

Adamstown Extension: Residential Development at Clonburris SDZ Appropriate Assessment Screening Report

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1 Introduction

1.1 Background

Clear Real Estate Holdings Ltd. is seeking permission for a residential development within the Adamstown Extension tile (Development Area 11) in the Clonburris Strategic Development Zone (SDZ).

The proposed development will comprise a total of 385 residential units 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 (SDCC) 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, number of site visits and specialised ecological surveys (including bat, bird and tree surveys) 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

This report has been prepared by Namrata Kaile, Ecologist and Environmental Consultant at Brady Shipman Martin. She holds a Bachelor's Degree (BSc) in Life Sciences from University of Delhi and a Master's Degree (MSc) with distinction in Environmental Sciences from Trinity College Dublin. She is a Qualifying member of Chartered Institute of Ecology and Environmental Management (CIEEM) and has been working professionally in the field of environmental consultancy for the last three years. Namrata is experienced in drafting and reviewing AA Screening Reports, EIA Screening Reports as well as in coordination of EIARs. She is also experienced in undertaking baseline ecological surveys and preparing Ecological Impact Assessments Reports (EcIA).

A technical review of this document has been completed by Senior Ecologist and Associate, Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew 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 2011-2022*¹ (the “Birds and Natural Habitats Regulations”) and the *Planning and Development Act, 2000 - 2022* (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,
- (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 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 proposed development is not required for the management of any European Site and 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 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;*

¹ SI No. 477 of 2011

- 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*;
- 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*.

The report also has regard to the following legislative instruments:

- Planning and Development, Act 2000, as amended;
- Planning and Development Regulations 2001, as amended;
- European Commission (EC) Habitats Directive 92/43/EEC;
- European Commission (EC) Birds Directive 2009/147/EC; and
- European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

2.2 Baseline Data Collection and Field Surveys

A desk-based assessment was undertaken between November 2022 and January 2023 at the proposed Adamstown Extension development site and the wider area. The appraisal 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 Adamstown Extension in the preparation of the current planning application.

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 2021 and 2022. A final site survey was undertaken by the authors in the preparation of this report on 24 November 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 authors a number of specialist surveys have been undertaken. These include habitat and botanical (hedgerow appraisal) surveys, as well as large mammal, breeding bird, wintering bird and bat surveys, undertaken in 2022 and early 2023. These were undertaken by specialist ecologists (Mr Brian Keeley, bat ecologist; Mr Alexis FitzGerald MCIEEM, botanist; and Mr John Fox, ornithologist). These surveys covered the entire site at Adamstown Extension.

² Now Transport Infrastructure Ireland (TII).

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 the Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (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, badgers 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.

In addition to the biodiversity surveys, a tree survey was undertaken on 18 July 2022 by experienced arborist John Morgan (Independent Tree Surveys Ltd.) and arboricultural impact assessment, method statement and tree protection plan prepared in accordance with BS5837: *Trees in relation to design, demolition and construction (2012)* of the significant trees on the land proposed for development.

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);
- Draft for Public Consultation, Ireland’s 4th National Biodiversity Action Plan (Department of Housing, Local Government and Heritage, 2022);

- South Dublin County Development Plan 2022 – 2028, including the accompanying Appropriate Assessment documentation (Natura Impact Report);
- Clonburris Strategic Development Zone-Planning Scheme, including the accompanying Appropriate Assessment documentation (SDCC, 2019); and
- Clonburris Strategic Development Zone-Biodiversity Management Plan (Scott Cawley, 2021).

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.

Given the amount of information available, including from the developer, NPWS and other sources, it has been possible to gather adequate information on the site and the adjacent area (in particular, the European sites), in order to make an informed, sound judgement as to the potential impacts of the proposed development on the QIs and SCIs of European sites.

3 Description of the Proposed Development

3.1 Site Location

The proposed development site is located in the townland of Adamstown, west Co. Dublin, within Clonburris Strategic Development Zone (SDZ), 'Development Area 11 Adamstown Extension'. It comprises the development areas AE-S1 and AE-S2 within the Clonburris SDZ, refer to **Figure 3.1**. The proposed development has a total area of approximately 8.94ha.

