

Aderrig Phase 3: Residential
Development at Adamstown SDZ
Appropriate Assessment Screening Report

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**Brady Shipman
Martin**

**Built.
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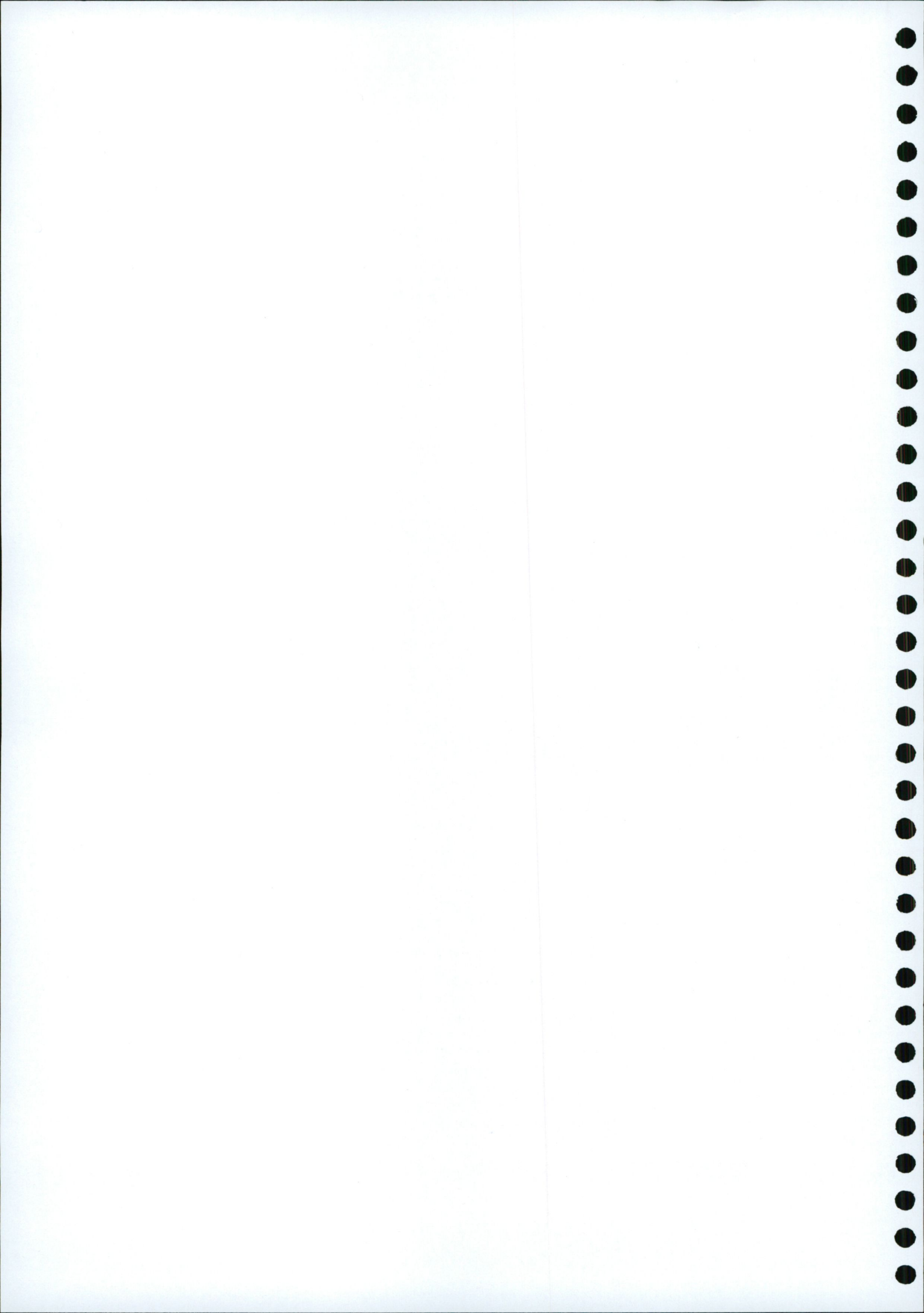
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Contents

1	Introduction.....	1
1.1	Background	1
1.2	Expertise and Qualifications.....	1
1.3	Legal requirement for Appropriate Assessment.....	1
2	Methodology	2
2.1	Guidelines.....	2
2.2	Baseline data collection and field visits	3
3	Description of the Proposed Development	4
3.1	Site Location	4
3.2	Development Description	6
4	Screening for Appropriate Assessment	6
4.1	Background	6
4.2	Potential zone of influence	7
4.2.1	Other designated areas (other than European sites)	10
4.3	Study area and surrounding environment.....	12
4.3.1	Site location and European sites.....	12
5	Potential impacts from the proposed development including in-combination effects.....	14
5.1	European sites and habitats with links to European sites.....	14
5.1.1	Potential impacts during construction	14
5.1.2	Potential impacts during operation.....	15
5.2	Summary of potential impacts of the proposed development	23
6	Other issues.....	23
7	Mitigation specific to European sites	23
8	In-combination effects.....	23
9	Screening conclusion	24
10	References.....	25
	Appendix I: Background.....	26
	Stages in the assessment	26
	Appendix II: Conservation Objectives of European sites	27



1 Introduction

1.1 Background

Quintain Developments Ireland Ltd is seeking permission for a proposed residential development within the Aderrig tile in Adamstown Strategic Development Zone.

The proposed development will be Phase 3 of development at this site and will comprise a total of 207 dwellings and all associated development works and landscaping.

Brady Shipman Martin was appointed by the applicant to prepare a report to assist South Dublin County Council in undertaking a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites taking into account their conservation objectives.

This document constitutes the Appropriate Assessment Screening Report (“AA Screening Report”) prepared for this purpose.

A comprehensive desk study review and a number of site visits were undertaken and the potential impacts on European sites, both as a result of the proposed development and in-combination with other plans and projects, are appraised in this report.

1.2 Expertise and Qualifications

The work was carried out by Ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is an Associate with Brady Shipman Martin and is a highly experienced and qualified ecologist, with a master’s degree in Ecosystem Conservation and Landscape Management. He has 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. He has prepared numerous reports for AA Screening as well as Natura Impact Statements, for projects of all scales, from small residential developments to nationally important infrastructure projects.

Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King’s Inns and is a member of the Irish Environmental Law Association (IELA).

1.3 Legal requirement for Appropriate Assessment

European sites make up a network of sites designated for nature conservation under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the “Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the “Birds Directive”). The requirements for Appropriate Assessment are set out under *Article 6 of the Habitats Directive*, transposed into Irish law by the *European Union (Birds and Natural Habitats) Regulations 2011-2015*¹ (the “Birds and Natural Habitats Regulations”) and the *Planning and Development Act, 2000 - 2021* (the “Planning Acts”).

