity grassland was identified within the proposed development site, it is enclosed by treelines, hedgerows, buildings and artificial surfaces, with trees interspersed. Additionally, the proposed development site is highly disturbed by human activity.
- 27 In light of the above, the proposed development and adjacent habitats are not considered suitable for wintering wetland birds. As such no winter bird specific surveys were undertaken within the proposed development site.
- .

¹⁴ Gilbert, G., Gibbons, D.W. & Evans, J. (1998) *Bird Monitoring Methods - A Manual of Techniques for Key UK Species*. RSPB: Sandy

¹⁵Scott Cawley (2017). *Natura Impact Statement- Information for Stage 2 Appropriate Assessment. Proposed Residential Development, St. Paul's College, Sybil Hill Road, Raheny, Dublin 5.*

3 Provision of Information for Screening for Appropriate Assessment

- 28 The following sections provide information to facilitate the Appropriate Assessment screening of the proposed development to be undertaken by the competent authority.
- 29 A description of the proposed development and the receiving environment is provided to identify the potential ecological impacts. The environmental baseline conditions are described, as relevant to the assessment of ecological impacts where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. geological, hydrogeological and hydrological data).
- 30 The potential impacts are examined in order to define the potential zone of influence of the proposed development on the receiving environment. This then informs the assessment of whether the proposed development has the potential to result in significant effects on any European sites; i.e. affect the conservation objectives supporting the favourable conservation condition of the European site's QIs or SCIs.

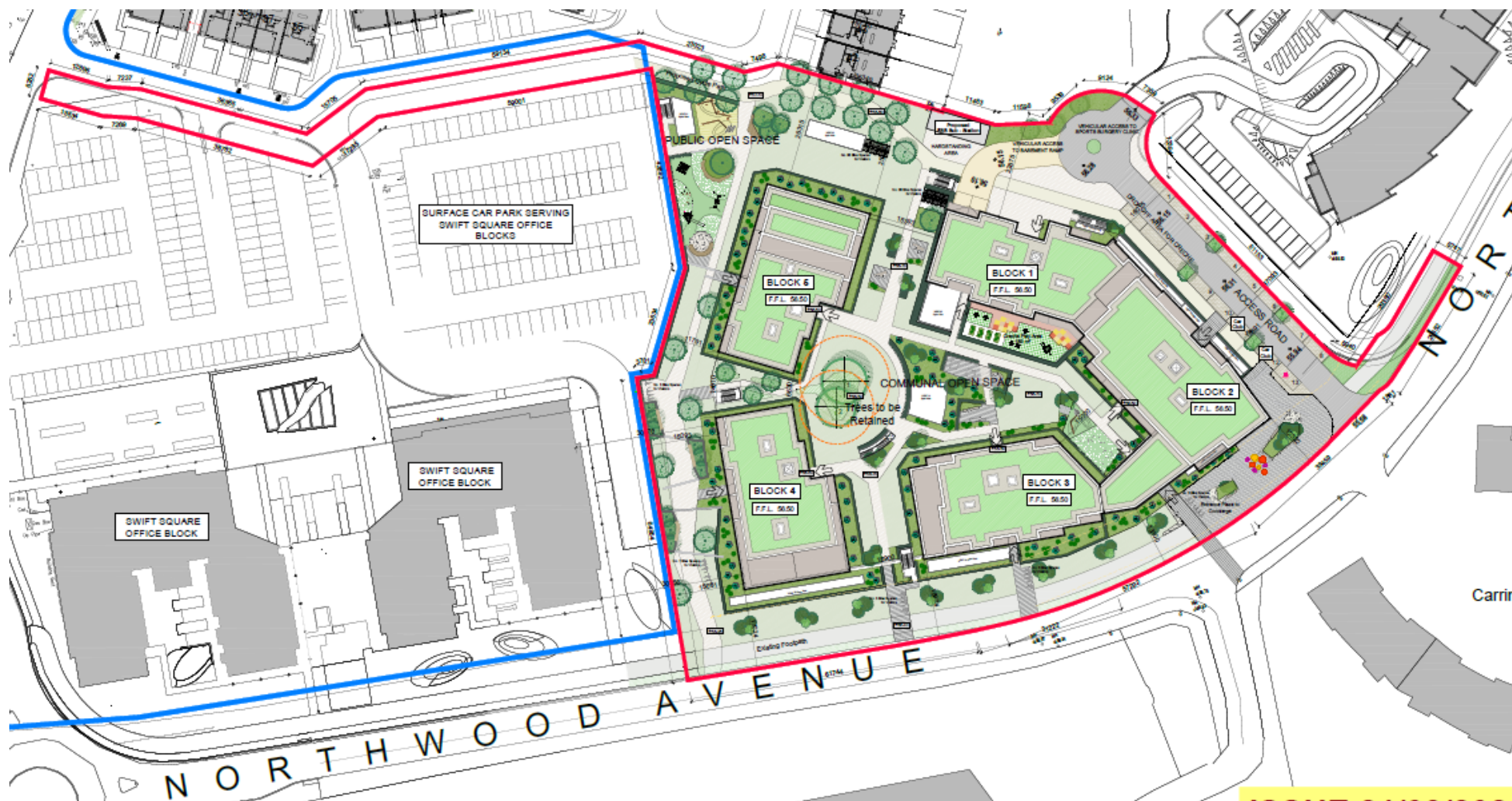
3.1 Description of the Proposed Development

- 31 The proposed development will comprise of construction of a residential development consisting of 5 no. blocks (Blocks 1 -5) over a shared basement area, providing a total of 255 no. apartment units comprising 11 no. 1-bedroom units, 229 no. 2-bedroom units and 15 no. 3-bedroom units.
- Block 1 will be an 8 storey block containing 49 no. apartment units consisting of 7 no. 1-bedroom unit, 42 no. 2-bedroom units with a childcare facility (c. 398 sq.m) at ground floor level with associated outdoor play area;
 - Block 2 will be a 9 storey block providing a total of 60 no. apartment units comprising 1 no. 1-bedroom unit, 57 no. 2-bedroom units, 2 no. 3-bedroom units with a concierge/multifunction area (c. 246 sq.m) at ground floor level extending into a single storey block and the provision of a residential gym (73 sq.m);
 - Block 3 will be a 7-8 storey block providing a total of 47 no. apartment units comprising 1 no. 1-bedroom unit, 38 no. 2-bedroom units and 8 no. 3-bedroom units;
 - Block 4 will be an 8-9 storey block providing a total of 52 no. apartment units comprising 1 no. 1-bedroom unit, 49 no. 2-bedroom units and 2 no. 3-bedroom units; and
 - Block 5 will be a 5-9 storey block providing a total of 47 no. apartment units comprising 1 no. 1-bedroom unit, 43 no. 2-bedroom units and 3 no. 3-bedroom units.
 - Provision of 277 no. associated car parking spaces (including 5 no. disabled parking) at basement level, 16 no. car parking spaces at surface level, 8 no. motorbike parking spaces at basement level, 600 no. cycle parking spaces at basement level and 128 no. cycle number spaces at surface level (including 72 no. of sheltered spaces);
 - Provision of a new vehicular access ramp to basement level;
 - Shared residential services to include a concierge / multifunctional room (c. 246sq.m.) and gym facility (c.73sq.m.) both of which are located on the ground floor of Block 2 and the single storey area between Blocks 1 and 2.
 - A childcare facility (c.398 sq.m.) within the ground floor of Block 1 and associated outdoor play area (c.189sq.m.);
 - Provision of private open space to apartments in the form of terraces, balconies and gardens;
 - Provision of communal and public open spaces including play areas; and

-
- All associated plant, drainage arrangements, utility connections, substations, boundary treatment, landscaping, public lighting, refuse storage, construction compound and site development works.

It is proposed that foul effluent from the proposed development will drain into the existing 1050mm diameter North Fringe foul sewer located at Northwood Avenue which is pumped to and treated at Ringsend Wastewater Treatment Plant via the Sutton Pumping Station. The accumulated daily flow equates to 689 population equivalent (P.E.) and will travel through sewers 150mm diameter to 225mm (J.B Barry 2022).