The site is bound to the north by Dublin-Cork / Kildare Rail Line, to the east by Hayden's Lane (L5149), the River Griffeen and the undeveloped lands of Clonburris SDZ, to the south by Lucan Pitch and Putt Club and the Grand Canal and to the west by Newcastle Road (R120). Refer to **Figure 3.2**.

The site comprises former agricultural fields with mixed habitat types. These include a wooded strip along River Griffeen, bare ground, recolonising bare ground, dry meadow and grassy verges, hedgerow and treeline, scrub, and some artificial surfaces. The majority of the site is now largely unmanaged and is covered by recolonising areas of meadow and scrub. There are mature hedgerows along several of the boundaries and Hayden's Lane Access Road (L5149) bisects the lands into northern and southern areas. There are some concrete agricultural walls / structures in the northern section of the site.

The corridor of the River Griffeen runs along the eastern and south-eastern boundary of the lands and includes earth banks and unmanaged grassland and trees. This area contains tall grasses, nettles, brambles, hogweed and other species typical of such habitats. The lands in general are flat apart from in locations where the earth banks have been created. The Grand Canal is c. 95m to the south of the proposed development site.

The adjacent lands and wider environs are largely urban in nature consisting of residential and commercial area to the north, west and south. The area to the east, comprises the undeveloped lands within the Clonburris SDZ and are largely agricultural in nature.

Figure 3.1 The location of Adamstown Extension tile within Clonburris SDZ. The site is located in the western most part of Clonburris SDZ boundary and is shaded in pink (Source: Clonburris SDZ Planning Scheme documentation)