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). As defined in section 177R of the Planning Acts “European site” means:

- (a) a candidate site of Community importance,
- (b) a site of Community importance,

¹ SI No. 477 of 2011

- (ba) a candidate special area of conservation,
- (c) a special area of conservation,
- (d) a candidate special protection area and
- (e) a special protection area.

Article 6(3) of the Habitats Directive states that:

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

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Sections 177U of the Planning Acts require that the AA screening test must be applied to the Proposed Project, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

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

2 Methodology

2.1 Guidelines

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

- Chartered Institute of Ecology and Environmental Management (CIEEM). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*, September 2018, updated in September 2019 (V1.1), further updated in April 2022 (V1.2);
- Department of Environment, Heritage and Local Government (DoEHLG) (2010a). *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*;
- DoEHLG (2010b). Circular NPW 1/10 & PSSP 2/10: *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*;
- European Commission (2021). *Assessment of plans and projects in relation to Natura 2000 sites- Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*;
- European Commission (2018). *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*;
- Directorate – General for Environment (European Commission), (2021). *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*;
- National Roads Authority (NRA)² (2009). *Guidelines for Assessment of Ecological Impacts of National Road Schemes*;

² Now Transport Infrastructure Ireland (TII).

- Office of the Planning Regulator (OPR) (2021). *Practice Note PN01 Appropriate Assessment Screening for Development Management*;
- National Parks and Wildlife Services (NPWS) (2021). *Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority*.

2.2 Baseline data collection and field visits

A desk-based assessment was undertaken in September and October 2022 of the site at Aderrig and the wider area. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites.

A number of comprehensive ecological surveys have been undertaken at the Aderrig Phase 3 site, over several years, both in the preparation of the current planning application and as part of previous developments at Aderrig and on the wider Adamstown lands, now permitted and under construction or completed.

In order to provide a comprehensive baseline on the local ecological environment, biodiversity surveys were carried out at the site by Matthew Hague of Brady Shipman Martin on several dates between 2018 and 2022. The surveys undertaken comprised habitat, invasive species, rare and/or protected species, mammals, bird surveys and assessment of bat roosts. Surveys were undertaken at various points throughout the year, allowing optimal levels of survey to be undertaken for habitats and flora, birds, bats and large mammals (e.g. badgers and otters).

In addition to the surveys undertaken by the author a number of specialist surveys have been undertaken. These include habitat and botanical (hedgerow appraisal) surveys, as well as large mammal, breeding bird and bat surveys, undertaken in 2020, 2021 and 2022. These were undertaken by the author and other specialist ecologists (Mr Brian Keeley, bat ecologist; Dr Joanne Denyer MCIEEM, botanist; and Mr John Fox, ornithologist). These surveys covered the entire tile at Aderrig.

Full details of the surveys including survey methodologies and survey dates are included in the Ecological Impact Assessment Report (EclA) that accompanies the application.

Extracts from the survey reports are included in this report where relevant. The bat surveys undertaken are consistent with the level of survey recommended in the NPWS document *Bat Mitigation Guidelines for Ireland V2–Irish Wildlife Manuals No. 134 (2022)* and *Bat Mitigation Guidelines for Ireland– Irish Wildlife Manuals No. 25 (2006)*. The surveys focussed on all Irish bat species that are fully protected under the Wildlife Act 1976 and subsequent amendments, and under the EU Habitats Directive, which is transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011-2015 (as amended). An examination of available information from Bat Conservation Ireland (BCI), previous data from neighbouring sites was also undertaken to compile a list of most likely species in the overall area in addition to the evaluation of the habitat for bats. There are no bat species listed as Qualifying Interests in any European sites within the Zone of Influence. However, Article 12 of the Habitats Directive requires Member States to take *requisite measures to establish a system of strict protection of animal species listed in Annex IV(a) in their natural range*. The potential impacts of the proposed development on bats and otters (also protected under Article 12 of the Habitats Directive) are assessed in the Ecological Impact Assessment that accompanies the planning application.

Birds present on the site were recorded during the surveys and an assessment of habitat suitability for species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

A final survey was carried out by the author in the preparation of this report on 21 September 2022.

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:

- The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage (www.NPWS.ie);
 - The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
 - BirdWatch Ireland (www.birdwatchireland.ie);
 - Bat Conservation Ireland (www.batconservationireland.org).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
 - Recent and historical OSi mapping and aerial imagery, including www.geohive.ie;
 - Photographs taken at the site;
 - Information on local watercourses from www.catchments.ie;
 - Information on water quality in the area (www.epa.ie);
 - Information on soils, geology and hydrogeology in the area (www.gsi.ie);
 - Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
 - Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
 - South Dublin County Development Plan 2022 – 2028, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

This report takes full account of the design of the proposed development, and a detailed examination of all relevant elements of the proposal as it currently stands, was undertaken.

3 Description of the Proposed Development

3.1 Site Location

The proposed development site is located within Adamstown Strategic Development Zone (SDZ) (see **Figures 3.1** and **3.2**). It comprises the third phase of proposed development, in the western part of the Aderrig tile in the centre of the SDZ area. The proposed development has a total area of approximately 6.36ha.

The site is bounded to the west by a large and mature hedgerow, part of which is a townland boundary. The Celbridge Link Road, permitted under SDZ17A/0009, bounds the site to the east and Adamstown Way (which was constructed in 2006 under permission Reg. Ref. SDZ 06A/5) passes east-west through the southern part of the site. The western boundary hedgerow is severed by this road and by the Celbridge Link Road.

Permitted/planned development is taking place to the east and south. An area to the north east, on the eastern side of the Celbridge Link Road, is also included in the proposed development site and will comprise landscaped open space.

The site comprises disturbed land, formerly in agricultural use. There are no naturally functioning streams on the site, and no significant volumes of flowing water in the western boundary ditch. The nearest watercourse is a former stream known as the Tobermaclugg (Lucan) Stream. This is mapped as flowing along the southern boundary of the site (See **Figure 4.3**), however it has been substantially altered over time and is now a heavily vegetated, generally dry ditch, which periodically contains standing water, with minimal flow. This stream is incorporated into a new linear park that has been constructed as part of Aderrig Phase 1, c.200m to the east. The stream is linked to the Backstown Stream to the north and eventually flows into the River Liffey near Lucan Village, according to the EPA water features database³.

