



**Appropriate Assessment Screening Report**  
**for DUB05 EdgeConneX Data Centre Development,**  
**Ballymakaily, Co. Dublin**

prepared for EdgeConneX Ireland Ltd.

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## Document Control

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This report has been prepared by Scott Cawley Ltd. in accordance with the particular instructions and requirements of our agreement with the Client, the project's budgetary and time constraints and in line with best industry standards. The methodology adopted and the sources of information used by Scott Cawley Ltd. in providing its services are outlined in this report. The scope of this report and the services are defined by these circumstances.

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The conclusions presented in this report represent Scott Cawley Ltd.'s best professional judgement based on review of site conditions observed during the site visit (if applicable) and the relevant information available at the time of writing. Scott Cawley Ltd. has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy.

**Table of Contents**

1 Introduction .....1

2 Methodology .....1

    2.1 Guidance .....1

    2.2 Assessment Methodology.....2

    2.3 Desktop Data Review .....3

    2.4 Consultations .....4

    2.5 Baseline Surveys.....4

3 Provision of Information for Screening for Appropriate Assessment .....5

    3.1 Description of the Proposed Development.....5

    3.2 Overview of the Receiving Environment.....7

    3.3 Assessment of Effects on European Sites .....12

4 Conclusions of Screening Assessment Process.....19

**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)

**Appendix II**

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

**Appendix III**

Records of SCI species from the desktop study in the vicinity of the study area

## 1 Introduction

- 1 This report, which contains information required for the competent authority (in this instance South Dublin County Council) to undertake a screening for Appropriate Assessment (AA), has been prepared by Scott Cawley Ltd. on behalf of the applicant. 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)<sup>1</sup>. The proposed development consists of a data centre development, with associated landscaping, lighting and drainage.
- 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 concluded, 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 European sites.

## 2 Methodology

### 2.1 Guidance

- 3 This Appropriate Assessment Screening Report has been prepared with regard to the following guidance documents, as relevant:
  - *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision)
  - *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities.* Circular NPW 1/10 & PSSP 2/10
  - *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, 2001)
  - *Communication from the Commission on the precautionary principle* (European Commission, 2000), and
  - *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019)

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<sup>1</sup> 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 designed as European sites - defined under the Planning Acts and/or the Birds and Habitats 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).

## 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 Screening for Appropriate Assessment involves the following steps:



- 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 an Appropriate Assessment.
- 8 In establishing which European sites are potentially at risk (in the absence of mitigation) from the proposed development, a source-pathway-receptor approach was applied. In order for an impact 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)<sup>2</sup>), and a pathway between the source and the receptor (e.g. pathway 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 the impact 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 objectives<sup>3</sup>.
- 10 The identification of a source-pathway-receptor link does not automatically mean that significant effects will arise. 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). Where uncertainty exists, the precautionary principle<sup>4</sup> is applied.

### 2.3 Desktop Data Review

- 11 The desktop data sources used to inform the assessment presented in this report are as follows (accessed on the 29<sup>th</sup> January 2021):
  - Online data available on European sites and protected habitats/species as held by the National Parks and Wildlife Service (NPWS) from [www.npws.ie](http://www.npws.ie)<sup>5</sup>, including conservation objectives documents

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<sup>2</sup> 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.

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

<sup>4</sup> 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”.

Applying the precautionary principle in the context of screening for appropriate assessment requires that where there is uncertainty or doubt about the risk of significant effects on a European site(s), it should be assumed that significant effects are possible and AA must be carried out.

<sup>5</sup> The following SAC and SPA GIS boundary datasets are the most recently available at the time of writing: SAC\_ITM\_2019\_12 and SPA\_ITM\_2019\_12.

<sup>6</sup> The following SAC and SPA GIS boundary datasets are the most recently available at the time of writing: SAC\_ITM\_2019\_12 and SPA\_ITM\_2019\_12.

- Online data available on protected species as held by the National Biodiversity Data Centre (NBDC) from [www.biodiversityireland.ie](http://www.biodiversityireland.ie)
- Information on the surface water network and surface water quality in the area available from [www.epa.ie](http://www.epa.ie)
- Information on groundwater resources and groundwater quality in the area available from [www.epa.ie](http://www.epa.ie) and [www.gsi.ie](http://www.gsi.ie)
- Ordnance Survey of Ireland mapping and aerial photography available from [www.osi.ie](http://www.osi.ie)
- Information on the location, nature and design of the proposed development supplied by the applicant's design team
- *Environmental Impact Assessment Report for DUB05 EdgeConnex Data Centre Development* (Marston Planning Consultancy, 2021)
- *Environmental Impact Assessment Report for EdgeConneX Ireland Ltd., Data Centre (Phase 4), Newcastle Road, Grange Castle* (Marston Planning Consultancy, 2018)
- *Environmental Impact Assessment Report for Road Infrastructure Development at Clonburris Strategic Development Zone, Co. Dublin* (Stephen Little & Associates, 2020)
- *Ecological Survey of Clonburris Strategic Development Zone, Clondalkin, Co. Dublin* (FERS, 2018)

## 2.4 Consultations

- 12 Consultation letters were submitted by email to the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht (DAU Ref: G Pre 00014/2021) on the 25<sup>th</sup> January 2021. The letters included an outline description of the proposed development and a request for any comments on the proposal. No response from either authority was received by Scott Cawley Ltd. prior to submission of the planning application for the proposed development.
- 13 Inland Fisheries Ireland was also contacted on the 25<sup>th</sup> January 2021 to request additional data on species which may use the Griffeen River and for any comments they may have on the proposal. No response was received by Scott Cawley Ltd. prior to submission of the planning application for the proposed development.

## 2.5 Baseline Surveys

- 14 This section describes the ecological surveys carried out to inform the assessment of likely significant effects on European sites.