Figure 2. Design plan of Proposed Development site

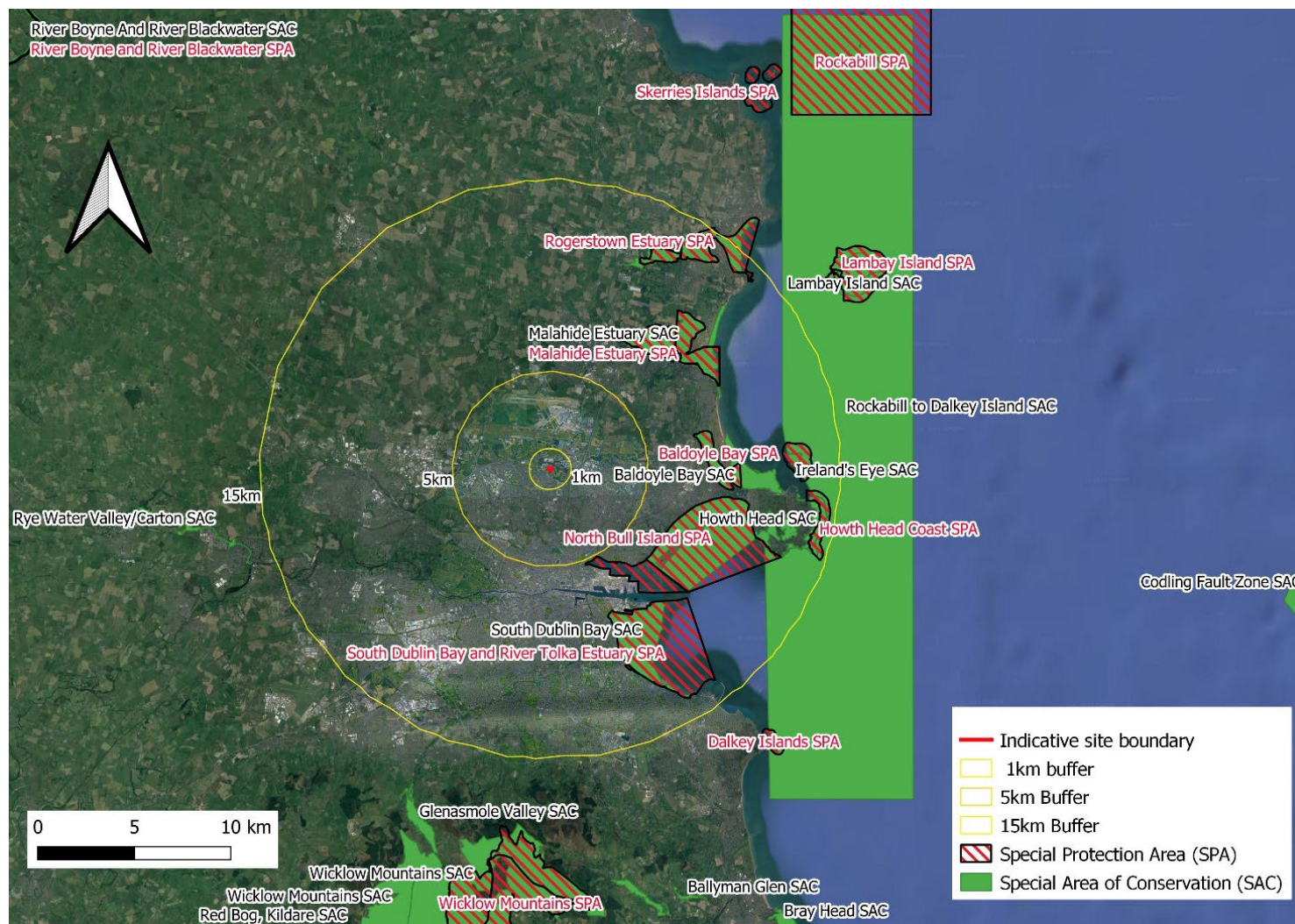


3.2 Overview of the Receiving Environment

3.2.1 European sites

- 32 Special Areas of Conservation (SAC) are designated under the EC Habitats Directive (92/43/EEC) for the protection of habitats listed on Annex I and/or species listed on Annex II of the Directive. Special Protection Areas (SPAs) are designated under the Birds Directive (2009/147/EC) for the protection of bird species listed on Annex I of the Directive, regularly occurring populations of migratory species (such as ducks, geese or waders), and areas of international importance for migratory birds.
- 33 There are no European sites within or adjacent to the proposed development boundary. The nearest European site is South Dublin Bay and River Tolka Estuary SPA [004024] c. 5.1km southeast of the proposed development. This is followed by the North Dublin Bay SAC [000206] and the North Bull Island SPA [004006]; both c. 6.7km southeast of the proposed development site. These European sites are considered to be within the potential zone of influence of the proposed development, as all of these sites are located downstream of the proposed development site (via Santry watercourse) within Dublin Bay. There is no direct surface water hydrological link between the proposed site and these European sites, however surface waters drain underground from the site, ultimately discharging into Dublin Bay and the Irish Sea.
- 34 All of the European sites present in the vicinity of the proposed development are shown on Figure 3. The QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Appendix I.

Figure 3: European sites in the vicinity of the proposed development



3.2.2 Habitats

35 The proposed development site is located at Northwood Avenue and is currently characterised by buildings and artificial surface, with roads, footpaths and carparks dominating to the north and west of the site. The remainder of the proposed development site is comprised of scrub, amenity grassland, dry meadows and grassy verges, remnant hedgerows and treelines. The following habitat types (and mosaics of these), assigned using the classification system outlined in Fossitt (2000), were identified within the proposed development site:

- Flower beds and borders (BC4);
- Buildings and artificial surfaces (BL3);
- Exposed sand, gravel and till (ED1);
- Spoil and bare ground (ED2)
- Recolonising bare ground (ED3);
- Amenity grassland (improved) (GA2);
- Dry meadows and grassy verges (GS2);
- Hedgerows (WL1);
- Treelines (WL2);
- Scrub (WS1); and
- Ornamental / non-native shrub (WS3).

36 Surveys confirmed that there are no Annex I habitats within or adjacent the proposed development site. The surrounding lands are largely residential and commercial in nature.

3.2.3 Flora and Fauna Species

37 A desk-top study of notable plant species within 2km of the proposed development site was undertaken on the 10th of February 2022 using the NBDC database. One record of species listed under the Flora (Protection) Act 2015 were returned, and are listed below:

- Hairy St. John'swort *Hypericum hirsutum*

38 This is a species found on open or partially shaded habitats such as rough grassland, clearings within woodland. It nor any other species listed under the Flora (Protection) Act 2015 were recorded within the proposed development site.

39 A desk-top study of non-native invasive species within 2km of the proposed development site was undertaken on the 10th February 2022 using the NBDC database. One non-native invasive plant species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) were returned from the NBDC desk-top study, and include:

- Giant hogweed *Heracleum mantegazzianum*

40 No non-native invasive species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were recorded within the proposed development site.

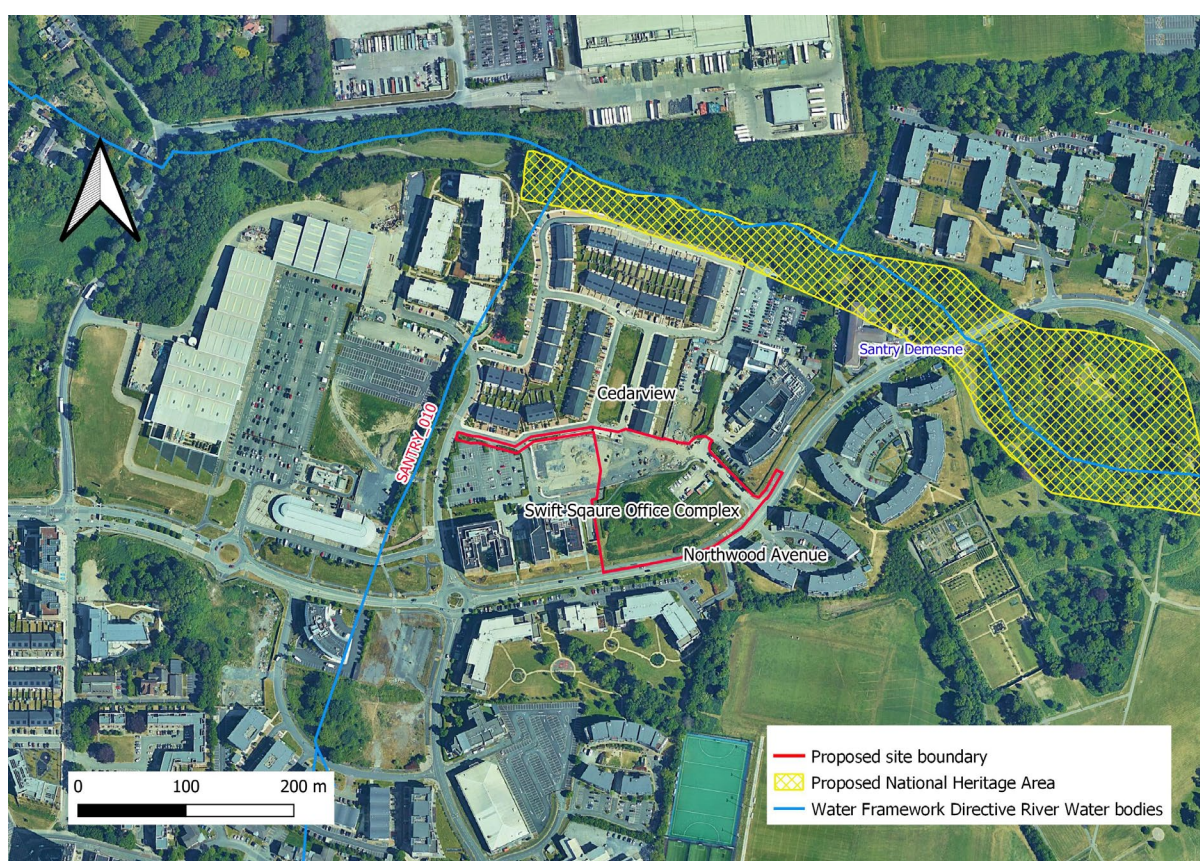
- 41 The NBDC database returned records of 52 birds species which have been recorded within c. 2km of the proposed development site. Of the 53 species, 21 are listed under the Birds Directive or Birds or Conservation Concern 2020-2026 (BoCCI)¹⁶ Red Listed or Amber Listed species.
- 42 Records of three BoCCI red-listed species, grey wagtail *Motacilla cinerea*, common swift *Apus apus*, and redwing *Turdus iliacus* were returned from the desk-top study. There is no suitable habitat for grey wagtail on the proposed development site as it is associated with freshwater aquatic habitats. There is no suitable nesting habitat for common swift as they prefer nesting in cavities of building and rock faces, though suitable foraging habitat may be present within the proposed development. There is no suitable habitat for redwing as they prefer open fields in lowland areas, and typically avoid disturbed habitats such as those found within the proposed development. Records of fourteen amber-listed species were returned from the desk study, of which black-headed gull *Chroicocephalus ridibundus*, great cormorant *Phalacrocorax carbo*, mallard *Anas platyrhynchos*, mute swan *Cygnus olor*, and tufted duck *Aythya fuligula*. are not considered to frequent habitats within the proposed development as they are typical of coastal, estuarine and intertidal habitats.
- 43 Black-headed gull is an SCI species returned from the NBDC records for which breeding population within the Zol of the proposed development at South Dublin Bay and River Tolka Estuary SPA. This species typical nests on coastal sites or inland on marshes and lake. As mentioned, no suitable breeding habitats for black-headed gulls were record within or adjacent to the proposed development. The urban environs and disturbed nature of the proposed development would reduce the likelihood of use by this SCI species.
- 44 The remaining species included barn swallow *Hirundo rustica*, common coot *Fulica atra*, common linnet *Carduelis cannabina*, common starling *Sturnus vulgaris*, goldcrest *Regulus regulus*, house martin *Delichon urbicum*, house sparrow *Passer domesticus*, willow warbler *Phylloscopus trochilus*, and greenfinch *Chloris chloris*. most of which are passerines species, for which there is suitable breeding habitat present on the proposed development site.
- 45 The NBDC database search returned records within 2km of the proposed development site for three species for which European sites in Appendix I (Figure 3) have been designated:
- Otter *Lutra lutra*
 - Black-headed gull *Chroicocephalus ridibundus*
 - Cormorant *Phalacrocorax carbo*.
- 46 None of these species or evidence of their presence (e.g. feathers, droppings, spraints) were observed during field surveys.
- 47 Wintering wetland birds commonly use inland habitats such as well-maintained amenity grasslands, rank wet grassland and arable lands for feeding and nesting. As outlined in section 2.5.2.2 Birds, inland habitats typically used by winter wetland birds such as light bellied brent goose and curlew was recorded within the proposed development site. The proposed development is within normal foraging range of SCI species North Bull Island SPA and South Dublin and River Tolka Estuary SPA.
- 48 However, the proposed development site is comprised of habitats that are of limited suitability for foraging wetland birds as grasslands are enclosed by treelines, hedgerows, and building and artificial surfaces. Birds such as brent geese tend to favour open sites which are unenclosed by dense vegetation, which provides cover for their predators. Additionally, the proposed development site is highly disturbed by human and domestic animal activity. Given the nature of the site and its environs, only Black-headed gull has potential to be present in the surrounding area, though unlikely to use the proposed development site for the reasons outlined above.