³ <https://gis.epa.ie/EPAMaps/>

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

Figure 3.1 The location of Aderrig within Adamstown SDZ (Source: *Planning Scheme documentation*). The site is located in the western part of Tile 8 and is outlined in a dashed blue line

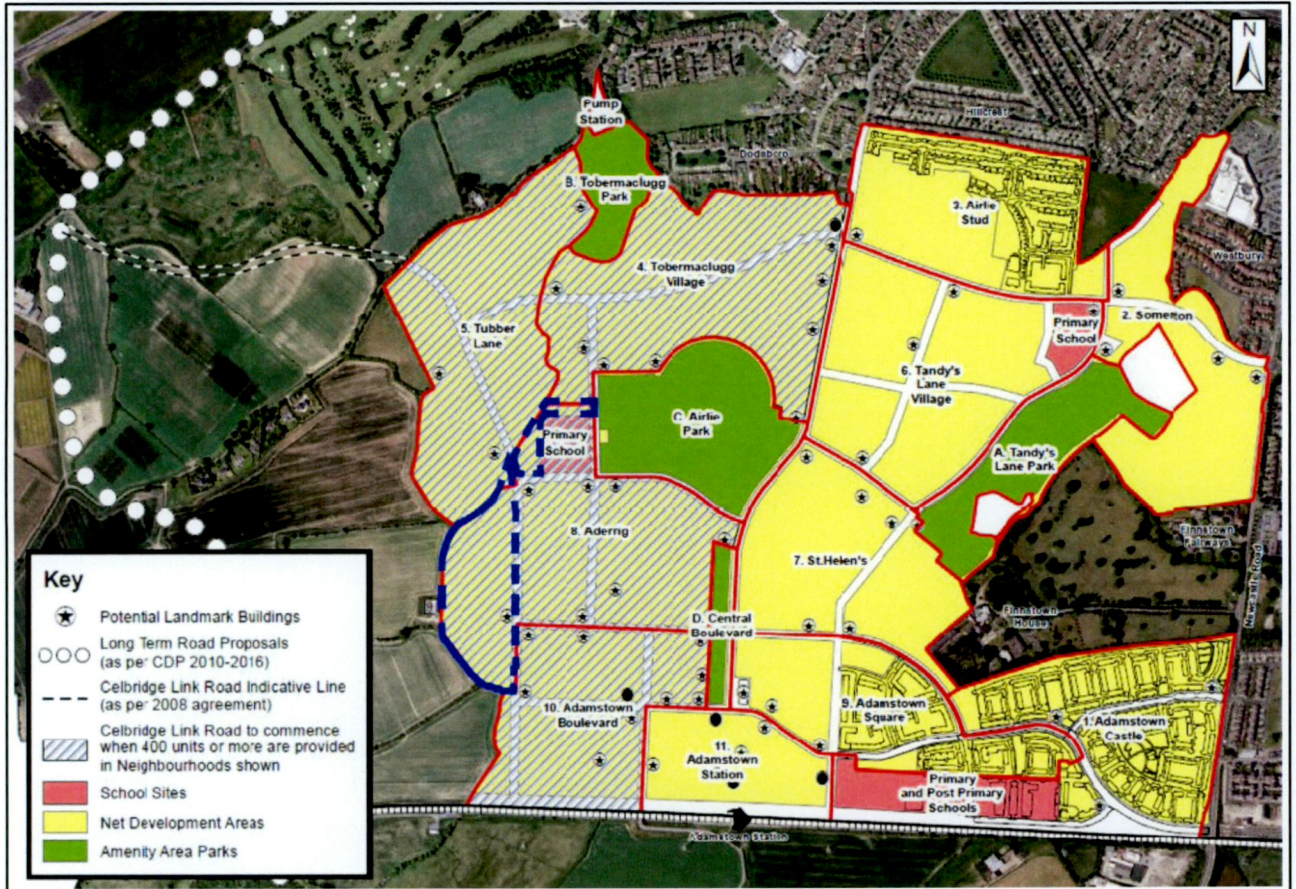
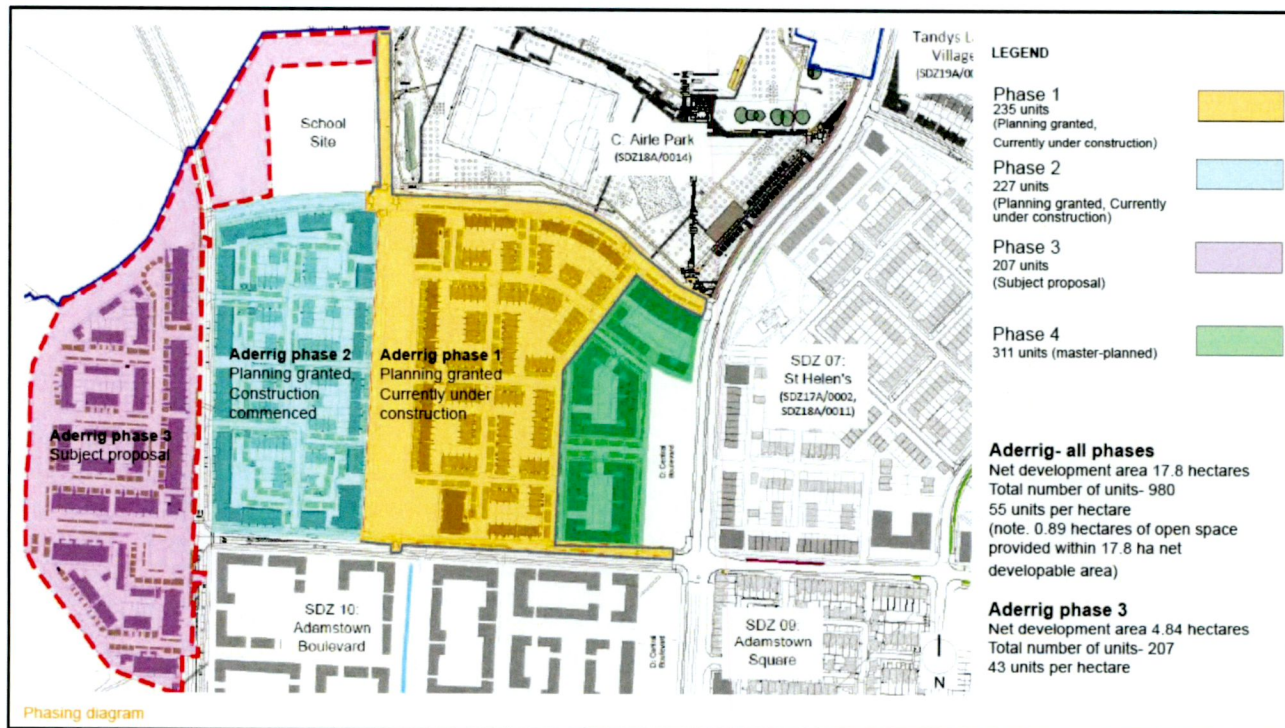


Figure 3.2 The location of the proposed Aderrig Phase 3 development site (in purple shading, with the previously permitted and proposed developments also shown)



3.2 Development Description

The current application site (6.36ha) is located within Development Area 8 – Aderrig of the Adamstown SDZ Planning Scheme, 2014, as amended. The proposed development will consist of 207 dwellings.