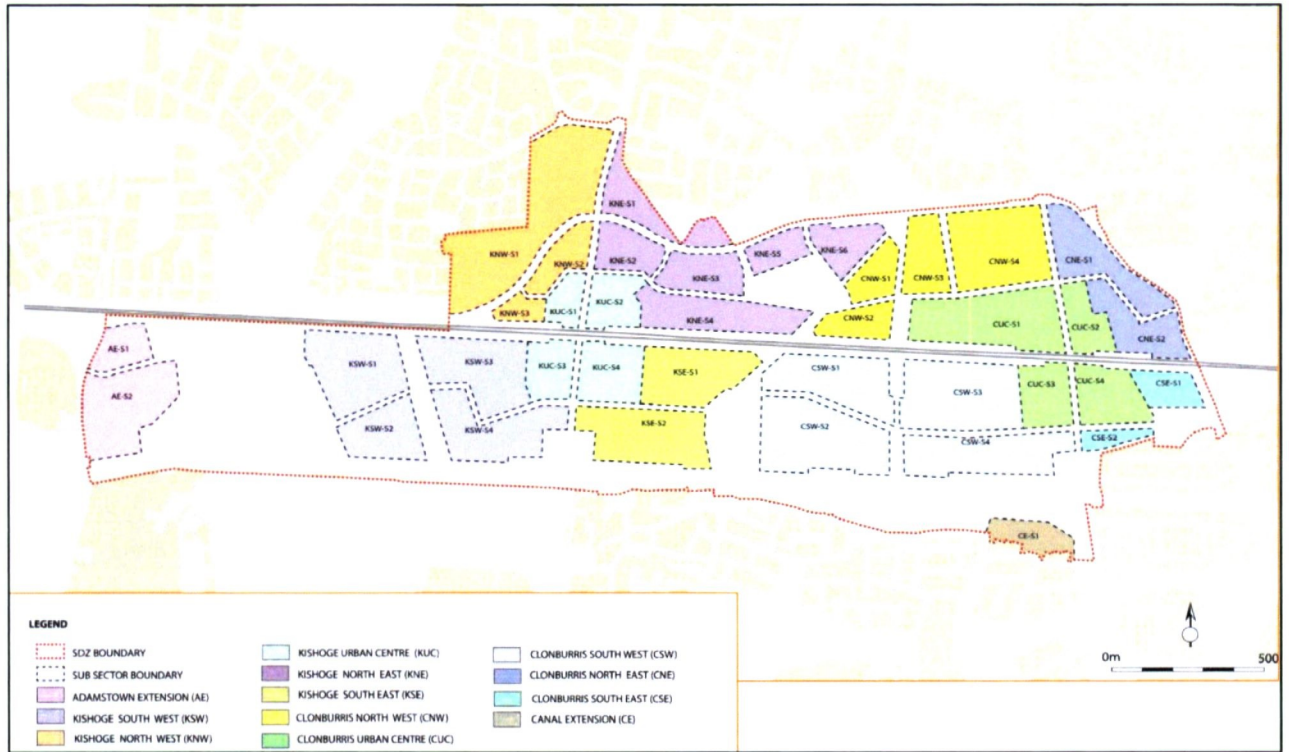


Figure 3.2 The location of the proposed Adamstown Extension development site



3.2 Development Description

The development proposed comprises 385no. units comprising 139no. houses, 142 no. duplexes and 104no. apartments in 2no. blocks ranging in height from 1 to 6 storeys. Private rear gardens are provided for all houses. Private patios / terraces and balconies are provided for all duplexes and apartments. The development also includes a single storey tenant amenity building, areas of public open space, car and bicycle parking, bin and bicycle stores, ESB substations, demolition of remaining walls and hardstanding associated with the former agricultural building and all associated and ancillary site development, infrastructural, hard and soft landscaping and boundary treatment works. Permission is also sought for minor revisions to attenuation pond permitted under SDCC Reg. Ref. SDZ20A/0021 as well as connections to water services (wastewater, surface water and water supply) and connections to permitted cycle / pedestrian paths and Link Road permitted under SDCC Reg. Ref. SDZ20A/0021.

Please refer to the accompanying planning documentation for further details of the proposed development.

3.3 Drainage

A topographic survey of the proposed site indicates that the site slopes down from south-west (maximum of 64.52 mOD) to north-east (minimum of 55.81mOD).

3.3.1 Surface Water

The site is greenfield in nature. There is a local ditch internal to the site, following the route of a hedgerow running from north-west to south. This local ditch has been culverted under Hayden's Lane. Surface water from this local ditch and the site in general, discharges to the River Griffeen which forms the south-east boundary of the site. The River Griffeen flows in a northern direction to outfall to the River Liffey at Lucan.

The design of surface water infrastructure for the proposed development has been cognisant of the specific requirements as per the Clonburris SDZ Planning Scheme Framework document, Section 2.3 Green and Blue Infrastructure, & Section 2.9.5 Surface Water Drainage and Sustainable Urban Drainage Systems (SuDS), refer to **Figure 3.3**. The strategy used aligns with the National Guidance Document '*Nature Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas*'. This document reflects the provisions of the EU Water Framework Directive (2000/60/EC) (WFD).