### 2.5.1 Habitats and Flora Survey

- 15 A habitat survey was undertaken of the proposed development site on the 26<sup>th</sup> January 2021 by Alexis Fitzgerald B.A. (Hons) MSc and Síofra Quigley BSc (Hons) MSc of Scott Cawley Ltd. following the methodology described in *Best Practice Guidance for Habitat Survey and Mapping*<sup>7</sup>. All habitat types were classified using the *Guide to Habitats in Ireland*<sup>8</sup>, recording the indicator species and abundance using the DAFOR scale<sup>9</sup> and recording any species of conservation interest. Vascular and bryophyte plant

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<sup>7</sup> 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.

<sup>8</sup> Fossitt, J.A. (2000) *A Guide to Habitats in Ireland*. Heritage Council, Kilkenny.

<sup>9</sup> 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.

nomenclature generally follow that of *The National Vegetation Database*<sup>10</sup>, having regard to more recent taxonomic changes to species names after the *New Flora of the British Isles*<sup>11</sup> and the British Bryological Society's *Mosses and Liverworts of Britain and Ireland: A Field Guide*<sup>12</sup>.

## 2.5.2 Fauna Surveys

### 2.5.2.1 Terrestrial Mammals (excl. Bats)

- 16 A terrestrial fauna survey (excluding bats) was undertaken on the 26<sup>th</sup> of January 2021 by Alexis Fitzgerald B.A. (Hons) MSc and Síofra Quigley BSc (Hons) MSc of Scott Cawley Ltd. 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. Surveys to check for the presence of badger setts and otter holts within the study area, and to record any evidence of use, were undertaken on the 26<sup>th</sup> of January 2021.

## 3 Provision of Information for Screening for Appropriate Assessment

- 17 The following sections provide information to facilitate the Appropriate Assessment screening of the proposed development to be undertaken by the competent authority.
- 18 A description of the proposed development and the receiving environment is provided to identify the potential ecological impacts. The environmental baseline conditions are discussed, 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. hydrological data).
- 19 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 will 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

- 20 The proposed development of 22.1 hectares is to be located to the west of Grange Castle Business Park located in the townland of Ballymakailly between the N4 and N7 in west Dublin. The Grand Canal runs along the northern boundary of the site.
- 21 The development will consist of the construction of two no. single storey data centres with associated office and service areas; and three no. gas powered generation plant buildings with an overall gross floor area of 24,624sqm that will comprise of the following:
- Demolition of abandoned single storey dwelling, remaining agricultural shed and derelict former farm building;
  - Construction of 2 no. single storey data centres (12,797sqm), both with associated plant at roof level; with 24 no. standby diesel generators with associated flues (each 25m high) that will be attached to a single storey goods receiving area / store and single storey office area (2,404sqm)

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<sup>10</sup> 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.

<sup>11</sup> Stace, C. (2019) *New Flora of the British Isles. 4<sup>th</sup> Edition*. C&M Floristics.

<sup>12</sup> Atherton, I., Bosanquet, S. & Lawley, M. (2010) *Mosses and Liverworts of Britain and Ireland: A Field Guide*. Latimer Trend & Co., Plymouth.



located to the west of the data centres as well as associated water tower and sprinkler tank and other services;

- amendments to the internal access road and omission of access to loading bay permitted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948 that include the relocation of permitted, and new, internal security gates; and new internal access roads to serve the proposed development that will provide access to 39 no. new car parking spaces (including 4 no. electric and 2 no. disabled spaces) and sheltered bicycle parking to serve the new data centres;
  - The development will also include the phased development of 3 no. two storey gas powered generation plants (9,286sqm) within three individual buildings and ancillary development to provide power to facilitate the development of the overall site to be located within the south-west part of the overall site. Gas Plant 1 (3,045sqm) will contain 20 no. generator units (18+2) with associated flues (each 25m high) will facilitate, once operational the decommissioning of the temporary Gas Powered Generation Plant within its open compound as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948. Gas Plant 2 (3,045sqm) will contain 20 no. generator units (18+2) with associated flues (each 25m high); and Gas Plant 3 (3,196sqm) will contain 21 no. generator units (19+2) with associated flues (each 25m high). These Plants will be built to provide power to each data centre, if and, when required. The Gas Plants will be required as back-up power generation once the permanent power connection via the permitted substation is achieved;
  - Green walls are proposed to the southern elevation of each Power plant, as well as to the northern elevation of the generator compound of the data centres, and enclosing the water tower/pump room compound; and a new hedgerow is proposed linking the east and west of the site; and
  - Proposed Above Ground Gas Installation compound to contain single storey kiosk (93sqm) and boiler room (44sqm).
- 22 The development will also include ancillary site works, connections to existing infrastructural services as well as fencing and signage. The development will include minor modifications to the permitted landscaping to the west of the site as granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948. The site will remain enclosed by landscaping to all boundaries. The development will be accessed off the R120 via the permitted access granted under SDCC Planning Ref. SD19A/0042 / ABP Ref. PL06S.305948.
- 23 The site will be positively drained and surface water will be contained within the overall sites drainage network and managed in a sustainable manner, in accordance with all relevant guidelines and specifications.
- 24 Stormwater will discharge through an adequately sized attenuation pond at the northern end of the site ultimately discharging to the existing storm sewer to the north east of the site. The outflow from the attenuation pond, will be restricted by way of a Hydrobrake facility, which will limit the discharge to 9.60l/s, which is the calculated QBAR greenfield run-off rate. A connection to the existing off site Irish Water foul sewer and potable water network will be established.
- 25 The proposed development will result in an increased demand for water of c. 7.4 m<sup>3</sup>/day (average). A confirmation by Irish Water that this resource is available within the existing network is required.
- 26 With regard to foul water, the proposed development is proposed to discharge foul water from the proposed development, via a 225mm Ø gravity foul sewer outfall and discharge into the existing 450mm Ø connection. It is proposed that all foul condensate effluent from the proposed new data halls, will be connected into head manholes adjacent to the data halls. The peak wastewater flow will not be in excess of c. 0.54l/s. A confirmation by Irish Water that this discharge on the existing network is feasible is required.
- 27 There will be no blasting or other works that may impact groundwater.
- 28 The construction programme is expected to last 18 months.