Permission is also sought for all associated site and development works including roads, public open space, car parking, bicycle parking, bin storage areas, associated pedestrian footpaths and cycle paths, hard and soft landscaping and boundary treatment.

The proposed development will provide for roads, drainage (wastewater and surface water), water supply and utilities. The development is accessed from Celbridge Link Road via access points already approved and under construction by SDCC Reg. Ref. SDZ17A/0009. Parking bays, buffer zones, cycle paths and footpaths along the western side of the Celbridge Link Road permitted under Reg. Ref. SDZ17A/0009 are included in the current application.

Aderrig Phase 3 is the third phase of a four phase development within the Aderrig Tile. The construction of Phase 1 is well progressed, and Phase 2 has recently commenced enabling works.

4 Screening for Appropriate Assessment

4.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site’s conservation objectives.

In accordance with sections 177U and 177V of the Planning Acts, the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The test is a 'possibility' of effects rather than a 'certainty' of effects. The test of significance is whether a plan or project could undermine the site's conservation objectives. Furthermore, screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report is prepared.

Following Screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

4.2 Potential zone of influence

This assessment is based on the source-pathway-receptor model, which dictates that, for an effect to occur, there must be a 'source' (such as a construction site); a 'receptor' (such as a designated site for nature conservation); and a 'pathway' between the two (such as a watercourse that links the construction site to the designated site). A construction site or completed development may also create a barrier to movement, for example, by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

Identification of a potential effect means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the potential effect and the characteristics of the receptor. Although there may be a risk of an impact, it may not necessarily occur, and if it does occur, it may not be significant.

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

"The approach to screening is likely to differ somewhat for plans and projects, depending on scale and on the likely effects, but the following should be included:

1. Any Natura 2000 sites within or adjacent to the plan or project area
2. Any Natura 2000 sites within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects
3. Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the cases of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment."

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

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

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

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

There are no European sites within the immediate vicinity of the proposed development site at Aderrig. The nearest such sites are as follows (as shown in **Figure 4.1**):

- Rye Water Valley/Carton SAC (site code 001398), c.2.5km to the north west;
- Glenasmole Valley SAC (site code 001209), c.11.6km to the south east;
- Wicklow Mountains SAC (site code 002122), c.13.3km to the south;
- Red Bog, Kildare SAC (site code 000397), c.16.4km to the south;
- South Dublin Bay SAC (site code 000210), c.17.6km to the east;
- North Dublin Bay SAC (site code 000206), c.19.8km to the east;
- Wicklow Mountains SPA (site code 004040), c.16.4km to the south;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.16.6km to the east;
- Poulaphouca Reservoir SPA (site code 004063), c.17.6km to the south;
- North Bull Island SPA (site code 004006), c.19.8km to the east;

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

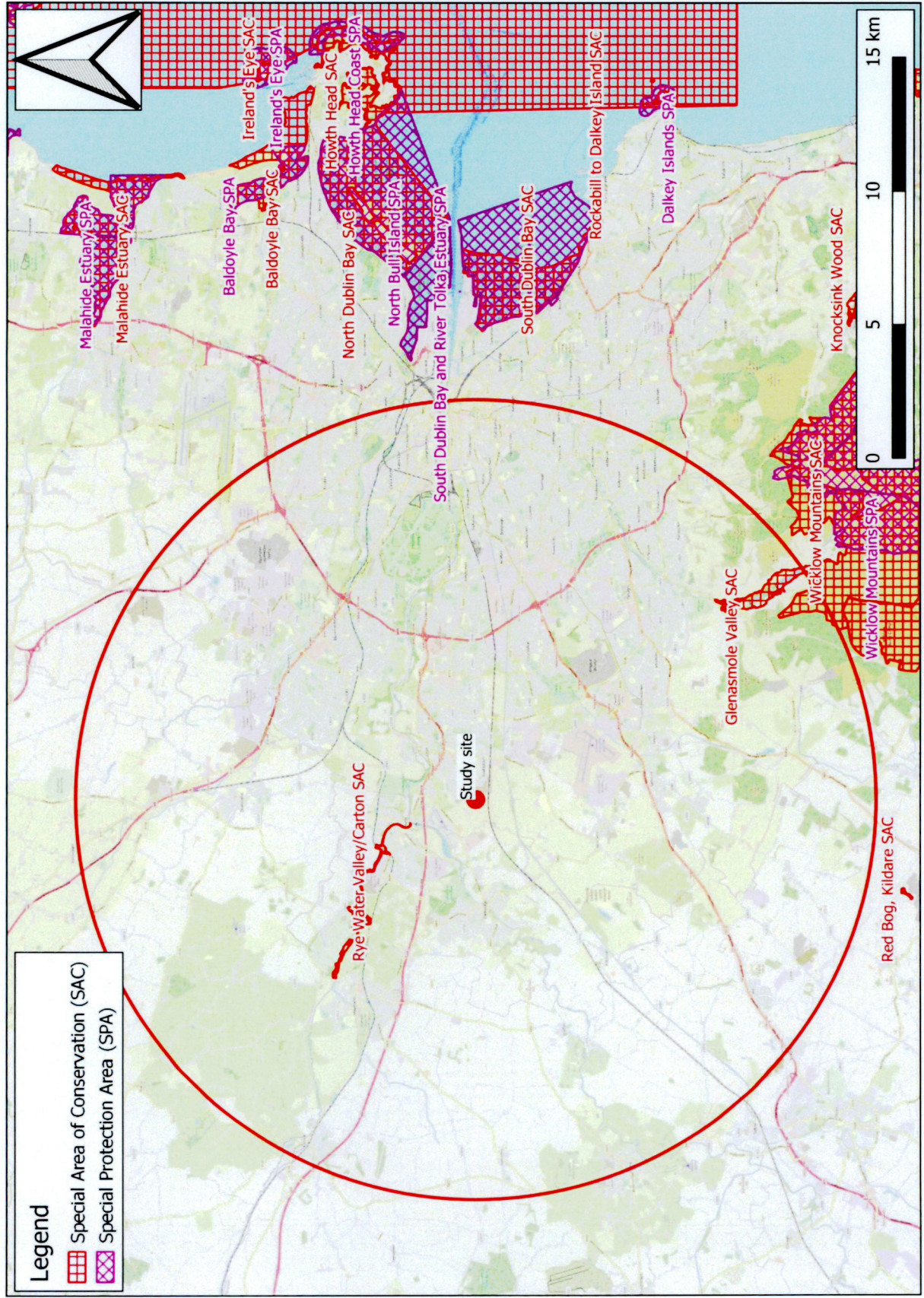
The site of the proposed development is not under any designation for nature conservation. There are no European sites in the immediate vicinity. Given the nature and scale of the proposed development there is no potential impact pathway to any European site other than, potentially, the sites associated with Dublin Bay (downstream of the site, via the River Liffey and, potentially, via Ringsend Wastewater Treatment Plant).