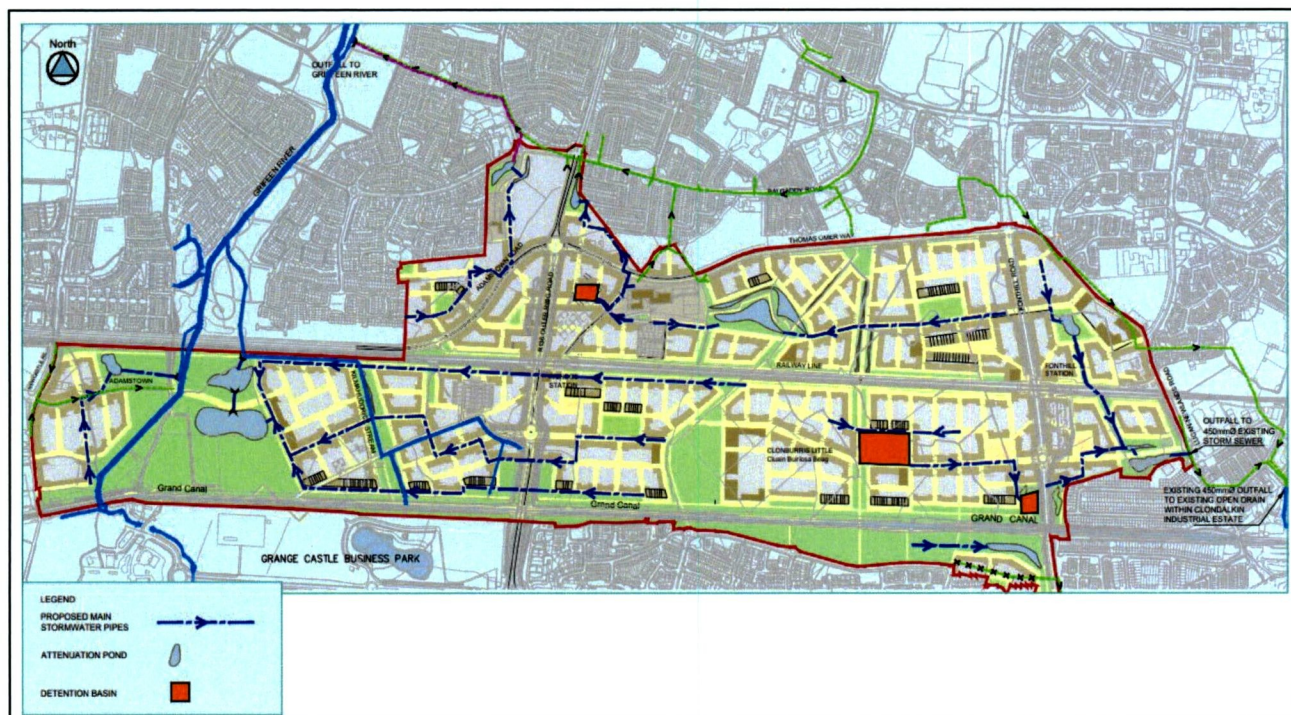
Planning permission has been granted under Reg. Ref: SDZ20A/0021 for infrastructural works in anticipation of the submission of this proposed application. Permission has been granted for a surface water network with pipe diameters ranging from 375mm to 1050mm on Hayden's Lane, an attenuation pond with sufficient capacity to accommodate the proposed development, and a 600mm Ø outfall pipe with petrol interceptor to the River Griffeen. The outflow rate is limited to 44.74 l/s by Hydrobrake. It is proposed to drain surface water from the part of the development south of Hayden's Lane via 4no. connections from a network of 225mm and 300mm Ø pipes to the permitted surface water network on Hayden's Lane, from where it will discharge to the permitted attenuation pond. For the part of the development north of Hayden's Lane it is intended to discharge directly to the permitted attenuation pond via a network of proposed 225mm to 450mm Ø surface water pipes and outfall headwall. The permitted surface water network, attenuation pond, outfall network, flow control device and petrol interceptor have been sized and designed in anticipation of the subject planning application.

It is proposed to incorporate a Storm Water Management Plan through the use of various SuDS techniques such as permeable paving, filter drains, green / sedum roof, tree pits, swales, attenuation pond, flow control device and petrol interceptor to treat and minimise surface water runoff from the site. The methodology

involved in developing a Storm Water Management Plan for the subject site is based on recommendations set out in the Greater Dublin Strategic Drainage Study (GDSDS) and in the SuDS Manual.

Refer to the Engineering Assessment Report (prepared by Waterman Moylan Consulting Engineers Limited) for further information.

Figure 3.2 Surface water drainage and sustainable urban drainage system for Clonburris SDZ (Source: Clonburris SDZ Planning Scheme documentation)



3.3.2 Foul Water

The site is currently greenfield in nature and is not served by any foul network. The nearest existing foul network is to the south-west of the site on the R120.

As noted above, planning permission has been granted under Reg. Ref: SDZ20A/0021 for infrastructural works in anticipation of the submission of this proposed development. It is proposed to drain wastewater from the proposed development via a network of 225mm \varnothing foul gravity sewers, which will flow to the 225mm \varnothing network in Hayden's Lane as permitted under Reg. Ref: SDZ20A/0021. There will be a total of 2 no. connections from the proposed development to the permitted infrastructure, 1 no. connection from the north of Hayden's Lane, and 1 no. connection from the south of Hayden's Lane. This permitted foul network has been sized and designed in advance of the required connection of the subject application.