¹⁶ Gilbert, G., Stanbury, A. & Lewis, L. (2021) *Birds of Conservation Concern in Ireland 4: 2020-2026*. Irish Birds 43: 1-22 (2021).

3.2.4 Hydrology

- 27 The nearest surface water receptor is the Ballymun water body (EPA Code: 09B98) which is highly modified and culverted, and located c. 20m west of the proposed development. The Ballymun water body joins the River Santry (EPA Code: 09S01) which lies c. 170m north of the proposed development site, and drains to Dublin Bay c. 7.4km downstream via North Bull Island transitional water body. According to the EPA Map Viewer, the water quality status of the Santry River is 'Poor' and its Water Framework Directive (WFD) status is 'At risk'. Dublin Bay (to which the River Santry discharges) is of 'Unpolluted' status and has a WFD status of 'Not at risk'¹⁷. Both waterbodies lie in the SANTRY_010 WFD sub-catchment (Figure 4).
- 28 The site is currently comprised of peripheral roads and a greenfield site that includes sections of rank grassland, recolonising bare ground, amenity grassland, with a section of hedgerow, treelines, and scrub. The surface water within the greenfield section of the proposed development site percolates to the Dublin Groundwater Body (GWB), while section of roads discharge to the existing attenuation tank located north of Gullivers Retail Park, prior to discharge to the Santry River.

Figure 4: Water Framework Directives (WFD) receiving sub-catchments adjacent to the proposed development



3.2.5 Hydrogeology

- 29 Geological Survey of Ireland (GSI) data indicates that the site is underlain by a Deep well-drained mineral (Mainly basic) which is described by the GSI as 'Low vulnerability.'
- 30 The proposed development is within the 'Dublin' groundwater body (GWB) and is classified as 'Generally moderately productive'. Presently, the groundwater body in the region of the site (Dublin GWB) is classified

¹⁷ EPA Online Maps <https://gis.epa.ie/EPAMaps/> (Accessed 31/01/2022)

under the WFD Status 2019-2021 (EPA, 2022) as having 'Good status' and 'Not at risk' of not achieving good Status.

- 31 The proposed development site is within the Dublin groundwater body which is currently classified by the EPA as having 'Good Status', and being 'Not at risk' of not achieving good status under the Water Framework Directive (2000/60/EC).
- 32 Trial pits were dug at a dept of 2.5m and cable percussion boreholes at depts between 8m-10m were undertaken within the proposed development site¹⁸ with no signs of groundwater were observed.

3.2.6 Soils & Geology

- 33 Site investigations carried out in respect of the proposed development concluded that there is no contaminated soil present on the proposed development site. Trial pits and cable percussion boreholes were undertaken and concluded that topsoil was present to a depth of 0.3m below ground level (BGL), with c. 0.4m-1.3m of made ground comprising of brown mottled grey slightly sandy slightly gravelly clay with frequent cobbles and boulders and contained occasional fragments of concrete, timber and metal fragments. The cohesive deposits from 1.3m-10m comprised of brown mottled grey slightly sandy slightly gravelly clay with occasional cobbles and boulders overlying a stiff dark grey slightly sandy slightly gravelly clay with occasional cobbles and boulders. No groundwater was recorded during ground investigation (Ground Investigations Ireland LTD. 2021).

3.3 Assessment of Effects on European Sites

- 49 This section identifies all the potential impacts associated with the proposed development, examines whether there are any European sites within the ZoI of effects from the proposed development, and assesses whether there is any risk of the proposed development resulting in a significant effect on any European site, either alone or in combination with other plans or projects.
- 50 In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

3.3.1 Habitat loss and fragmentation

- 51 The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss impacts.
- 52 As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.
- 53 The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European site(s). Suitable habitat for otter was not recorded within nor adjacent to the proposed development site. The nearest suitable habitats is located at the River Santry c. 220m north of the proposed development. As such no fragmentation of otter habitat will occur as a result of the proposed development.
- 54 As outline in section 3.2.3 Flora and Fauna Species, the proposed development site contains habitats that are suboptimal for wintering wetland bird species. Grassland habitats are enclosed by treelines, hedgerows, and building and artificial surfaces. Brent geese and other wetland birds using inland foraging sites tend to favour sites that are open and which do not contain dense vegetation which may obscure predators. As the proposed development site is not an *ex situ* site any SCI birds species, there is no possibility of habitat loss or fragmentation effects on SCI Birds species as a result of the proposed

¹⁸ Ground Investigation of Whitehaven Strategic Housing Development, Northwood, Santry, Dublin 9 (Ground Investigations Ireland 2021).

development. As the proposed development will not result in habitat loss or habitat fragmentation within any European site, there is no potential for any in combination effects to occur in that regard.

3.3.2 *Habitat degradation as a result of hydrological impacts*

- 55 Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. Therefore, the Zone of Influence (Zoi) of potential effects on water quality from the proposed development could extend to Dublin Bay.
- 56 Therefore, the Zone of Influence (Zoi) of potential effects on water quality from the proposed development could extend to European sites contained within Dublin Bay, namely the North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC, Dalkey Island SPA, and Howth Head Coast SPA.

Surface Water

- 57 Surface water run-off and discharges from the proposed development will enter the downstream receiving environment via the existing surface water drainage network.
- 58 Considering the following, the proposed development will not have any measurable effects on water quality in Dublin Bay or the Irish Sea:
- The scale and location of the proposed development relative to the receiving surface water network;
 - The relatively low volume of any surface water run-off or discharge events from the proposed development site relative to the receiving surface water and marine environments, and
 - The level of mixing, dilution and dispersion of any surface water run-off/discharges from the proposed development site in the receiving watercourses, Dublin Bay and the Irish Sea
- 59 It is an objective of the Greater Dublin Strategic Drainage Study, and the Fingal County Council Draft Development Plan 2023-2029, to incorporate Sustainable Urban Drainage Systems (SuDS) within all new developments. The SuDS features associated with the proposed development are not included within the design with the intention of avoiding or reducing any potential harmful effects to any European sites. Therefore, they have not been considered, and are not necessary, in reaching the conclusion of this assessment as to the potential for the proposed development to result in significant effects on any European sites.
- 60 A Conceptual Site Model (CSM) carried out, and outlined in **Chapter 7 (Land, Soils & Hydrogeology)** of the EIAIR accompanying this application) determined that there is no 'direct' hydrogeological linkages through run-off or any small hydrocarbon leaks during the construction phase from the site to the identified surface waterbodies located farther down-gradient (River Santry and Dublin Bay). On the basis of the natural protection provided by the soil and poor hydraulic connectivity in the aquifer, there is no likely pathway through the soil and aquifer to Dublin Bay or Irish Sea. During the operational phase an 'indirect pathway' does exist through the stormwater drainage system which ultimately discharges to the River Santry. However, there is no perceptible risk to water quality of the River Santry and European sites in Dublin Bay, based on loading, and high level of dilution within the stormwater system. The CSM has not taken into account the adherence to mitigation measures in coming to its conclusion regarding risks to water quality in Dublin Bay.
- 61 Surface water and foul water networks will be on separate systems and no foul effluent will discharge to storm water systems. The surface water strategy for the proposed development area will incorporate SuDS features such as green roof and permeable paving which will include on-site an attenuation tank (Polystorm) of 522m³ capacity. An additional 498m³ of ground water storage will be attenuated through green roof and permeable paving. The storage tank will cater for the 1:100 year critical storm event plus 20% for climate change with restricted outflows limited to 2l/sec to the surface water system if necessary. The proposed development surface water system will connect to the current stormwater drain

infrastructure and discharge to an existing attenuation pond located to the northeast of the proposed development. The existing attenuation pond has a capacity to cater for the proposed development and a peak flow of 368.5l/sec generated from the 1 in 100 year + 20% for climate change, ensuring that the runoff from the entire site including this phase of the development will be restricted to the required green field runoff rate. All surface water discharge from the proposed site will ultimately discharge to the River Santry

¹⁹.