There are no other potential links to any European sites via any other pathways such as, for example, via groundwater, including to the Rye Water Valley/Carton SAC.

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

Figure 4.1 European sites within zone of influence of the proposed development. A 15km radius is shown for scale.



4.2.1 Other designated areas (other than European sites)

The nearest such sites designated for nature conservation, not otherwise designated as European sites, are Grand Canal proposed Natural Heritage Area (pNHA site code 002104), c.1.1km to the south, Liffey Valley pNHA (site code 000128), c.1.6km to the north and Royal Canal pNHA (site code 002103), c.3.2km to the north.

Proposed Natural Heritage Areas are included in this report in order to address their potential to act as supporting sites for the European sites.

Figure 4.2 illustrates all of the pNHA within the potential Zone of Influence (including those which overlap with European sites).

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

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

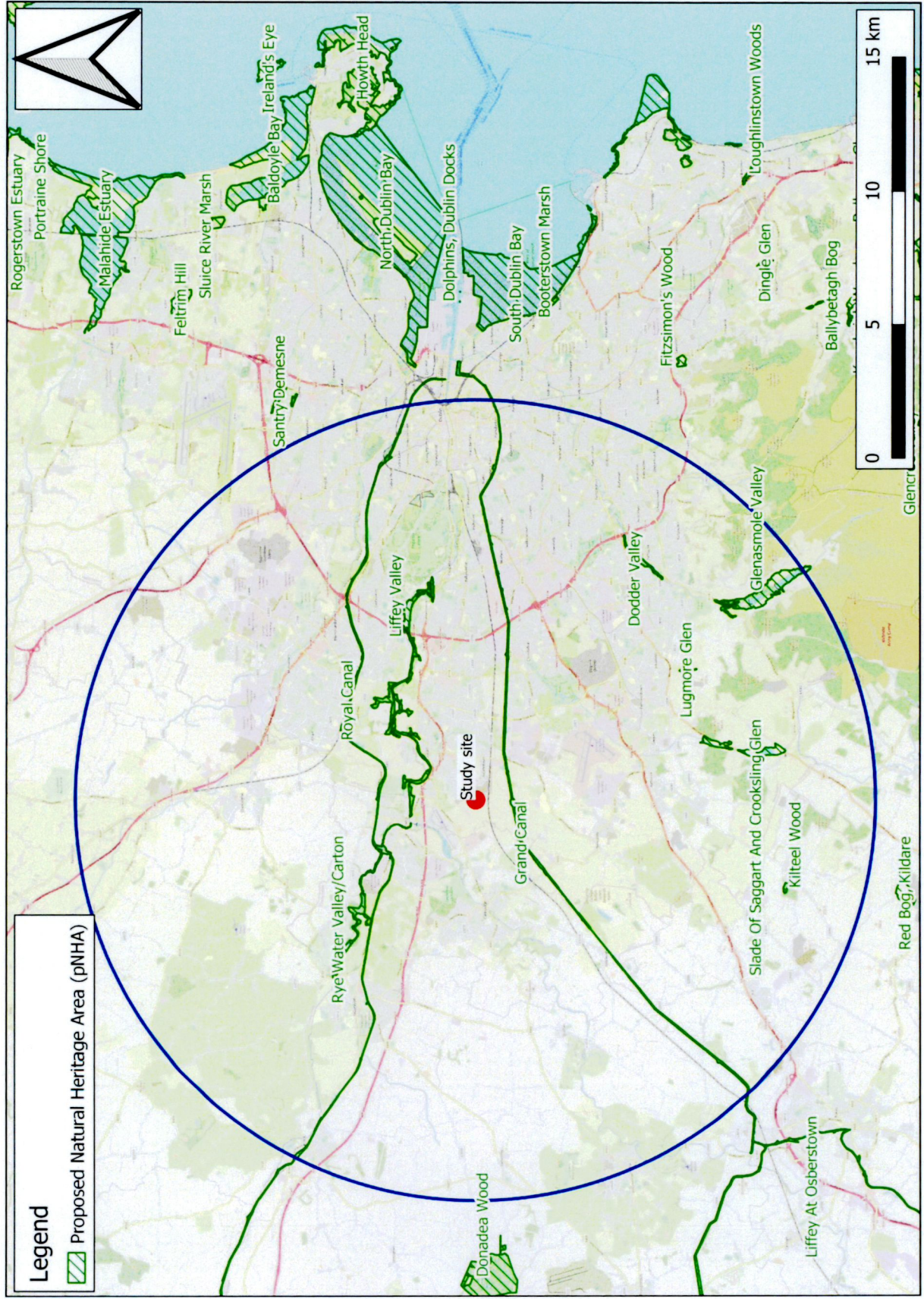
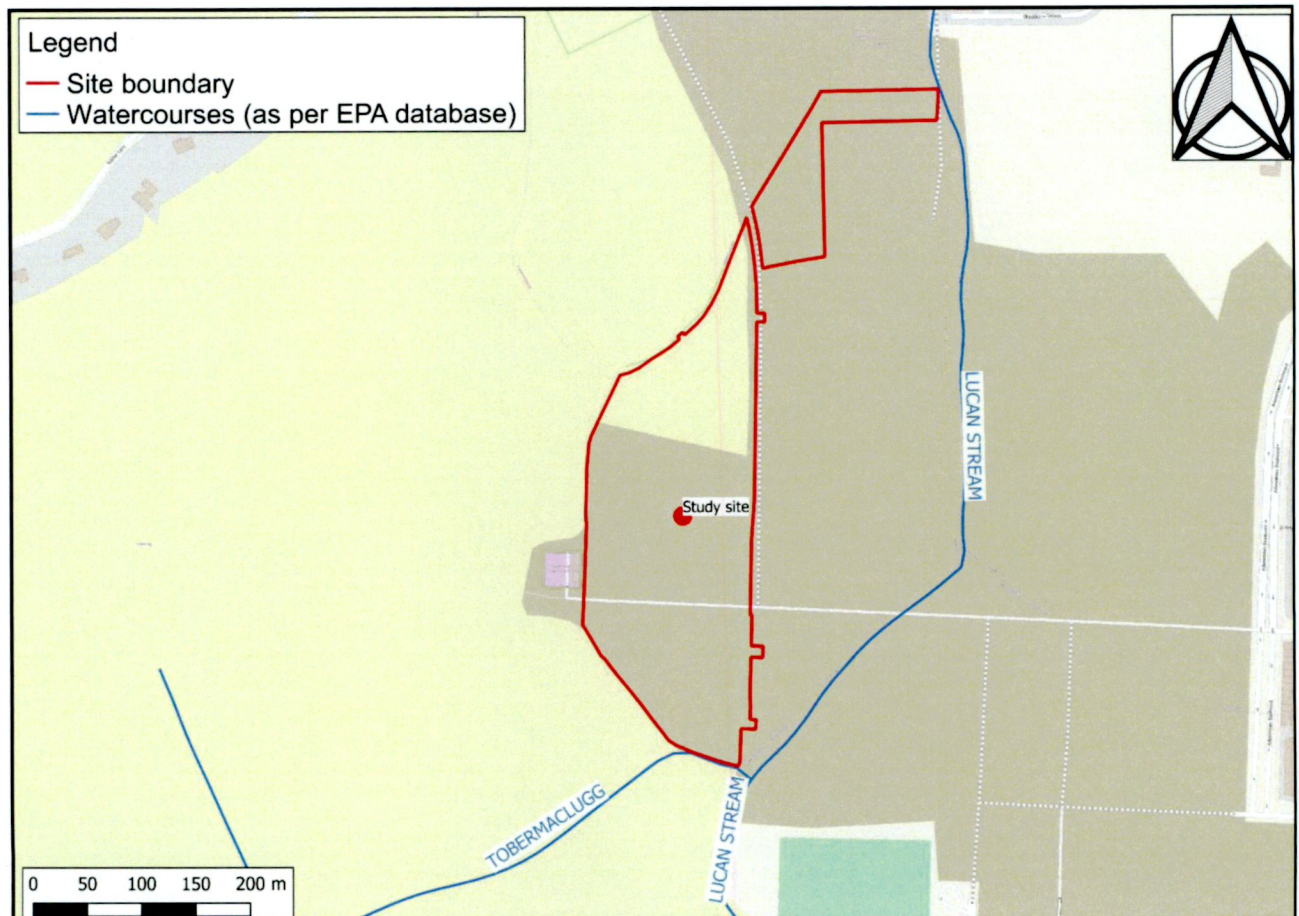