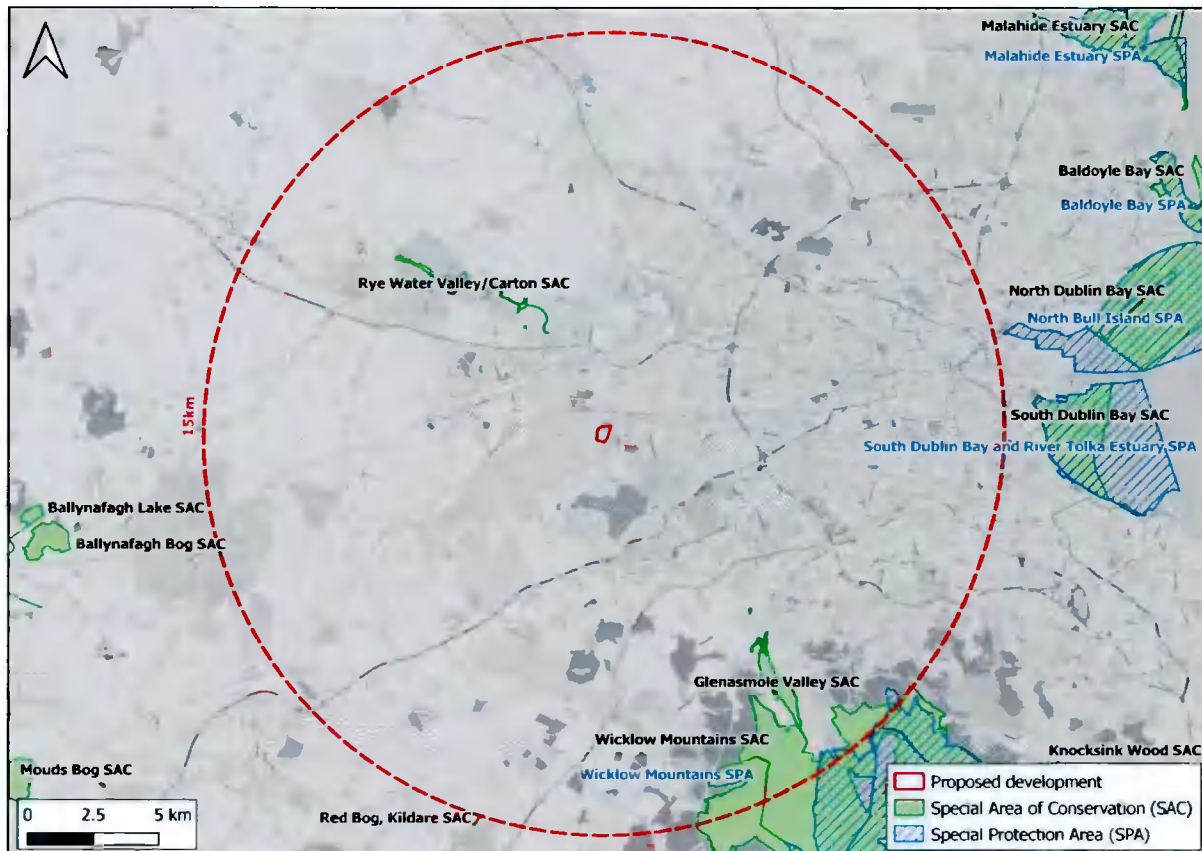
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- 29 See *Environmental Impact Assessment Report for DUB05 EdgeConnex Data Centre Development* (Marston Planning Consultancy, 2021) Chapter 2 for a comprehensive description of the development.

### 3.2 Overview of the Receiving Environment

#### 3.2.1 European sites

- 30 There are nine European sites located within c. 15km and downstream of the proposed development. The proposed development does not overlap with any European sites. The nearest European site is Rye Water Valley/Cartron SAC, located c. 4.1km to the north-west of the proposed development site. The proposed development is hydrologically connected via the surface and foul water network to European sites further downstream in Dublin Bay (North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA).
- 31 All of the European sites present in the vicinity of the proposed development are shown on Figure 1 below. The QIs/SCIs of the European sites in the vicinity of the proposed development are provided in Appendix I.

**Figure 1** European sites in the vicinity of the proposed development



### 3.2.2 Habitats

- 32 The proposed development is flanked by the agricultural lands to the west and south, and by commercial areas to the east and north. The Grand Canal runs along the northern boundary.
- 33 The following habitat types assigned using the Heritage Council classification system<sup>8</sup> were identified within the proposed development site:
- Improved agricultural grassland (GA1)
  - Dry meadows and grassy verges (GS2)
  - Hedgerows (WL1)
  - Treelines (WL2)
  - Buildings and artificial surfaces (BL3)
  - Recolonising bare ground (ED3)
  - Drainage ditches (FW4)
- 34 At the time of survey, the habitats on site largely comprised of improved agricultural grassland (GA1), dry meadows and grassy verges (GS2) and recolonising bare ground (ED3).
- 35 There are no Annex I habitats present within the proposed development site or immediate environs. The hedgerows, treelines and dry meadows and grassy verges habitats within the proposed development are

considered to be of local importance (higher value). The habitat types are described in greater detail in Chapter 6 of the EIAR accompanying this application<sup>13</sup>.

### 3.2.3 Flora and Fauna Species

- 36 The desktop study found did not find records for any Annex II flora within c. 2km of the proposed development. Field surveys undertaken at the proposed development site did not record any Annex II flora.