- 62 With regards foul water, the development will be service by a separate foul drainage system to collect and convey the effluent generated by the proposed development. The effluent will be discharged by gravity, in accordance with Irish water requirements, into an existing 1050mm diameter North Fringe foul sewer located on Northwood Avenue. The Dry Weather Flow (DWF) for the proposed development is 1.32l/sec and has been designed to accommodate six times the DWF or 7.92l/sec.
- 63 According to the site specific Flood Risk Assessment carried out as part of the present application (J.B. Barry 2021), there is no risk of flooding affecting the site from tidal, fluvial or groundwater sources. The site lies within a Flood Zone C (i.e., where the probability of flooding from rivers is less than 0.1% or 1 in 1000). The flood risk to the site is mitigated by providing sustainable urban drainage systems devices such as attenuation storage, adequately sized pipes connecting to the existing network. Any flood events will not cause flooding of the Proposed Development, and the development will not affect the flood storage volume or increase flood risk elsewhere.
- 64 Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges.

Foul Water

- 65 Foul water, comprising sewage and industrial effluent (and some surface water run-off), from the Dublin area has historically been, and will continue to be, treated at Ringsend WWTP prior to discharge to Dublin Bay. The most recent information from Irish Water indicates that the plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions.
- 66 Despite the capacity issues associated with the Ringsend WWTP, Dublin Bay is currently classified by the EPA as being of “Unpolluted” water quality status²⁰. The Liffey Estuary Lower is currently classified by the EPA as being of “Intermediate” water quality status and the Tolka Estuary as “Eutrophic”. The pollutant content of future foul water discharges to Dublin Bay is considered likely to decrease in the long-term for the following reasons:
- An Bord Pleanála granted planning permission for an upgrade to the Ringsend WWTP in April 2019²¹, which will increase capacity at the plant over time, and
 - There is a commitment in the National Development Plan 2021-2030 to invest in and progress the Greater Dublin Drainage Project which includes the development of a new regional waste water treatment facility and associated infrastructure to serve Dublin and parts of the surrounding counties of Kildare and Meath. The project will involve the provision of a new regional wastewater treatment plant at a site in the northern part of the Greater Dublin Area and the provision of a

¹⁹ *Water Services Report, Whitehaven Strategic Housing Development (SHD), Northwood, Santry Dublin 9 (J.B. Barry 2022)*

²⁰ Transitional and Coastal Surface Water Quality data (2018-2020) accessed from the EPA Envision Mapviewer www.gis.epa.ie/Envision (accessed [January 2022](#))

²¹ An Bord Pleanála Case Reference PL29S.301798 – *10-year permission for development of the Ringsend wastewater treatment plant upgrade project including a regional bio solids storage facility*, Available online at www.pleanala.ie/casenum/301798.htm.

new Orbital Drainage Sewer linking the new plant to the existing regional sewer network, which will enable future connections for identified areas of development within the catchment area. The provision of the Greater Dublin Drainage Project will augment the waste water treatment capacity currently provided by Ringsend WWTP across the Greater Dublin Area and alleviate pressure within the existing wider waste water network and help to ensure that the waste water generated is treated safely, in compliance with the EU and national waste water treatment regulations.

- 67 Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status²². The Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. The pollutant content of future surface water discharges to Dublin Bay is considered likely to decrease in the long-term given that further upgrade of the Ringsend WWTP to increase its treatment capacity is currently underway. It is also an objective of the Greater Dublin Strategic Drainage Study, and all development plans within the catchment of Ringsend WWTP, to include Sustainable Urban Drainage Systems (SUDS) as for new development. The relevant development plans also have protective policies/objectives in place to protect water quality in the receiving freshwater and marine environments, and to implement the Water Framework Directive in achieving good water quality status for Dublin Bay.
- 68 Considering the above, particularly the current unpolluted status of Dublin Bay, and that the predicted foul water discharges from the proposed development would equate to a very small percentage of the overall discharge volumes sent to Ringsend WWTP for treatment, it is concluded that the proposed development will not impact on the overall water quality status of Dublin Bay.
- 69 Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

3.3.3 *Habitat degradation as a result of hydrogeological impacts*

- 70 The proposed development lies within the Dublin Groundwater Body (Dublin GWB). The only European site within the Dublin GWB that is designated for groundwater dependant habitats and/or species is the Rye Water Valley/Cartron SAC which is located c. 16.2km west of the proposed development. All of the qualifying interests of the Rye Water Valley/Cartron SAC, the priority Annex I habitat Petrifying springs and the two whorl snail species, are dependent upon the existing condition and functioning of the groundwater regime. Based on information published by Geological Survey Ireland (GSI) on the Dublin GWB²³, ‘The general groundwater flow direction in this aquifer is towards the coast and also towards the River Liffey and Dublin City’. As the proposed development will not interact directly with the underlying groundwater body, and lies down gradient of the Rye Water Valley/Cartron SAC, it cannot influence groundwater conditions in the European site.
- 71 Therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of any European sites, either alone or in combination with any other plans or projects, as a result of hydrogeological effects.

3.3.4 *Habitat degradation as a result of introducing/spreading non-native invasive species*

- 72 The proposed development site does not support any non-native invasive species which could be accidentally spread or introduced to habitats within European sites.

²² Transitional and Coastal Surface Water Quality data (2010-2012) accessed from the EPA Envision Mapviewer www.gis.epa.ie/Envision (accessed January 2022)

²³ https://secure.dccae.gov.ie/GSI_DOWNLOAD/Groundwater/Reports/GWB/DublinGWB.pdf

3.3.5 Disturbance and displacement impacts

- 73 Construction-related disturbance and displacement of fauna species could potentially occur within the vicinity of the proposed development. For mammal species such as otter, disturbance effects would not be expected to extend beyond 150m²⁴. For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels at that distance.²⁵ There are no European sites within the disturbance Zol; the next nearest European site to the proposed development is c.5km away. There are also no habitat areas within the disturbance Zol of the proposed development that support populations of qualifying/special conservation interest species of any European site ²⁶.
- 74 As the proposed development will not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is no potential for any in combination effects to occur in that regard.

3.3.6 Summary

- 75 The potential impacts associated with the proposed development do not have the potential to affect the receiving environment and, consequently, do not have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests of any European sites. Therefore, the proposed development is not likely to have significant effects on any European sites.
- 76 As the proposed development itself will not have any effects on the QIs/SCIs or conservation objectives of any European sites, and taking into account the policies and objectives of the statutory plans referred to above, it is concluded that there is no potential for any other plan or project to act in combination with it to result in significant effects on any European sites.
- 77 The potential impacts of the proposed development on the receiving environment, their Zol, and the European sites at risk of significant effects are summarised in Table 1 below. In assessing the potential for the proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

Table 1 Summary of Analysis of Likely Significant Effects on European sites

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
Habitat loss	No

²⁴ This is consistent with Transport Infrastructure Ireland (TII) guidance (Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes and Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes) documents. This is a precautionary distance, and likely to be moderated by the screening effect provided by surrounding vegetation and buildings, with the actual Zol of construction related disturbance likely to be much less in reality.

²⁵ The disturbance zone of influence for waterbirds is based on the relationship between the noise levels generated by general construction traffic/works (BS 5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 Noise) and the proximity of those noise levels to birds – as assessed in Cutts, N. Phelps, A. & Burdon, D. (2009) *Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance*, and Wright, M., Goodman, P & Cameron, T. (2010) Exploring Behavioural Responses of Shorebirds to Impulsive Noise. *Wildfowl* (2010) 60: 150–167. At 300m, noise levels are below 60dB or, in most cases, are approaching the 50dB threshold below which no disturbance or displacement effects would arise.

²⁶ There is a need to consider use of habitat areas outside of an SPA by SCI bird species where they support the SCI populations and the site’s conservation objectives. These habitat areas can comprise alternative roosting sites, foraging areas, staging grounds or migration routes and can, but not necessarily exclusively, be situated within the immediate hinterland of the SPA, or in areas ecologically connected to it.