Figure 4.3 EPA waterbodies in the proximity of the proposed development⁴ (indicative site location marked in red)



4.3 Study area and surrounding environment

4.3.1 Site location and European sites

The proposed development site is not under any wildlife or conservation designation. A population (approximately 45 plants) of a rare and protected species, hairy St. John's wort (*Hypericum hirsutum*) listed in the Irish Red Data Book 1 – Vascular Plants (Curtis & McGough, 1988) and the Flora Protection Order, 2022 has been recorded to the north of the Aderrig Tile (north east of Aderrig Phase 3), within the boundary of a proposed park (Airlie Park) which is currently under construction. A second, smaller population, of approximately three plants, was recorded within the development boundary of Aderrig Phase 1, immediately to the east of Phase 2, within the alignment of the proposed (and permitted) linear park. The presence of rare plants is outside the scope of this AA Screening report, however the surveys undertaken to date have found no evidence of the plant within Aderrig Phase 3. No other rare, threatened or legally protected plant species are known to occur within the site.

There are no buildings within the proposed development site, although there is an electricity substation to the west of the western site boundary. No bats were seen to emerge or enter this structure during any of the surveys undertaken and no bats were seen to emerge from or enter any tree on the site. There is a small area of hardstanding inside the western boundary.

There was bat activity within the site during all survey periods. The main activity prior to sunrise was of Leisler's bats. Two Leisler's bats were noted to fly north prior to sunrise and out of the site. Most observations of Leisler's bats was feeding high over the hedgerow and treeline and around the substation, outside the site boundary.

⁴ <https://gis.epa.ie/EPAMaps/AAGeoTool>

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

Both common and soprano pipistrelles were also noted feeding within the site primarily along hedgerow with occasional forays over stubble within the field to the northwest of the site.

A total of 31 bird species were recorded on the site. Three red listed species were observed, common snipe, meadow pipit and yellowhammer. Meadow pipit and yellowhammer were confirmed as breeding species on the lands. Seven amber listed species were observed of which two, skylark and linnet were confirmed as breeding on the lands.

There is evidence of a badger sett in the western boundary hedgerow. No signs of other protected large mammals were recorded on the site during any of the surveys undertaken.

The site is unsuitable for use by species linked to the European sites of Dublin Bay, such as light-bellied Brent geese, due to the types of habitats present (mature hedges, unmanaged agricultural grassland, scrub, disturbed and recolonising ground, spoil).

No evidence of any other protected animal species such as amphibians (smooth newt or common frog), reptiles (common lizard) or hedgehogs, was recorded during the surveys carried out at the site.

Overall, with the exception of the western boundary hedgerows which are of local importance (higher value) the site is of local importance (lower value) in accordance with the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes* (NRA/TII, 2009 (Rev. 2)). The western boundary hedgerows will be retained and protected as part of the proposed development.

No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken to date and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

As noted in the EPA database (WFD Cycle 2 Catchment: Liffey and Dublin Bay, Sub catchment Liffey _SC_090 Code 09_15)⁵ the watercourse network, including at the proposed development location, is generally of moderate status. The most recent Water Framework Directive (WFD) monitoring data for the River Liffey is set out in **Table 4.1** below.