#### *Otter & Desmoulin's whorl snail*

- 37 The desktop study found records for two Annex II species, Desmoulin's whorl snail *Vertigo moulinsiana* and otter *Lutra lutra*, for which European sites in the vicinity of the proposed development are designated. There are two records for Desmoulin's whorl snail and three records for otter within c. 2km of the proposed development. The most recent record for Desmoulin's whorl snail is from the same grid square, O03, in which the proposed development site is located in, from 1945. The nearest European site designated for the species is the Rye Water Valley/Cartron SAC, located c. 4.1km north-west, along the Rye Water, a tributary of the River Liffey. There is no suitable habitat for Desmoulin's whorl snail within the proposed development site.
- 38 The most recent record for otter in the NBDC database is from along the Grand Canal, c. 50m east of the proposed development, in 1980. The most recent observation of otter by Scott Cawley ecologists along the Grand Canal and near the proposed development is from the 1<sup>st</sup> February 2021. They have also previously observed otter in the Baldonnell stream that lies upstream of the Griffeen and are aware that artificial otter holts were installed along the Griffeen River when it was realigned as part of the Grangecastle area development (L. Higgins 2021, pers. comm. 1 February 2021). Otters are also known to use the River Liffey and the Camac River (Macklin *et al.*, 2019) and have been recorded on the Grand Canal. No evidence of otter was recorded within the proposed development site during field surveys undertaken in 2021. The closest European site for which otter is a QI is the Wicklow Mountains SAC, c. 14.3km south-east of the proposed development site.

#### *Freshwater white-clawed crayfish*

- 39 The NBDC data search yielded no records for Annex II species freshwater white-clawed crayfish *Austroptamobius pallipes* within c. 2km of the proposed development site. However, ecological studies<sup>14</sup> carried out in the Clonburris Strategic Development Zone (SDZ) in 2018 found populations of freshwater white-clawed crayfish in the Grand Canal and the Griffeen River. Freshwater white-clawed crayfish is also known from downstream River Liffey. There are no European sites designated upstream or downstream of the proposed development site. The nearest designated site for the species is the Lough Lene SAC, c. 60.8km north-west of the proposed development site.

#### *Atlantic salmon*

- 40 The NBDC did not yield any records for Atlantic salmon *Salmo salar* within c. 2km of the proposed development, however, previous reports<sup>15</sup> for the Clonburris SDZ provided records for Atlantic salmon *Salmo salar* in the Griffeen River. The nearest designated site for Atlantic salmon is the River Boyne and River Blackwater SAC, c. 30.9km north-west of the proposed development.

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<sup>13</sup> *Environmental Impact Assessment Report for DUB05 EdgeConnex Data Centre Development* (Marston Planning Consultancy, 2021).

<sup>14</sup> *Ecological Survey of Clonburris Strategic Development Zone, Clondalkin, Co. Dublin* (FERS, 2018).

<sup>15</sup> *Environmental Impact Assessment Report for Road Infrastructure Development at Clonburris Strategic Development Zone, Co. Dublin* (Stephen Little & Associates, 2020)

### Wintering birds

- 41 The desktop study found records for 12 SCI wintering bird within c. 2km of the proposed development. A full list of SCI species from the desktop study is represented in Appendix III.
- 42 A single wintering bird survey was carried out for an EIAR<sup>16</sup> completed in 2018 on the 22<sup>nd</sup> November 2018 within the proposed development site. A flock of c. 300 lapwing *Vanellus vanellus* was recorded in the most southerly fields within the site boundary. The nearest designated site for lapwing is the Boyne Estuary SPA, located c. 43.9km north-east of the proposed development.
- 43 The proposed development is within the normal foraging range of SCI species of North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA; however, it comprises of limited areas of suitable foraging habitat due to grasslands being enclosed by hedgerows and/or treelines and lack of suitable foraging grounds (e.g. open amenity grassland). No other SCI species of any European sites were recorded in the vicinity of the proposed development site during field surveys.

### Raptors

- 44 The desktop study found records for one SCI raptor species, peregrine *Falco peregrinus*, within c. 2km of the proposed development.
- 45 There is suitable foraging habitat for peregrine within the proposed development site. The nearest SPA designated for this species is the Wicklow Mountains SAC, located c. 14.3km south-east of the proposed development.

### Non-native invasive species

- 46 With regards to records for non-native invasive species within c. 2km of the proposed development, the NBDC database search returned records for the following non-native invasive species:
- *Elodea nuttallii*, and,
  - Eastern grey squirrel *Sciurus carolinensis*.
- 47 Both of these species are listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011*. *Elodea nuttallii* has been recorded once in 2020, c. 1km east of the proposed development along the Grand Canal.
- 48 There are three records for Eastern grey squirrel, of which the most recent one is from the Finnstown Castle Hotel, c. 1.1km north, from 2015.
- 49 In addition to the NBDC data records, *Reynoutria japonica* was recorded by the Scott Cawley Ltd. surveyors along the Kishoge Road, c. 1.4km north-east during field surveys in 2020. *Reynoutria japonica* is listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011*.
- 50 No non-native invasive species listed on the Third Schedule of the *European Communities (Birds and Natural Habitats) Regulations, 2011* were recorded within the proposed development site during the surveys in 2021.

### 3.2.4 Hydrology

- 51 There are no major waterbodies within the proposed development site, however, a network of drainage ditches connects the site to the Lucan Stream to the west, and the Griffeen River to the east. The nearest waterbody to the proposed development site is the Ballymakaily Stream, c. 150m, east of the proposed development. It joins the Griffeen River, c. 330m, east from its origin. The Griffeen River flows c. 180m east of the proposed development site towards north. It is joined by the Adamstown stream, c. 1km, the

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<sup>16</sup> *Environmental Impact Assessment Report for EdgeConneX Ireland Ltd., Data Centre (Phase 4), Newcastle Road, Grange Castle* (Marston Planning Consultancy, 2018)

Laraghcon, c. 3.4km, and the Moat stream, c. 3.5km, north of the proposed development site, before its confluence with the River Liffey, c. 4km downstream of the proposed development site. The Lucan Stream is located c. 300m west of the proposed development. It runs northerly and is joined by the Tobermaclugg and Backtown Streams, c. 1.5km and c. 3km north, respectively, before merging into the River Liffey, c. 4.1km downstream of the proposed development. The Griffeen River, the Lucan Stream and all their adjoining streams, all have 'Good' WFD status and are listed as 'At risk' waterbodies by the EPA. Kilmahuddrick stream, not shown on the EPA maps, starts at the southern edge of the Griffeen Valley Park, before joining the Griffeen River, c. 330m north-west of its starting point in the park. The River Liffey has a 'Good' WFD status until just downstream of the Lucan village, where it has a WFD status of 'Unassigned' until Chapelizod, changing to 'Moderate' and then to 'Good' WFD status before joining the Upper and Lower Liffey Estuary waterbodies, c. 15.5km downstream and east of the proposed development site.