Potential Direct, Indirect In Combination Effects and the Zol of the Potential Effects	Are there any European sites within the Zol of the proposed development?
Habitat loss will be confined to the lands within the proposed development boundary.	There are no European sites within the proposed development boundary
Habitat degradation as a result of hydrological impacts Habitats and species downstream of the proposed development site and the associated surface water drainage discharge points, and downstream of offsite wastewater treatment plants.	No There are no European sites at risk of hydrological effects associated with the proposed development
Habitat degradation as a result of hydrogeological impacts Groundwater-dependant habitats, and the species those habitats support, in the local area that lie downgradient of the proposed development site.	No There are no European sites at risk of hydrogeological effects associated with the proposed development
Habitat degradation as a result of introducing/spreading non-native invasive species Habitat areas within, adjacent to, and potentially downstream of the proposed development site.	No There are no non-native invasive species present on the proposed development site and, therefore, no risk associated with the proposed development to any European sites from the spread/introduction of non-native invasive species
Disturbance and displacement impacts Potentially up to several hundred metres from the proposed development boundary, dependent upon the predicted levels of noise, vibration and visual disturbance associated with the proposed development, taking into account the sensitivity of the qualifying interest species to disturbance effects	No There are no European sites within the potential zone of influence of disturbance effects associated with the construction or operation of the proposed development

3.4 In Combination

- 78 There is potential for “in-combination” effects on water quality in Dublin Bay from any other projects carried out within the functional areas of the Fingal Development Plan 2017-2023 (Fingal County Council, 2017), the Dublin City Development Plan 2016-2022 (Dublin City Council, 2016), the Dún Laoghaire-Rathdown County Development Plan 2016-2022 (Dún Laoghaire-Rathdown County Council, 2016), South Dublin County Council Development Plan 2016-2022 (South Dublin County Council, 2016), or any other land use plans which could influence conditions in Dublin Bay via rivers and other surface water features.
- 79 The subject lands are currently zoned as “ME- Metro Economic Corridor” with the zoning objective to “Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor” within the Fingal Development Plan 2017-2023 (Fingal County Council, 2017). With the exception of Santry Demesne to the north and Santry park to the east and south-east, the surrounding lands will be largely developed under current zoning as “ME- Metro Economic Corridor” and “RS- Residential”.
- 80 There are numerous granted planning permissions for residential and industrial developments in the vicinity of the proposed site. Planning permission for 329 no. units were permitted (ABP Ref. 306075-19) at Blackwood Square proximate to the subject site on lands under the control of the subject applicant. In April 2021 the terms of conditions attached were altered under case reference ABP-309416-21 resulting in the number of apartments increasing to 330 no. units. This is currently under construction.
- 81 Plans are currently under way by Transport Infrastructure Ireland (TII) to development quality bus corridors (QBC) under the BusConnects transport infrastructure project within the vicinity of the proposed develop.

These routes include Dublin City Centre to Ballymun and Dublin City Centre to Swords route. Plans will include upgrade of road, cycle land and pedestrian routes.

- 82 Plans for the proposed Metrolink project route from Swords to Clarendon, outlines a metro stop, with a mix of covered and retained open cut track traversing under Northwood at the northwest. A proposed compound with a tunnel boring machine (TBM) launch site located at site adjacent to St. Margaret's Road and Ballymun Road R108 planned.
- 83 Irish Water are currently upgrading Ringsend waste water treatment plan (WWTP) to increase population equivalent capacity from 1.9 million P.E. to 2.1 P.E. It is aimed that that Ringsend WWTP will be compliant with Urban Water Treatment Directive (EC 1991).
- 84 The Regional Spatial & Economic Strategy 2019-2031 (Eastern & Midland Regional Assembly, 2019) include the following policy objectives relevant to the protection of European sites and the protection of water quality in Dublin Bay, to which the relevant planning authorities must have regard to in the preparation and adoption of their development plans:
- Regional Policy Objective 3.4: Ensure that all plans, projects and activities requiring consent arising from the Regional Spatial and Economic Strategy are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate. In addition, the future strategic development of settlements throughout the Region will have full cognisance of the legal requirements pertaining to sites of International Nature Conservation Interest.
 - Regional Policy Objective 7.2: To achieve and maintain 'Good Environmental Status' for marine waters and to ensure the sustainable use of shared marine resources in the Region, and to promote the development of a cross-boundary and cross-border strategic management and stakeholder engagement framework to protect the marine environment.
 - Regional Policy Objective 7.10: Support the implementation of the Water Framework Directive in achieving and maintaining at least good environmental status for all water bodies in the Region and to ensure alignment between the core objectives of the Water Framework Directive and other relevant Directives, River Basin Management plans and local authority land use plans.
 - Regional Policy Objective 7.11: For water bodies with 'high ecological status' objectives in the Region, local authorities shall incorporate measures for both their continued protection and to restore those water bodies that have fallen below high ecological status and areas 'At Risk' into the development of local planning policy and decision making any measures for the continued protection of areas with high ecological status in the Region and for mitigation of threats to waterbodies identified as 'At Risk' as part of a catchment based approach in consultation with the relevant agencies. This shall include recognition of the need to deliver efficient wastewater facilities with sufficient capacity and thus contribute to improved water quality in the Region.
 - Regional Policy Objective 7.12: Future statutory land use plans shall include Strategic Flood Risk Assessment (SFRA) and seek to avoid inappropriate land use zonings and development in areas at risk of flooding and to integrate sustainable water management solutions (such as SuDS, nonporous surfacing and green roofs) to create safe places in accordance with the Planning System and Flood Risk Assessment Guidelines for Local Authorities.
 - Regional Policy Objective 7.15: Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.
 - Regional Policy Objective 7.16: Support the implementation of the Habitats Directives in achieving an improvement in the conservation status of protected species and habitats in the Region and to ensure alignment between the core objectives of the EU Birds and Habitats Directives and local authority development plans.
 - Regional Policy Objective 7.22: Local authority development plan and local area plans, shall identify, protect, enhance, provide and manage Green Infrastructure in an integrated and

coherent manner and should also have regard to the required targets in relation to the conservation of European sites, other nature conservation sites, ecological networks and protected species.

- Regional Policy Objective 10.6 Delivery and phasing of services shall be subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 network.
- Regional Policy Objective 10.7: Local authority core strategies shall demonstrate compliance with DHPLG Water Services Guidelines for local authorities and demonstrate phased infrastructure – led growth that is commensurate with the carrying capacity of water services and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.
- Regional Policy Objective 10.10: Support Irish Water and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short term, while planning strategically for long term growth in tandem with Project Ireland 2040 and in increasing compliance with the requirements of the Urban Wastewater Treatment Directive from 39% today to 90% by the end of 2021, to 99% by 2027 and to 100% by 2040.
- Regional Policy Objective 10.11: EMRA supports the delivery of the wastewater infrastructure set out in Table 10.2, subject to appropriate environmental assessment and the planning process.
- Regional Policy Objective 10.12: Development plans shall support strategic wastewater treatment infrastructure investment and provide for the separation of foul and surface water networks to accommodate the future growth of the Region.
- Regional Policy Objective 10.15: Support the relevant local authorities (and Irish Water where relevant) in the Region to improve storm water infrastructure to improve sustainable drainage and reduce the risk of flooding in the urban environment and in the development and provision at a local level of Sustainable Urban Drainage solutions.
- Regional Policy Objective 10.16: Implement policies contained in the Greater Dublin Strategic Drainage Study (GSDS), including SuDS.
- Regional Policy Objective 10.18: Local authorities shall ensure adequate surface water drainage systems are in place which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans.

85 The planning authority for the proposed development is Fingal County Council (FCC). Plans and developments within Fingal County must comply with the following policy objectives of the Fingal Development Plan 2017 – 2023 relevant to the protection of European sites and the protection of water quality in Dublin Bay:

- Objective NH10: Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.
- Objective NH11: Ensure that the Council, in the performance of its functions, takes full account of the objectives and management practices proposed in any management or related plans for European Sites in and adjacent to Fingal published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- Objective NH15: Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.
- Objective SW04: Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where

appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

- Objective WQ01: Strive to achieve ‘good status’ in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.
- Objective WQ04: Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems whilst ensuring they do not impact negatively on the conservation objectives of any European Sites.
- Objective WT01: Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of wastewater collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy.
- Objective WT02: Liaise with Irish Water to ensure the provision of wastewater treatment systems in order to ensure compliance with existing licences, EU Water Framework Directive, River Basin Management Plans, the Urban Wastewater Directive and the EU Habitats Directive.

86 Plans and developments within the other local authority areas which could influence conditions in Dublin Bay via rivers and other surface water features, also must comply with the policies and objectives relevant to the protection of European sites and water quality. These include the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the South Dublin County Council Development Plan 2016-2022, the Kildare County Development Plan 2017-2023 (Kildare County Council, 2017) and the Wicklow County Development Plan 2016-2022 (Wicklow County Council, 2016). The relevant policies and objectives in those plans for the protection of European sites and water quality are included in Appendix II.

87 In conclusion, there are a number of plans referred to above which are reliant on the upgrade of Ringsend WWTP which will, over time, address the capacity issues at Ringsend WWTP referred to above.

88 As noted under the surface water and foul water sections above, Dublin Bay is currently “*unpolluted*” and the proposed development will not result in any measurable effect on water quality in Dublin Bay. There are also protective policies and objectives in place at a strategic planning level to protect water quality in Dublin Bay.

89 Therefore, and having regard to the policies and objectives referred to under the relevant development plans, it is concluded that the possibility of any other plans or projects acting in combination with the proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay can be excluded.

4 Conclusions of Screening Assessment Process

90 Following an examination, analysis and evaluation of the relevant information, and in view of best scientific knowledge, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, in the absence of mitigation either arising from the project alone or in combination with other plans and projects, can be excluded, for the reasons set out in Section 3.3 and section 3.4 above. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

91 In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

92 Therefore, it is the professional opinion of the authors of this report that the application for approval for the proposed development in respect of the identified European sites does not require a Stage 2 Appropriate Assessment nor the preparation of a Natura Impact Statement (NIS).