Table 4.1 Surface Water WFD status 2018-2020 and risk for waterbodies connected to the proposed development

Waterbody		Status	Risk	Significant pressures
Name	Code			
Liffey_170	IE_EA_0L012100	Moderate	At risk	Urban runoff

⁵ https://catchments.ie/wp-content/files/subcatchmentassessments/09_15%20Liffey_SC_090%20Subcatchment%20Assessment%20WFD%20Cycle%202.pdf

5 Potential impacts from the proposed development including in-combination effects

Each element of the development under appraisal is required to comply with the Approved Adamstown SDZ Planning Scheme (amended in 2014). This contains a number of Strategic Environmental Objectives in relation to biodiversity, in order to sustain and enhance ecological habitats, avoid significant adverse impacts and to sustain and enhance key ecological networks. In addition, the South Dublin County Development Plan 2022-2028 has a series of objectives intended to protect and enhance the natural environment. For example the CDP contains significant objectives to protect and enhance green infrastructure within the county. It also includes policies to protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, within the County from inappropriate development.

The CDP and Planning Scheme aims have been achieved in so far as is practicable within the Aderrig Phase 3 development.

5.1 European sites and habitats with links to European sites

5.1.1 Potential impacts during construction

All site clearance and construction activities pose a potential risk to water as **surface/ground water** arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network during construction.

The drainage ditches and Lucan Stream/Tobermaclugg Stream are linked to the Backstown Stream to the north. A theoretical potential surface water pathway, via the local surface water drainage network, exists between the proposed development site and coastal European sites associated with Dublin Bay (i.e. South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). There is also a potential groundwater pathway between the proposed development site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality on the proposed development site **this would not be perceptible in any European sites**, for the following reasons:

- The significant distance to the European sites – the designated sites of Dublin Bay are all in excess of 15km from the proposed development site (straight-line distance to the east) and there is no direct pathway between the proposed development site and these European sites;
- Any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the bay any pollutants would be even further diluted and dissipated by the waters in Dublin Bay;
- The construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development at a remove from the European sites.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that

could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

Demolition and construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

5.1.2 Potential impacts during operation

Once operational, **surface water** flows from the proposed development site will be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy (GSDSDS). The GSDSDS addresses the issue of sustainability by requiring designs to comply with a set of drainage criteria which aim to replicate the run-off characteristics of the greenfield site. The criteria provide a consistent approach to addressing the increase in both rate and volume of run-off. The calculations are set out in the Engineering Assessment Report prepared by Waterman Moylan Consulting Engineers and submitted separately. It is proposed to use a sustainable urban drainage system (SuDS) approach to storm water management throughout the overall site. SuDS are a requirement of South Dublin County Council under the GSDSDS and the Regional Code of Practice for Drainage Works. They are not however necessary in order to avoid significant effects on downstream European sites.

A **flood risk assessment** has been carried out by Waterman Moylan Consulting Engineers, in accordance with the OPW publication "*The Planning System and Flood Risk Assessment Guidelines for Planning Authorities*". The report concluded that the proposed development is acceptable in terms of flood risk.

It is proposed to discharge **foul water** from the Aderrig Phase 3 development directly to the existing foul water system. On 7 March 2019, in response to a Pre-Connection Enquiry (PCE) submission, Irish Water confirmed (customer reference no. 9540800086) that the current capacity available within the system can facilitate the proposed development. The Irish Water Confirmation of Feasibility Letter is contained in Appendix A of the accompanying Engineering Assessment Report, prepared by Waterman Moylan Consulting Engineers.

Foul water will be conveyed to the Irish Water WwTP at Ringsend, where the effluent will be subject to treatment prior to discharge to Dublin Bay at Poolbeg. This creates an indirect hydrological pathway linking the proposed development site with European Sites in Dublin Bay.

As set out in the Engineering Assessment Report that accompanies the submission, the peak wastewater discharge is calculated at 6.3l/s for the overall development. The Ringsend WwTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP reg. ref.: 301798) in 2019 for upgrade works, which commenced in 2018 and are expected to be fully completed by 2025. The upgrade works will result in treatment of sewage to a higher quality than current, thereby ensuring effluent discharge to Dublin Bay will comply with the Urban Wastewater Treatment Directive by Q4 2023.

The peak wastewater discharge would not have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). Hydrodynamic and chemical modelling within Dublin Bay has shown that there is significant dilution for contaminants of concern (DIN and MRP) available quite close to the outfall for the treatment plant (Ringsend WWTP 2012 EIS, Ringsend WWTP 2018 EIAR; refer to Section 12.4.22, ABP-301798-18 Inspector's report). The most recent water quality assessment of Dublin Bay WFD Waterbody undertaken by the EPA (*Water Quality in 2020: An Indicator Report*, 2021) also shows that Dublin Bay on the whole, currently has an 'Unpolluted' water quality status (refer to www.catchments.ie).

It is possible that there will be a marginal increase in demand for potable water during the operational phase. Drinking water in Dublin City is largely derived from the Poulaphouca Reservoir in Co. Wicklow. There is, therefore, a potential impact pathway (via water abstraction) from the proposed development site to the Poulaphouca

Aderrig Phase 3: Residential Development at Adamstown SDZ

Appropriate Assessment Screening Report

Reservoir SPA (site code 004063), designated for the protection of Greylag Goose and Lesser Black-backed Gull. However, any increase in potable water demand would not be significant in the context of the total volume abstracted from the reservoir. Furthermore, there is no evidence that current levels of water abstraction are conservation threats to these SCIs.

For the reasons set out in this report, no pNHAs have the potential to be affected by the proposed development in a manner that could directly or indirectly affect any European Sites or their QIs / SCIs, taking into account their Conservation Objectives.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Significant effects on European Sites resulting from the proposed development can be ruled out. The primary reasons for this conclusion are as follows:

- There are no European Sites at the site of the proposed development or in the immediate vicinity that could be directly affected by the construction or operation of the proposed development;
- The site of the proposed development is of limited ecological value and does not support habitats or species that are QIs or SCIs of any European Sites in the potential Zone of Influence;
- While there are potential impact pathways (via potable water abstraction and foul water drainage and treatment networks), significant impacts via these pathways can be ruled out, for the reasons set out above.

Full details of the potential impacts of the proposed development on European sites are presented in **Table 1**.