- 52 The Grand Canal runs along the northern boundary of the proposed development. It merges with the Lower Liffey Estuary waterbody c. 16km east of the proposed development site. It has a 'Good' WFD status and is listed as being 'At Risk' by the EPA. There is no direct hydrological connection between the Grand Canal and the proposed development site.
- 53 The Upper and Lower Liffey Estuary waterbodies have 'Good' WFD status and are listed as 'At risk' by the EPA. Dublin Bay, located c. 23.3km downstream of the proposed development site, is considered to be 'Unpolluted' with a 'Good' WFD status and belongs to the 'Not at risk' category.
- 54 The site is located within the Liffey sub-catchment and sub-basin in the Liffey and Dublin Bay catchment, which drain to Dublin Bay.
- 55 The waterbodies present in the vicinity of the proposed development are shown on Figure 2.

**Figure 2 Waterbodies in the vicinity of the proposed development**



### 3.2.5 Hydrogeology

- 56 Geological Survey of Ireland (GSI) data indicates that the site is underlain by a Locally Important Bedrock Aquifer (LI), which is moderately productive only in local zones. The site is located in an area of 'Extreme' vulnerability, with bedrock close to surface at places, in relation to the underlying aquifer.
- 57 The Groundwater Body (GWB) underlying the site is the Dublin GWB, which is currently classified by the EPA as having 'Good Status' and 'Not at risk'. There is only one European site within the Dublin GWB designated for groundwater dependent terrestrial habitats and species, Rye Water Valley/Carton SAC, c. 4.1km north-west of the proposed development site.

### 3.3 Assessment of Effects on European Sites

- 58 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.
- 59 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

- 60 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.
- 61 As the proposed development does not traverse any European sites there is no potential for habitat fragmentation to occur.
- 62 The proposed development site does not support populations of any fauna species linked with the QI populations of any European site.
- Otter - while the Griffeen River and the River Liffey are known to support otter, the population is not considered to form part of the QI population of any European sites. The closest European site for which otter is a QI is the Wicklow Mountains SAC, c. 14.3km south-west of the proposed development site. Due to distance and estimated foraging ranges for otter (estimated as  $7.5 \pm 1.5$ km in length for females, and  $13.2 \pm 5.3$ km in length for males)<sup>17</sup> the local population of otter is not considered to form part of the Wicklow Mountains SAC population.
  - Freshwater white-clawed crayfish - there are no European sites designated for freshwater white-clawed crayfish hydrologically connected to the proposed development. The nearest European site for the species is the Lough Lene SAC, c. 60.8km north-west of the proposed development site.
  - Atlantic salmon - the nearest European site for Atlantic salmon is the River Boyne and River Blackwater SAC, c. 30.9km north-west of the proposed development. Considering that the Griffeen River is located in a different sub-catchment than the River Boyne and River Blackwater SAC and its location relative to the proposed development site, Atlantic salmon populations found in this river do not form part of any SAC population.
- 63 The SCI species recorded within the proposed development site are not considered to be linked with the SCI populations of any European site. The proposed development is within the normal foraging range of SCI species of North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA; however, it

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<sup>17</sup> Reid, N., Hayden, B., Lundy, M.G., Pietravalle, S., McDonald, R.A. & Montgomery, W.I. (2013) *National Otter Survey of Ireland 2010/12*. Irish Wildlife Manuals No. 76. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

comprises of limited areas of suitable foraging habitat (e.g. open amenity grassland) due to grasslands being enclosed by hedgerows and/or treelines, and due to the absence of suitable wetlands used by wintering SCI species.

- 64 Although lapwing was recorded during the surveys in 2018, the habitats (improved agricultural grassland (GA1), dry meadows and grassy verges (GS2) and recolonising bare ground (ED3)) recorded within the proposed development site in 2021 are considered sub-optimal habitat for the species, *i.e.* lapwing generally prefer open pastureland and arable fields (*i.e.* tillage) which are currently absent in the proposed development site. At the time of the surveys in 2018, the site was dominated by arable crops (BC1) instead of the grassland habitats recorded in 2021. Land use change that has occurred since 2018, followed by habitat change, has rendered the proposed development site sub-optimal for lapwing. Considering that the nearest designated site for lapwing is c. 43.9km north-east of the proposed development site, the local populations do not form part of SPA populations.
- 65 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*

- 66 Surface water run-off and discharges from the proposed development will drain to the existing and proposed 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.

#### *Surface water*

- 67 Surface water run-off and discharges from the proposed development will enter the downstream receiving environment via existing and proposed surface water drainage network. This network will ultimately discharge into the Liffey Estuary and Dublin Bay. Therefore, the Zone of Influence (Zoi) of potential effects on water quality from the proposed development could extend to Dublin Bay.
- 68 Surface water runoff from the proposed development will be attenuated to greenfield runoff rates and conveyed to the receiving watercourse, the Griffeen River. The surface drainage network will be designed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSGS). Attenuation measures include gullies, channels, storage ponds and porous asphalt. All surface water will run through hydrocarbon interceptors before its release to the receiving watercourse.
- 69 Chapter 8 Hydrology in the EIAR submitted with this application deals with the hydrology of the proposed development site. The chapter assesses the hydrological and hydrogeological risks associated with the proposed development. The assessment noted that based on the potential sources of pollution from the proposed development during construction and operation phases and distance of c. 20 km downstream, there is no potential for impacts to occur on European sites in Dublin Bay. This conclusion is based on a good understanding of the hydrological and hydrogeological environment, plausible sources of impact and knowledge of receptor requirements. This allowed possible source-pathway-receptor linkages to be identified. Potential sources of impacts during construction and operation were considered in Chapter 8 and all potential sources of contamination were considered in relation to European sites without taking account of any measures intended to avoid or reduce harmful effects of the proposed development (mitigation measures) *i.e.* a worst-case scenario.
- 70 Results of Chapter 8 carried out by AWN and which inform this AA screening report, indicate that surface run-off from the proposed development, during both construction and operational phases respectively, will not result in any impact on water quality in downstream receiving waters in Dublin Bay (and thus in the European sites therein). This is in light of expected hazard loading, dilution and attenuation within the Griffeen River, and considerable distance between the proposed development site and Dublin Bay.
- 71 In line with good practice effective mitigation measures have been included in the construction design, management of construction programme and during the operational phase of the proposed development. However, it must be noted that these are included in the design, not for the purposes of avoiding or



reducing any potential harmful effects to any European sites but are required for new developments under the objectives of the Greater Dublin Strategic Drainage Study and South Dublin County Council Development Plan and in line with good construction practice.