Appendix I

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
Special Area of Conservation (SAC)	
<p>North Dublin Bay SAC [000206]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] <i>Salicornia</i> and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1395] Petalwort <i>Petalophyllum ralfsii</i> [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)* [2190] Humid dune slacks</p> <p><i>S.I. No. 524/2019 - European Union Habitats (North Dublin Bay Special Area of Conservation 000206) Regulations 2019</i></p> <p>NPWS (2013a) <i>Conservation Objectives: North Dublin Bay SAC 000206</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 6.76km south-east of the proposed development site</p>
<p>Baldoyle Bay SAC [000199]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1310] <i>Salicornia</i> and other annuals colonizing mud and sand [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p><i>S.I. No. 472/2021 - European Union Habitats (Baldoyle Bay Special Area of Conservation 000199) Regulations 2021</i></p> <p>NPWS (2012) <i>Conservation Objectives: Baldoyle Bay SAC 000199</i>. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	<p>Located c. 7.4km east of the proposed development site</p>
<p>Malahide Estuary SAC [000205]</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1310] <i>Salicornia</i> and other annuals colonising mud and sand [1320] <i>Spartina</i> swards (<i>Spartinion maritimae</i>)²⁷ [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>NPWS (2013) <i>Conservation Objectives: Malahide Estuary SAC 000205</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 7.46km northeast of the proposed development site</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>South Dublin Bay SAC [000210] [1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] <i>Salicornia</i> and other annuals colonising mud and sand [2110] Embryonic shifting dunes</p> <p><i>S.I. No. 525/2019 - European Union Habitats (South Dublin Bay Special Area of Conservation 000210) Regulations 2019</i> NPWS (2013) <i>Conservation Objectives: South Dublin Bay SAC 000210</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 7.9km south-east of the proposed development site</p>
<p>Howth Head SAC [000202] [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts [4030] European dry heaths</p> <p><i>S.I. No. 524/2021 - European Union Habitats (Howth Head Special Area of Conservation 000202) Regulations 2021</i> NPWS (2016) <i>Conservation Objectives: Howth Head SAC 000202</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>Located c. 10.9km east of the proposed development site</p>
<p>Rogerstown Estuary SAC [000208] [1130] Estuaries [1140] Mudflats and sandflats not covered by seawater at low tide [1310] <i>Salicornia</i> and other annuals colonising mud and sand [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p><i>S.I. No. 286/2018 - European Union Habitats (Rogerstown Estuary Special Area of Conservation 000208) Regulations 2018</i> NPWS (2013) <i>Conservation Objectives: Rogerstown Estuary SAC 000208</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 11.2km north-east of the proposed development site</p>
<p>Rockabill to Dalkey Island SAC [003000] [1170] Reefs [1351] Harbour porpoise <i>Phocoena phocaena</i></p> <p><i>S.I. No. 94/2019 - European Union Habitats (Rockabill To Dalkey Island Special Area Of Conservation 003000) Regulations 2019</i> NPWS (2013) <i>Conservation Objectives: Rockabill to Dalkey Island SAC 003000</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 11.7km east of the proposed development site</p>
<p>Ireland's Eye SAC [002193] [1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p><i>S.I. No. 501/2017 - European Union Habitats (Ireland's Eye Special Area of Conservation 002193) Regulations 2017</i> NPWS (2017) <i>Conservation Objectives: Ireland's Eye SAC 002193</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>Located c. 12.2km east of the proposed development site</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>Lambay Island SAC [000204] Annex I Habitats: [1170] Reefs [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts Annex II Species: [1364] Grey seal <i>Halichoerus grypus</i> [1365] Harbour seal <i>Phoca vitulina</i></p> <p><i>S.I. No. 294/2019 - European Union Habitats (Lambay Island Special Area Of Conservation 000204) Regulations 2019</i> Source: Conservation objectives for Lambay Island SAC [000204]. Version 1.0. (NPWS 2013f) and Natura 2000 – Standard Data Form (NPWS 2019f)</p>	<p>Located c.17.4km northeast of the Proposed Development</p>
Special Protection Area (SPA)	
<p>South Dublin Bay and River Tolka Estuary SPA [004024] [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> [A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i> [A999] Wetland and Waterbirds</p> <p><i>S.I. No. 212/2010 - European Communities (Conservation of Wild Birds (South Dublin Bay and River Tolka Estuary Special Protection Area 004024) Regulations 2010.</i> NPWS (2015) <i>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 5km south-east of the proposed development site</p>
<p>North Bull Island SPA [004006] [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A052] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i></p>	<p>Located c. 6.75km south-east of the proposed development site</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>[A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A160] Curlew <i>Numenius arquata</i> [A162] Redshank <i>Tringa totanus</i> [A169] Turnstone <i>Arenaria interpres</i> [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i> [A999] Wetlands & Waterbirds</p> <p><i>S.I. No. 211/2010 - European Communities (Conservation of Wild Birds (North Bull Island Special Protection Area 004006) Regulations 2010.</i> NPWS (2015) <i>Conservation Objectives: North Bull Island SPA 004006</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Malahide Estuary SPA [004025]</p> <p>[A005] Great Crested Grebe <i>Podiceps cristatus</i> [A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A054] Pintail <i>Anas acuta</i> [A067] Goldeneye <i>Bucephala clangula</i> [A069] Red-breasted Merganser <i>Mergus serrator</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A999] Wetland and Waterbirds</p> <p><i>S.I. No. 285/2011 - European Communities (Conservation of Wild Birds (Malahide Estuary Special Protection Area 004025) Regulations 2011.</i> NPWS (2013) <i>Conservation Objectives: Malahide Estuary SPA 004025</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 7.47km north-east of the proposed development site</p>
<p>Baldoyle Bay SPA [004016]</p> <p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A999] Wetland and Waterbirds</p> <p><i>S.I. No. 275/2010 - European Communities (Conservation of Wild Birds (Baldoyle Bay Special Protection Area 004016) Regulations 2010.</i></p>	<p>Located c. 7.5km east of the proposed development site</p>

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<p>NPWS (2013) <i>Conservation Objectives: Baldoyle Bay SPA 004016. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Rogerstown Estuary SPA [004015]</p> <p>[A043] Greylag Goose <i>Anser anser</i> [A046] Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A056] Shoveler <i>Anas clypeata</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A149] Dunlin <i>Calidris alpina alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A162] Redshank <i>Tringa totanus</i> [A999] Wetlands</p> <p><i>S.I. No. 271/2010 - European Communities (Conservation of Wild Birds (Rogerstown Estuary Special Protection Area 004015)) Regulations 2010.</i></p> <p>NPWS (2013) <i>Conservation Objectives: Rogerstown Estuary SPA 004015. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>Located c. 11.58km north-east of the proposed development site</p>
<p>Ireland's Eye SPA [004117]</p> <p>[A017] Cormorant <i>Phalacrocorax carbo</i> [A184] Herring Gull <i>Larus argentatus</i> [A188] Kittiwake <i>Rissa tridactyla</i> [A199] Guillemot <i>Uria aalge</i> [A200] Razorbill <i>Alca torda</i></p> <p><i>S.I. No. 240/2010 - European Communities (Conservation of Wild Birds (Ireland's Eye Special Protection Area 004117)) Regulations 2010.</i></p> <p>NPWS (2022) <i>Conservation objectives for Ireland's Eye SPA 004117. Generic Version 9.0.</i> Department of Housing, Local Government and Heritage.</p>	<p>Located c. 11.98km east of the proposed development site</p>
<p>Howth Head Coast SPA [004113]</p> <p>[A188] Kittiwake <i>Rissa tridactyla</i></p> <p><i>S.I. No. 185/2012 - European Communities (Conservation of Wild Birds (Howth Head Coast Special Protection Area 004113)) Regulations 2012.</i></p> <p>NPWS (2022) <i>Conservation objectives for Howth Head Coast SPA 004113. Generic Version 9.0.</i> Department of Housing, Local Government and Heritage.</p>	<p>Located c. 13.25km east of the proposed development site</p>

Appendix II

Planning polices/objectives relating to the protection of European sites and water quality

Eastern & Midland Regional Assembly, Regional Spatial & Economic Strategy 2019-2031

Regional Policy Objective 3.4

Ensure that all plans, projects and activities requiring consent arising from the Regional Spatial and Economic Strategy are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate. In addition the future strategic development of settlements throughout the Region will have full cognisance of the legal requirements pertaining to sites of International Nature Conservation Interest.

Regional Policy Objective 7.2

To achieve and maintain 'Good Environmental Status' for marine waters and to ensure the sustainable use of shared marine resources in the Region, and to promote the development of a cross-boundary and cross-border strategic management and stakeholder engagement framework to protect the marine environment.

Regional Policy Objective 7.10

Support the implementation of the Water Framework Directive in achieving and maintaining at least good environmental status for all water bodies in the Region and to ensure alignment between the core objectives of the Water Framework Directive and other relevant Directives, River Basin Management plans and local authority land use plans.

Regional Policy Objective 7.11

For water bodies with 'high ecological status' objectives in the Region, local authorities shall incorporate measures for both their continued protection and to restore those water bodies that have fallen below high ecological status and areas 'At Risk' into the development of local planning policy and decision making any measures for the continued protection of areas with high ecological status in the Region and for mitigation of threats to waterbodies identified as 'At Risk' as part of a catchment based approach in consultation with the relevant agencies. This shall include recognition of the need to deliver efficient wastewater facilities with sufficient capacity and thus contribute to improved water quality in the Region.