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

Table 1 lists relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site	Reasons for designation (information correct as of 03 October 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
Rye Water Valley/Carlton SAC (site code 001398), c.2.5km to the north west	7220 Petrifying springs with tufa formation (Cratoneurion)* 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) 1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) According to this SAC's site Conservation Objectives document (Version 1, dated 22 December 2021), for each of the listed QIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SPA has been selected.	There is no hydrological link or any other pathway between the proposed development site at Aderrig Phase 3 and this SAC. It is approximately 2.5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No
Glenasmole Valley SAC (Site code 001209), c.11.6km to the south east	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)* According to this SAC's site Conservation Objectives document (Version 1, dated 10 December 2021), for each of the listed QIs, the Conservation Objectives are to restore the favourable conservation condition of the Annex I habitats for which the SPA has been selected.	There is no hydrological link or any other pathway between the proposed development site at Aderrig Phase 3 and this SAC. It is over 11km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No
Wicklow Mountains SAC (site code 002122), c.13.3km to the south	3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*	There is no hydrological link or any other pathway between the proposed development site at Aderrig Phase 3 and this SAC. It is approximately 13km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

European Site	Reasons for designation (information correct as of 03 October 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 31 July 2017), for the listed QIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which the SAC has been selected.</p>		
<p>South Dublin Bay SAC (site code 000210), c.17.6km to the east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <p>(1210 Annual vegetation of drift lines</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>2110 Embryonic shifting dunes)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 22 August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>No significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Aderrig Phase 3 could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Tobermaclugg Stream and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in South Dublin Bay SAC.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development</p>	<p>No</p>

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

European Site	Reasons for designation (information correct as of 03 October 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
<p>North Dublin Bay SAC (site code 000206), c.19.8km to the east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima) 1410 Mediterranean salt meadows (Juncetalia maritimi) 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 1395 Petalwort (<i>Petalophyllum ralfsii</i>) According to this SAC's site Conservation Objectives document (Version 1, dated 06 November 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation</p>	<p>site is over 17km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	<p>No</p>
		<p>No significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Aderrig Phase 3 could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Tobermaclugg Stream and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in North Dublin Bay SAC.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development</p>	

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

European Site	Reasons for designation (information correct as of 03 October 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<p>site is almost 20km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.16.6km to the east</p>	<p>A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Aderrig Phase 3 could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Tobermaclugg Stream and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay</p>	No

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

European Site	Reasons for designation (information correct as of 03 October 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>and would not be perceptible in South Dublin Bay and River Tolka Estuary SPA.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is almost 17km (straight line distance) from the SPA and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of wetland habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	
<p>North Bull Island SPA (site code 004006), c.19.8km to the east</p>	<p>A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>)</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Aderrig Phase 3 could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Tobermaclugg Stream and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site</p>	<p>No</p>

Aderrig Phase 3: Residential Development at Adamstown SDZ
Appropriate Assessment Screening Report

European Site	Reasons for designation (information correct as of 03 October 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in North Bull Island Estuary SPA.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is almost 20km (straight line distance) from the SPA and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of wetland habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	

5.2 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as a QI or SCI of any designated site as a consequence of the proposed development. There is, therefore, no potential for the effects of habitat loss or fragmentation to occur.

There will also be no significant effects on any European sites as a result of:

- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

6 Other issues

No invasive plant species (*i.e.* those species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011-2015*, such as Japanese knotweed or giant hogweed) were identified on site.

Additionally, for the reasons outlined in this report for the European sites, no impacts on any other designated sites including proposed Natural Heritage Areas, will occur.

7 Mitigation specific to European sites

This screening assessment is consistent with the judgment of the European Court in Case C-323/17, *People Over Wind & Sweetman v Coillte* (Judgment of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including *Heather Hill Management Company CLG v An Bord Pleanála* [2019] IEHC 450 and *Sweetman v An Bord Pleanála* [2020] IEHC 39. It is also consistent with the judgment in *Eco Advocacy CLG v An Bord Pleanála* [2021] IEHC 265. In that case, Humphreys J confirmed the core legal principle, being that regard should not be had to mitigation measures at AA screening stage. Humphreys J decided in that case that clarification was required from the CJEU on the matter (as it related to the consideration of SUDs and whether these represented mitigation measures) and the decision of the CJEU is currently awaited. Regardless of the outcome of that case however, in relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development.

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

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

8 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but uncompleted, or proposed (but not yet approved).⁶ If there are identified effects arising from the plan or project

⁶ *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

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

- South Dublin County Council Planning Viewer (03 October 2022);
- EIA Portal Viewer (as of 03 October 2022);
- South Dublin County Development Plan 2022 – 2028.

Permitted and proposed projects in the immediate vicinity of the site, including the previously permitted developments in Aderrig, were considered in terms of the potential for in-combination effects. Screening for appropriate assessment has been undertaken for proposed developments, now permitted, at a number of sites within Adamstown SDZ in recent years. In each case, significant effects on European sites were excluded. There are no elements of this development, or any other development in the SDZ, that could act in-combination with any potential effects of the proposed development of Aderrig Phase 3 to give rise to significant effects.

Considering the nature and scale of the proposed development, the localised nature of the environmental effects predicted to occur as a result of the proposed development, and the nature of existing, permitted and proposed development in its environs, it is considered that significant in combination effects on European sites are not likely to occur.

Furthermore, the zoning, policies and objectives set out in the South Dublin County Development Plan 2022 – 2028 are intended to protect the environment while encouraging development in appropriate areas. The Environmental report of the Draft Amendments to the Approved Adamstown SDZ Planning Scheme (published in 2014) contains a number of Strategic Environmental Objectives in relation to biodiversity, in order to sustain and enhance ecological habitats, avoid significant adverse impacts and to sustain and enhance key ecological networks.

The CDP and Planning Scheme aims have been achieved in so far as is practicable within the Aderrig Phase 3 development.

9 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed development at Aderrig (Phase 3), individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (South Dublin County Council) to carry out an Appropriate Assessment Screening, and reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.

10 References

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- European Commission Environment Directorate-General (2021). *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*.
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- NPWS (2022a). *Boundary data – Special Area of Conservation (SAC)*. [Update date 16/06/2022].
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- OPR (2021). *Practice Note PN01 Appropriate Assessment Screening for Development Management*.
- Wyse Jackson, M., FitzPatrick, Ú., Cole, E., Jebb, M., McFerran, D., Sheehy Skeffington, M. & Wright, M. (2016). *Ireland Red List No. 10: Vascular Plants*. Dublin Ireland: NPWS, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

⁷ Now Transport Infrastructure Ireland (TII).

Appendix I: Background

The European⁸ network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

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

(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Union (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*)⁹ and by the *Planning and Development Act 2000*, as amended.

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

Stages in the assessment

European Commission guidance (2021)¹⁰ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

Stage 1: Screening is the process which initially identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known,

⁸ The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European”

⁹ SI No. 477 of 2011 and subsequent amendments

¹⁰ European Commission (2021) *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

Stage 2: Appropriate Assessment is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

Stage 3: Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.

Appendix II: Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Guidance from the European Commission¹¹ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;

Assess the likely significance of any effects on European sites.

¹¹ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

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