- It is an objective of the Greater Dublin Strategic Drainage Study, and the South Dublin County Council Development Plan 2016-2022, to incorporate Sustainable Urban Drainage Systems (SUDS) within new developments. The SUDS features associated with the proposed development are not included within the design to avoid or reduce any potential harmful effects to any European sites.
- 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*

- 72 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.
- 73 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 status<sup>18</sup>. The Tolka Estuary is currently classified by the EPA as being “Potentially 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 2019<sup>19</sup>, which will increase capacity at the plant, and
  - There is a commitment in the National Development Plan 2018-2027<sup>20</sup> to invest in and progress the Greater Dublin Drainage Project which 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 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 wastewater treatment capacity currently provided by Ringsend WWTP across the Greater Dublin Area.
- 74 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) within new developments. 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.
- 75 Considering the above, particularly the current unpolluted status of Dublin Bay, and that 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.

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<sup>18</sup> Transitional and Coastal Surface Water Quality data (2010-2012) accessed from the EPA Envision Mapviewer [www.gis.epa.ie/Envision](http://www.gis.epa.ie/Envision) (accessed May 2019)

<sup>19</sup> 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](http://www.pleanala.ie/casenum/301798.htm).

<sup>20</sup> Government of Ireland (2018) *Project Ireland 2040, National Development Plan 2018-2027*.

- 76 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.

*In Combination*

- 77 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 *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), the *Fingal Development Plan 2017-2023* (Fingal County Council, 2017), *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.
- 78 The Eastern & Midland Regional Assembly, *Regional Spatial & Economic Strategy 2019-2031*<sup>21</sup> (Eastern & Midland Regional Assembly, 2019) includes a range of 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 (included in Appendix II).
- 79 The planning authority for the proposed development is South Dublin County Council (SDCC). Plans and developments within the administrative area of South Dublin County Council must comply with the following policy objectives of the *South Dublin County Council Development Plan 2016-2022* (South Dublin County Council, 2016) relevant to the protection of European sites and the protection of water quality in Dublin Bay:

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.

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<sup>21</sup> Eastern & Midland Regional Assembly (2019) *Regional Spatial & Economic Strategy 2019-2031*.

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.

- 80 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* (Dún Laoghaire-Rathdown County Council, 2016), the *Fingal Development Plan 2017-2023* (Fingal County Council, 2017), the *Dublin City Development Plan 2016 – 2022* (Dublin City Council, 2016), 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.
- 81 In conclusion, there are a number of projects referred to above which will upgrade the capacity of Ringsend WWTP which will, over time, address the capacity issues at Ringsend WWTP referred to above.
- 82 As noted under the surface water section 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.
- 83 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.

### 3.3.3 *Habitat degradation as a result of hydrogeological impacts*

- 84 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/Carton SAC, located c. 4.1km north-west of the proposed development. All of the qualifying interests of the Rye Water Valley/Carton 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 GWB<sup>22</sup>, '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 is separated from the Rye Water Valley/Carton SAC by several waterbodies and located downstream of the SAC, it cannot influence groundwater conditions in the European site.

- 85 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*

- 86 No Third Schedule species of the *European Communities (Birds and Natural Habitats) Regulations, 2011* were recorded within, or directly adjacent to, the proposed development site, therefore non-native invasive species poses no risk to any European sites downstream.

#### 3.3.5 *Disturbance and displacement impacts*

- 87 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 150m<sup>23</sup>. 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.<sup>24</sup> There are no European sites within the disturbance Zol; the next nearest European site to the proposed development is the Rye Water Valley/Carton SAC c. 4.1km away.
- 88 The Griffeen River and the Grand Canal may support populations of Annex II species such as otter and freshwater white-clawed crayfish, however, these local populations are not QI SAC populations. The nearest site designated for otter is the Wicklow Mountains SAC, located c. 14.3km south-east of the proposed development site, and for freshwater white-clawed crayfish, the Lough Lene SAC, located c. 60.8km north-west of the proposed development site.
- 89 The nearest SPA to the proposed development site designated for wintering special conservation interest species is the North Bull Island SPA, located c. 15.7km east of the proposed development. The proposed development is within the normal foraging range of SCI species of this European site, however the proposed development site has very limited habitat suitability (i.e. open amenity grasslands) for wintering SCI species such as light-bellied Brent goose *Branta bernicla hrota*. Lapwing, a SCI species, was found using the proposed development site in 2018, however, the nearest designated site for lapwing is the Boyne Estuary SPA, c. 43.9km north-east of the proposed development site and considering its location and distance to the proposed development site, it is considered that lapwing recorded within the proposed development site do not form part of any SPA population. Considering the lack of suitable habitat for the

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<sup>22</sup> [https://secure.dccae.gov.ie/GSI\\_DOWNLOAD/Groundwater/Reports/GWB/DublinGWB.pdf](https://secure.dccae.gov.ie/GSI_DOWNLOAD/Groundwater/Reports/GWB/DublinGWB.pdf)

<sup>23</sup> 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.

<sup>24</sup> 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.

species within the site and no individuals recorded using the site for foraging and/or roosting during the surveys in 2021, the proposed development will not result in displacement of SCI populations of lapwing, or any other SCI species, for which there are European sites designated for within the vicinity of the proposed development.