Regional Policy Objective 7.12

Future statutory land use plans shall include Strategic Flood Risk Assessment (SFRA) and seek to avoid inappropriate land use zonings and development in areas at risk of flooding and to integrate sustainable water management solutions (such as SuDS, nonporous surfacing and green roofs) to create safe places in accordance with the Planning System and Flood Risk Assessment Guidelines for Local Authorities.

Regional Policy Objective 7.15

Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.

Regional Policy Objective 7.16

Support the implementation of the Habitats Directives in achieving an improvement in the conservation status of protected species and habitats in the Region and to ensure alignment between the core objectives of the EU Birds and Habitats Directives and local authority development plans.

Regional Policy Objective 7.22

Local authority development plan and local area plans, shall identify, protect, enhance, provide and manage Green Infrastructure in an integrated and coherent manner and should also have regard to the required targets in relation to the conservation of European sites, other nature conservation sites, ecological networks and protected species.

Regional Policy Objective 10.6

Delivery and phasing of services shall be subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 network.

Regional Policy Objective 10.7

Local authority core strategies shall demonstrate compliance with DHPLG Water Services Guidelines for local authorities and demonstrate phased infrastructure – led growth that is commensurate with the carrying

capacity of water services and prevent adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.

Regional Policy Objective 10.10

Support Irish Water and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short term, while planning strategically for long term growth in tandem with Project Ireland 2040 and in increasing compliance with the requirements of the Urban Waste Water Treatment Directive from 39% today to 90% by the end of 2021, to 99% by 2027 and to 100% by 2040.

Regional Policy Objective 10.11

EMRA supports the delivery of the waste water infrastructure set out in Table 10.2, subject to appropriate environmental assessment and the planning process.²⁸

Regional Policy Objective 10.12

Development plans shall support strategic wastewater treatment infrastructure investment and provide for the separation of foul and surface water networks to accommodate the future growth of the Region.

Regional Policy Objective 10.15

Support the relevant local authorities (and Irish Water where relevant) in the Region to improve storm water infrastructure to improve sustainable drainage and reduce the risk of flooding in the urban environment and in the development and provision at a local level of Sustainable Urban Drainage solutions.

Regional Policy Objective 10.16

Implement policies contained in the Greater Dublin Strategic Drainage Study (GDSDS), including SuDS.

Regional Policy Objective 10.18

Local authorities shall ensure adequate surface water drainage systems are in place which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans.

Fingal Development Plan 2017-2023

Objective NH10

Ensure that the Council takes full account of the requirements of the Habitats and Birds Directives, as they apply both within and without European Sites in the performance of its functions.

Objective NH11

Ensure that the Council, in the performance of its functions, takes full account of the objectives and management practices proposed in any management or related plans for European Sites in and adjacent to Fingal published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Objective NH15

Strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.

Objective SW04

Require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks.

Objective WQ01

Strive to achieve 'good status' in all waterbodies in compliance with the Water Framework Directive, the Eastern River Basin District Management Plan 2009-2015 and the associated Programme of Measures (first cycle) and to cooperate with the development and implementation of the second cycle national River Basin Management Plan 2017-2021.

²⁸ The Greater Dublin Drainage Project, the Ringsend Wastewater Treatment Plant Project, the Athlone Main Drainage Project and the Upper Liffey Valley Sewerage Scheme

Objective WQ04

Protect existing riverine wetland and coastal habitats and where possible create new habitats to maintain naturally functioning ecosystems whilst ensuring they do not impact negatively on the conservation objectives of any European Sites.

Objective WT01

Liaise with and work in conjunction with Irish Water during the lifetime of the plan for the provision, extension and upgrading of waste water collection and treatment systems in all towns and villages of the County to serve existing populations and facilitate sustainable development of the County, in accordance with the requirements of the Settlement Strategy and associated Core Strategy.

Objective WT02

Liaise with Irish Water to ensure the provision of wastewater treatment systems in order to ensure compliance with existing licences, EU Water Framework Directive, River Basin Management Plans, the Urban Waste Water Directive and the EU Habitats Directive.

Dublin City Development Plan 2022-2028 (Draft)**SI7 Water Quality Status**

To promote and maintain the achievement of at least good status in all water bodies in the city.

SI7 Water Quality Status

To promote and maintain the achievement of at least good status in all water bodies in the city.

SI10 Managing Development Within and Adjacent to River Corridors

To require development proposals that are within or adjacent to river corridors in the city (excluding the Camac River) to provide for a minimum set-back distance of 10-15m from the top of the river bank in order to create an appropriate riparian zone. The Council will support riparian zones greater than 10 metres depending on site specific characteristics and where such zones can integrate with public/communal open space

SIO4 River Basin Management Plan

To implement the EU Water Framework Directive through the implementation of the appropriate River Basin Management Plan and Programme of Measures and individual river restoration strategies where available.

SIO5 River Basin Management Plan

To take into consideration the River Basin Management Plan and Programme of Measures when considering new development proposals.

SIO6 Groundwater Protection

To protect ground water resources in Dublin City and to implement the recommendations contained in any Groundwater Protection Scheme prepared under EU Ground Water Directives

SI22 Sustainable Drainage Systems

To require the use of Sustainable Drainage Systems (SuDS) in all new developments, where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development)/ Greater Dublin Regional Code of Practice for Drainage Works. Sustainable Drainage Systems (SuDS) should incorporate nature-based solutions and be designed in accordance with the Dublin City Council Sustainable Drainage Design and Evaluation Guide (2021) which is summarised in Appendix 12. SuDS should protect and enhance water quality through treatment at source while enhancing biodiversity and amenity.

SI23 Green Blue Roofs

To require all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof designed in accordance with the requirements of Dublin City Council's Green and Blue Roof Guide (2021) which is summarised in Appendix 11.

GI9 European Union Natura 2000 Sites

To conserve, manage, protect and restore the favourable conservation condition of all qualifying interest/special conservation interests of all European sites designated, or proposed to be designated, under the EU Birds and Habitats Directives, as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (European / Natura 2000 sites)

GI10 Flora and Fauna Protected under National and European Legislation Located Outside Designated Areas

To adequately protect flora and fauna (under the EU Habitats and Birds Directives, the Wildlife Acts 1976–2021, the Fisheries Acts 1959–2006 and the Flora (Protection) Order 2015 S.I No. 356 of 2015), wherever they occur within Dublin City, or have been identified as supporting the favourable conservation condition of any European sites

GI13 Areas of Ecological Importance for Protected Species

To ensure the protection, conservation and enhancement of all areas of ecological importance for protected species, and especially those listed in the EU Birds and Habitats Directives, including those identified as supporting the favourable conservation condition of any European sites, in accordance with development standards set out in this plan.

GI14 Ecological / Wildlife Corridors

To maintain and strengthen the integrity of the city's ecological corridors and stepping stones which enable species to move through the city, by increasing their connectivity [to be shown in the proposed Green Infrastructure Strategy] under Article 10 of the EU Habitats Directive. Development proposals should not compromise their ecological functions and should realise opportunities to contribute to enhancing the nature conservation value of them by landscaping that provides complementary habitats. An Ecological Impact Assessment will be required for any proposed development likely to have a significant impact on habitats and species of interest on or adjacent an ecological corridor

Dublin City Development Plan 2016-2022**SI2:**

To support and facilitate Irish Water to ensure the upgrading of wastewater infrastructure, in particular the upgrading of the Ringsend Wastewater Treatment Plant, and to support the development of the Greater Dublin Regional Wastewater Treatment Plant, the North Docklands Sewage Scheme, the Marine Outfall and orbital sewer to be located in the northern part of the Greater Dublin Area to serve the Dublin region as part of the Greater Dublin Strategic Drainage Strategy.

SI3:

To ensure that development is permitted in tandem with available water supply and wastewater treatment and to manage development, so that new schemes are permitted only where adequate capacity or resources exists or will become available within the life of a planning permission.

SI7:

To promote the progressive reduction of pollution of groundwater and prevent its further pollution

SI17:

To require an environmental assessment of all proposed flood protection or flood alleviation works

SI18:

To require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works. The following measures will apply:

- The infiltration into the ground through the development of porous pavement such as permeable paving, swales, and detention basins
- The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands
- The slow-down of the movement of water.

GI2:

That any plan/project, either individually or in combination with other plans or projects that has the potential to give rise to significant effect on the integrity of any European site(s), shall be subject to an appropriate assessment in accordance with Article 6(3) and 6(4) of the EU Habitats Directives

GI23:

To protect flora, fauna and habitats, which have been identified by Articles 10 and 12 of Habitats Directive, Birds Directive, Wildlife Acts 1976–2012, the Flora (Protection) Order 2015 S.I No. 356 of 2015, European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

GI23:

To protect flora, fauna and habitats, which have been identified by Articles 10 and 12 of Habitats Directive, Birds Directive, Wildlife Acts 1976–2012, the Flora (Protection) Order 2015 S.I No. 356 of 2015, European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

GI26:

To have regard to the conservation and enhancement of significant non-designated areas of ecological importance in accordance with development standards set out in this plan

Dún Laoghaire-Rathdown County Development Plan 2022-2028

Policy Objective GIB18: Protection of Natural Heritage and the Environment

It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive

Policy Objective GIB19: Habitats Directive

It is a Policy Objective to ensure the protection of natural heritage and biodiversity, including European Sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.

Policy Objective GIB21: Designated Sites

It is a Policy Objective to protect and preserve areas designated as proposed Natural Heritage Areas, Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.

Policy Objective GIB22: Non-Designated Areas of Biodiversity Importance

It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/ avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014)

Policy Objective GIB23: County-Wide Ecological Network

It is a Policy Objective to protect the Ecological Network which will be integrated into the updated Green Infrastructure Strategy and will align with the DLR County Biodiversity Action Plan. Creating this network throughout the County will also improve the ecological coherence of the Natura 2000 network in accordance with Article 10 of the Habitats Directive. The network will also include non-designated sites.

Policy Objective EI7: Water Supply and Wastewater treatment and Appropriate Assessment

It is a Policy Objective to require that all developments relating to water supply and wastewater treatment are subject to screening for Appropriate Assessment to ensure there are no likely significant effects on the integrity, defined by the structure and function, of any European sites and that the requirements of Article 6 of the EU Habitats Directive are met. (Consistent with RPO 10.7 of the RSES).

Policy Objective EI8: Groundwater Protection and Appropriate Assessment

It is a Policy Objective to ensure the protection of the groundwater resources in and around the County and associated habitats and species in accordance with the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (Groundwater) Regulations, 2010. In this regard, the

Council will support the implementation of Irish Water’s Water Safety Plans to protect sources of public water supply and their contributing catchment.

Policy Objective EI2: Irish Water Enabling Policies Irish Water’s Plans and Programmes

It is a Policy Objective - in conjunction with the Eastern and Midland Regional Authority, where appropriate - to work with and support Irish Water in the delivery of the strategic objectives and strategic water and wastewater projects and infrastructure as set out in the ‘Water Services Strategic Plan’ (2015), any subsequent plan, Irish Water’s Capital Investment Plan 2020 – 2024, any subsequent Capital Investment Plans and the forthcoming National Water Resources Plan, so as to ensure provision of infrastructure to service settlements in accordance with the Core Strategy of this Plan, and the settlement strategy of the RSES. (Consistent with RPO 10.2, 10.3, 10.11, 10.16 of the RSES).

Policy Objective EI5: River Basin Management Plans (RMBPs)

It is a Policy Objective: To ensure the delivery of the relevant policies and objectives of the River Basin Management Plan for Ireland 2018 – 2021 and any subsequent plan, including those relating to protection of water status, improvement of water status, prevention of deterioration and meeting objectives for designated protected sites. To support Irish Water in its implementation of Water Quality Management Plans for ground, surface, coastal and estuarine waters as part of the implementation of the EU Water Framework Directive. To support Irish Water in the development of Drinking Water Protection Plans.

Policy Objective EI6: Sustainable Drainage Systems

It is a Policy Objective to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS).

Policy Objective EI17: Water Pollution

It is a Policy Objective to implement the provisions of water pollution abatement measures in accordance with national and EU Directives and other legislative requirements in conjunction with other agencies as appropriate.

South Dublin County Council Development Plan 2016-2022

HCL12 Objective 1

To prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the County and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.

HCL12 Objective 2

To ensure that projects that give rise to significant direct, indirect or secondary impacts on Natura 2000 sites, either individually or in combination with other plans or projects, will not be permitted unless the following is robustly demonstrated in accordance with Article 6(4) of the Habitats Directive and S.177AA of the Planning and Development Act (2000 – 2010) or any superseding legislation:

1. There are no less damaging alternative solutions available; and
2. There are imperative reasons of overriding public interest (as defined in the Habitats Directive) requiring the project to proceed; and
3. Adequate compensatory measures have been identified that can be put in place.

IE Policy 1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.

IE1 Objective 1

To work in conjunction with Irish Water to protect, manage and optimise water supply and foul drainage networks in the County.

IE1 Objective 2

To work in conjunction with Irish Water to facilitate the timely delivery of ongoing upgrades and the expansion of water supply and wastewater services to meet the future needs of the County and the Region.

IE Policy 2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

IE2 Objective 1

To maintain, improve and enhance the environmental and ecological quality of our surface waters and groundwater by implementing the programme of measures set out in the Eastern River Basin District River Basin Management Plan.

IE2 Objective 3

To maintain and enhance existing surface water drainage systems in the County and promote and facilitate the development of Sustainable Urban Drainage Systems (SUDS), including integrated constructed wetlands, at a local, district and County level, to control surface water outfall and protect water quality.

IE2 Objective 4

To incorporate Sustainable Urban Drainage Systems (SUDS) as part of Local Area Plans, Planning Schemes, Framework Plans and Design Statements to address the potential for Sustainable Urban Drainage at a site and/or district scale, including the potential for wetland facilities.

IE2 Objective 5

To limit surface water run-off from new developments through the use of Sustainable Urban Drainage Systems (SUDS) and avoid the use of underground attenuation and storage tanks.

IE2 Objective 6

To promote and support the retrofitting of Sustainable Urban Drainage Systems (SUDS) in established urban areas, including integrated constructed wetlands.

Appendix III

Species returned from the NBDC online database as occurring within the vicinity of the Proposed Development

Common Name / Scientific Name	Legal Status	Red List Status	Source
Plants			
Hairy St. John'swort <i>Hypericum hirsutum</i>	Flora (Protection) Order (2015)	Vulnerable	NBDC online database record
Mammals			
European Otter <i>Lutra lutra</i>	HD II, HD IV, WA	Least concern	NBDC online database record, Dublin City Biodiversity Action Plan 2015 - 2020
Birds			
Barn Owl <i>Tyto alba</i>	WA	Red	NBDC online database record
Barn Swallow <i>Hirundo rustica</i>	WA	Amber	NBDC online database record
Black-headed Gull <i>Chroicocephalus ridibundus</i>	WA	Amber	NBDC online database record, Dublin City Biodiversity Action Plan 2015 - 2020
Blue Tit <i>Cyanistes caeruleus</i>	WA	Green	NBDC online database record
Chaffinch <i>Fringilla coelebs</i>	BD I, WA	Green	NBDC online database record
Coal Tit <i>Periparus ater</i>	WA	Green	NBDC online database record
Common Blackbird <i>Turdus merula</i>	WA	Green	NBDC online database record
Common Bullfinch <i>Pyrrhula pyrrhula</i>	WA	Green	NBDC online database record
Common Buzzard <i>Buteo buteo</i>	WA	Green	NBDC online database record
Common Chiffchaff <i>Phylloscopus collybita</i>	WA	Green	NBDC online database record
Common Coot <i>Fulica atra</i>	SCI, BD II(I) BD III(II), WA	Amber	NBDC online database record
Common Linnet <i>Carduelis cannabina</i>	WA	Amber	NBDC online database record
Common Moorhen <i>Gallinula chloropus</i>	WA	Green	NBDC online database record
Common Raven <i>Corvus corax</i>	WA	Green	NBDC online database record
Common Starling <i>Sturnus vulgaris</i>	WA	Amber	NBDC online database record

Common Swift <i>Apus apus</i>	SCI, BD II(II) BD III(III), WA	Red	NBDC online database record
Common Wood Pigeon <i>Columba palumbus</i>	BD II(I) BD III(I), WA	Green	NBDC online database record
Eurasian Collared Dove <i>Streptopelia decaocto</i>	WA	Green	NBDC online database record
Eurasian Jackdaw <i>Corvus monedula</i>	WA	Green	NBDC online database record
Eurasian Sparrowhawk <i>Accipiter nisus</i>	WA	Green	NBDC online database record
Eurasian Treecreeper <i>Certhia familiaris</i>	WA	Green	NBDC online database record
European Goldfinch <i>Carduelis carduelis</i>	WA	Green	NBDC online database record
European Greenfinch <i>Carduelis chloris</i>	WA	Amber	NBDC online database record
European Robin <i>Erithacus rubecula</i>	WA	Green	NBDC online database record
Fieldfare <i>Turdus pilaris</i>	WA	Green	NBDC online database record
Goldcrest <i>Regulus regulus</i>	WA	Amber	NBDC online database record
Great Tit <i>Parus major</i>	WA	Green	NBDC online database record
Grey Heron <i>Ardea cinerea</i>	SCI, WA	Green	NBDC online database record
Grey Wagtail <i>Motacilla cinerea</i>	WA	Red	NBDC online database record
Hedge Accentor <i>Prunella modularis</i>	WA	Green	NBDC online database record
House Martin <i>Delichon urbicum</i>	WA	Amber	NBDC online database record
House Sparrow <i>Passer domesticus</i>	WA	Amber	NBDC online database record
Lesser Redpoll <i>Carduelis cabaret</i>	WA	Green	NBDC online database record
Light-bellied Brent goose <i>Branta bernicla subsp. hrota</i>	WA	Amber	Scott Cawley 2017
Mallard <i>Anas platyrhynchos</i>	SCI, BD II(I) BD III(I), WA	Amber	NBDC online database record
Mistle Thrush <i>Turdus viscivorus</i>	WA	Green	NBDC online database record
Mute Swan <i>Cygnus olor</i>	WA	Amber	NBDC online database record

Peregrine Falcon <i>Falco peregrinus</i>	SCI, BD I, WA	Green	NBDC online database record, Dublin City Biodiversity Action Plan 2015 - 2020
Redwing <i>Turdus iliacus</i>	WA	Red	NBDC online database record
Rook <i>Corvus frugilegus</i>	WA	Green	NBDC online database record
Song Thrush <i>Turdus philomelos</i>	WA	Green	NBDC online database record
Tufted Duck <i>Aythya fuligula</i>	SCI, BD II(I) BD III(II), WA	Amber	NBDC online database record
White Wagtail <i>Motacilla alba</i>	WA	Green	NBDC online database record
Whooper Swan <i>Cygnus cygnus</i>	SCI, BD I, WA	Amber	NBDC online database record
Willow Warbler <i>Phylloscopus trochilus</i>	WA	Green	NBDC online database record