- 90 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

- 91 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.
- 92 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.
- 93 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 Habitat loss will be confined to the lands within the proposed development boundary.	No 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	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

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?
account the sensitivity of the qualifying interest species to disturbance effects	

#### 4 Conclusions of Screening Assessment Process

- 94 Following an examination, analysis and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any significant effects on any European sites, whether 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 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.
- 95 Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or 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 (see Figure 1)

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Development Site
<b>Special Area of Conservation (SAC)</b>	
<p><b>Rye Water Valley/Carton SAC [001398]</b>            7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*            1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i>            1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>NPWS (2020) <i>Conservation objectives for Rye Water Valley/Carton SAC [001398]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.<sup>25</sup></p>	<p>c. 4.1km north-west of the proposed development</p>
<p><b>Glenasmole Valley SAC [001209]</b>            6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)            6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)            7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</p> <p>NPWS (2020) <i>Conservation objectives for Glenasmole Valley SAC [001209]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p>	<p>c. 9.8km south-east of the proposed development</p>
<p><b>Wicklow Mountains SAC [002122]</b>            3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)            3160 Natural dystrophic lakes and ponds            4010 Northern Atlantic wet heaths with <i>Erica tetralix</i>            4030 European dry heaths            4060 Alpine and Boreal heaths            6130 <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i>            6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)            7130 Blanket bogs (* if active bog)            8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)            8210 Calcareous rocky slopes with chasmophytic vegetation            8220 Siliceous rocky slopes with chasmophytic vegetation            91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles            1355 Otter <i>Lutra lutra</i></p>	<p>c. 11.4km south of the proposed development</p>

<sup>25</sup> The versions of the conservation objectives documents referenced in this table are the most recent published versions at the time of writing.

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 (2017) <i>Conservation Objectives: Wicklow Mountains SAC 002122</i>. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	
<p><b>Red Bog, Kildare SAC [000397]</b> 7140 Transition mires and quaking bogs</p> <p>NPWS (2019) <i>Conservation Objectives: Red Bog, Kildare SAC 000397</i>. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p>	<p>c. 15km south of the proposed development</p>
<p><b>South Dublin Bay SAC [000210]</b> 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>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>c. 16.4km east of the proposed development</p>
<p><b>North Dublin Bay SAC [000206]</b> 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 maritima</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>NPWS (2013) <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>c. 18.8km east of the proposed development</p>
<p><b>Special Protection Area (SPA)</b></p>	
<p><b>North Bull Island SPA [004006]</b> 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></p>	<p>c. 15.7km east of the proposed development</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>A144 Sanderling <i>Calidris alba</i>  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>Croicocephalus ridibundus</i>  A999 Wetlands &amp; Waterbirds</p> <p>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><b>Wicklow Mountains SPA [004040]</b>  A098 Merlin <i>Falco columbarius</i>  A103 Peregrine <i>Falco peregrinus</i></p> <p>NPWS (2020) <i>Conservation objectives for Wicklow Mountains SPA [004040]</i>. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p>	<p>c. 12.3km south-east of the proposed development</p>
<p><b>South Dublin Bay and River Tolka Estuary SPA [004024]</b>  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>Croicocephalus 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>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>c. 16.4km east of the proposed development</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 wastewater infrastructure set out in Table 10.2, subject to appropriate environmental assessment and the planning process.<sup>26</sup>

**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 (GSDSDS), 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.

**Dún Laoghaire-Rathdown County Development Plan 2016-2022**

**Policy LHB19: Protection of Natural Heritage and the Environment**

It is Council policy 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, candidate Special Areas of Conservation, proposed Natural Heritage Areas and Ramsar sites - as well as non-designated areas of high nature conservation value which serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

**Policy LHB20: Habitats Directive**

It is Council policy 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 LHB22: Designated Sites**

It is Council policy to protect and preserve areas designated as proposed Natural Heritage Areas, candidate 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 EI2: Wastewater Treatment and Appropriate Assessment**

It is Council policy to provide adequate wastewater treatment facilities to serve the existing and future population of the County, subject to complying with the Water Framework Directive and the associated River Basin Management Plan or any updated version of this document, 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document, Pollution Reduction Programmes for Designated Shellfish Areas, the Urban Waste Water Treatment Directive and the Habitats Directive.

**Policy EI3: Surface Water Drainage and Appropriate Assessment**

<sup>26</sup> The Greater Dublin Drainage Project, the Ringsend Wastewater Treatment Plant Project, the Athlone Main Drainage Project and the Upper Liffey Valley Sewerage Scheme

It is Council policy to require that a Sustainable Drainage System (SuDS) is applied to any development and that site specific solutions to surface water drainage systems are developed, which meet the requirements of the Water Framework Directive and the associated River Basin Management Plans and 'Water Quality in Ireland 2007-2009' (EPA 2011) or any updated version of the document.

### **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.

#### **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.

### **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.

**Dublin City Development Plan 2016-2022**

**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.

**GI24**

To conserve and manage all Natural Heritage Areas, Special Areas of Conservation and Special Protection Areas designated, or proposed to be designated, by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

**GI017**

To seek the continued improvement of water quality, bathing facilities and other recreational opportunities in the coastal, estuarine and surface waters in the city and to protect the ecology and wildlife of Dublin Bay.

**GI20**

To seek continued improvement in water quality, bathing facilities and other recreational opportunities in the coastal, estuarine and surface waters in the city, having regard to the sensitivities of Dublin Bay and to protect the ecology and wildlife of Dublin Bay.

**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.

**Kildare County Development Plan 2017-2023**

**NH 4**

Support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

**NH 5**

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.

**NH 6**

Ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.

**WQ 1**

Co-operate with the EPA and other authorities in the continued implementation of the EU Water Framework Directive and assist and co-operate with the lead authority for the River Basin Management Plan(s).

**WQ 2**

Ensure, through the implementation of the River Basin Management Plan(s) and the associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.

**WQ 6**

Protect recognised salmonid water courses in conjunction with Inland Fisheries Ireland such as the Liffey catchment, which are recognised to be exceptional in supporting salmonid fish species.

**WW 4**

Ensure that adequate wastewater services will be available to service development prior to the granting of planning permission. Applicants who are proposing to connect to the public wastewater network should consult with Irish Water regarding available capacity prior to applying for planning permission.

**WW 12**

Ensure that existing and permitted private wastewater treatment plants are operated in compliance with their wastewater discharge license, in order to protect water quality.

**Wicklow County Development Plan 2016-2022**

**NH2**

No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) Adequate compensatory measures in place.

### NH3

To contribute, as appropriate, towards the protection of designated ecological sites including candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including the following and any updated/superseding documents:

- EU Directives, including the Habitats Directive (92/43/EEC, as amended)<sup>7</sup>, the Birds Directive (2009/147/EC)<sup>8</sup>, the Environmental Liability Directive (2004/35/EC)<sup>9</sup>, the Environmental Impact Assessment Directive (85/337/EEC, as amended), the Water Framework Directive (2000/60/EC) and the Strategic Environmental Assessment Directive (2001/42/EC).
- National legislation, including the Wildlife Act 1976<sup>10</sup>, the European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989) (as amended), the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the European Communities (Environmental Liability) Regulations 2008<sup>11</sup>.
- National policy guidelines (including any clarifying Circulars or superseding versions of same), including the Landscape and Landscape Assessment Draft Guidelines 2000, the Environmental Impact Assessment Sub-Threshold Development Guidelines 2003, Strategic Environmental Assessment Guidelines 2004 and the Appropriate Assessment Guidance 2010.
- Catchment and water resource management Plans, including Eastern and South Eastern River Basin Management Plan 2009-2015 (including any superseding versions of same).
- Biodiversity Plans and guidelines, including Actions for Biodiversity 2011-2016: Ireland's 2nd National Biodiversity Plan (including any superseding version of same).
- Ireland's Environment 2014 (EPA, 2014, including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.

### NH4

All projects and plans arising from this plan<sup>12</sup> (including any associated improvement works or associated infrastructure) will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive. A plan or project will only be authorised after the competent authority has ascertained, based on scientific evidence, Screening for Appropriate Assessment, and a Stage 2 Appropriate Assessment where necessary, that:

- 1) The Plan or project will not give rise to significant adverse direct, indirect or secondary effects on the integrity of any European site (either individually or in combination with other plans or projects); or
- 2) The Plan or project will have significant adverse effects on the integrity of any European site (that does not host a priority natural habitat type and / or a priority species) but there are no alternative solutions, and the plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000; or
- 3) The Plan or project will have a significant adverse effect on the integrity of any European site (that hosts a natural habitat type and/or a priority species) but there are no alternative solutions and the plan

or project must nevertheless be carried out for imperative reasons for overriding public interest, restricted to reasons of human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest. In this case, it will be a requirement to follow procedures set out in legislation and agree and undertake all compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.

#### **NH5**

To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

Along with cSACs, SPAs and pNHA these include Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).

#### **WI2**

To protect existing and potential water resources of the County, in accordance with the EU Water Framework Directive, the River Basin Management Plans, the Groundwater Protection Scheme and source protection plans for public water supplies.

#### **WI12**

Ensure the implementation of Sustainable Urban Drainage Systems (SUDS) and in particular, to ensure that all surface water generated in a new development is disposed of on-site or is attenuated and treated prior to discharge to an approved surface water system.

#### **WI6**

In order to fulfil the objectives of the Core Strategy, Wicklow County Council will work alongside and facilitate the delivery of Irish Water's Water Services Investment Programme, to ensure that all lands zoned for development are serviced by an adequate wastewater collection and treatment system and in particular, to endeavour to secure the delivery of regional and strategic wastewater schemes. In particular, to support and facilitate the development of a WWTP in Arklow, at an optimal location following detailed technical and environmental assessment and public consultation.

#### **WI7**

Permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses ( $PE \leq 10$ ) and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

#### **WI9**

Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area or Irish Water have confirmed there are no plans for a public system in the area;
- it can clearly be demonstrated that the proposed system can meet all EPA / Local Authority environmental criteria; and
- an annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.



## Appendix III

Records of SCI species from the desktop study in the vicinity of the study area

Common Name/ Scientific Name	Legal Status <sup>27</sup>	Red List Status <sup>28</sup>	Source
<b>Birds</b>			
Black-headed gull <i>Chroicocephalus ridibundus</i>	WA	Red	NBDC online database record
Common coot <i>Fulica atra</i>	WA	Red	NBDC online database record
Common kingfisher <i>Alcedo atthis</i>	BD_I, WA	Amber	NBDC online database record
Common redshank <i>Tringa totanus</i>	WA	Red	NBDC online database record
Great cormorant <i>Phalacrocorax carbo</i>	WA	Amber	NBDC online database record
Herring gull <i>Larus argentatus</i>	WA	Red	NBDC online database record
Lesser black-backed gull <i>Larus fuscus</i>	WA	Amber	NBDC online database record
Little grebe <i>Tachybaptus ruficollis</i>	WA	Amber	NBDC online database record
Mallard <i>Anas platyrhynchos</i>	BD_II (I), III (I), WA	Green	NBDC online database record
Northern lapwing <i>Vanellus vanellus</i>	BD_II (II), WA	Red	NBDC online database record
Peregrine falcon <i>Falco peregrinus</i>	BD_I, WA	Red	NBDC online database record
Tufted duck <i>Aythya fuligula</i>	BD_II (I), III (II), WA	Amber	NBDC online database record

<sup>27</sup> HD\_II/IV/V = Habitats Directive Annexes II/IV/V; WA = Wildlife Acts; BD\_I/II/III = Birds Directive Annex I/II/III; OSPAR = Convention for the protection of the marine environment of the North-east Atlantic 1992

<sup>28</sup> Birds from Colhoun, K. & Cummins, S. (2013) Birds of Conservation Concern in Ireland 2014-2019. Irish Birds 9:523-544.