The proposed foul drainage network has been designed and sized in accordance with the Irish Water code of Practice for Wastewater Infrastructure and Standard Details. The reader is referred to the Engineering Assessment Report (prepared by Waterman Moylan Consulting Engineers Limited), which shows the proposed foul drainage layout, and the connections to and route of the permitted foul water network. The total dry weather flow from the development has been calculated as 1.985 l/s, with a peak flow of 5.955 l/s.

3.3.3 Water Supply

There is a 160mm \varnothing watermain network located on Hayden's Lane, which is fed from a 200mm \varnothing Watermain on the R120. There is also a 400mm \varnothing watermain network on the R120, which forms the western boundary of the site.

Water will be supplied to the proposed development via 8 no. connections to the permitted watermain networks as per Reg. Ref: SDZ20A/0021. 3 no. connections will serve the development to the north of Hayden's Lane, and 5 no. connections serving the lands to the south. The average domestic demand has been established based on an average occupancy ratio of 2.7 persons per dwelling with a daily domestic per capita consumption of 150 litres per head per day and with a 10% allowance factor. The average day / peak week demand has been taken as 1.25 times the average daily domestic demand, while the peak demand has been taken as 5 times the average day / peak week demand. All watermains will be in accordance with the requirements of Irish Water.

Refer to the Engineering Assessment Report (prepared by Waterman Moylan Consulting Engineers Limited) for further information.

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.

Screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report has been 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 under section 177V of the Planning Acts for the purposes of compliance with 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).

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.

4.2.1 European Sites

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

- Rye Water Valley / Carton SAC (site code 001398), c.3.9km to the north-west;
- Glenasmole Valley SAC (site code 001209), c.10.2km to the south-east;
- Wicklow Mountains SAC (site code 002122), c.11.7km to the south-east;
- Wicklow Mountains SPA (site code 004040), c.14.8km to the south-east;
- South Dublin Bay SAC (site code 000210), c.16.2km to the east;
- North Dublin Bay SAC (site code 000206), c.18.2km to the north-east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.16.1km to the east;
- North Bull Island SPA (site code 004006), c.15.2km to the north-east;
- Poulaphouca Reservoir SPA (site code 004063), c.16.8km to the south;
- Rockabill to Dalkey Island SAC (site code 003000), c. 24km 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. A review of the Environmental Protection Agency (EPA) web-tool (confirmed on site) indicates that the River Griffeen (IE_EA_09L012100) runs c. 35m to the east / south-east

of the site. The river flows in a northerly direction, it is culverted under the railway and Adamstown Avenue and it exits the culvert at Griffeen Valley Park. It then flows northwards to Vesey Park, before it ultimately outfalls to River Liffey at Lucan. The River Liffey then discharges into the transitional waters of Dublin Bay. The Grand Canal flows c. 95m to the south of the site and this also discharges into the transitional waters of River Liffey near the Grand Canal Docks. Refer to **Figure 4.3**.

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 surface water network of River Griffeen and the River Liffey and, potentially, also 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.

4.2.2 Other designated areas (other than European sites)

Designated sites other than European sites (i.e. proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA)) within the potential Zone of Influence have been included in this assessment in order to address their potential to act as supporting sites for European sites. There are no fully designated Natural Heritage Areas (NHA) within the potential Zone of Influence. The pNHAs within the Zol are as follows:

- Grand Canal pNHA (site code 002104), c. 95m to the south;
- Liffey Valley pNHA (site code 000128), c. 2.3km to the north;
- Royal Canal pNHA (site code 002103), c. 4.1km to the north;
- Rye Water Valley/Carton (site code 001398), c. 3.9 km to north-west;
- Lugmore Glen pNHA (site code 001212), c. 7.4km to the south-east;
- Slade of Saggart and Crooksling Glen pNHA (site code 000211), c. 7.6km to the south;
- Dodder Valley pNHA (site code 000991), c. 9.1km to the south-east;
- Glenasmole Valley pNHA (site code 001209), c. 10km to the south-east;
- Dolphin, Dublin Docks pNHA (site code 000201), c. 16.8km to the east;
- South Dublin Bay pNHA (site code 000210), c. 15.9km to the east;
- North Dublin Bay pNHA (site code 000206), c. 14.7km to the north-east.

Figure 4. illustrates all of the pNHA within the potential Zone of Influence (including those which overlap with European sites).

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

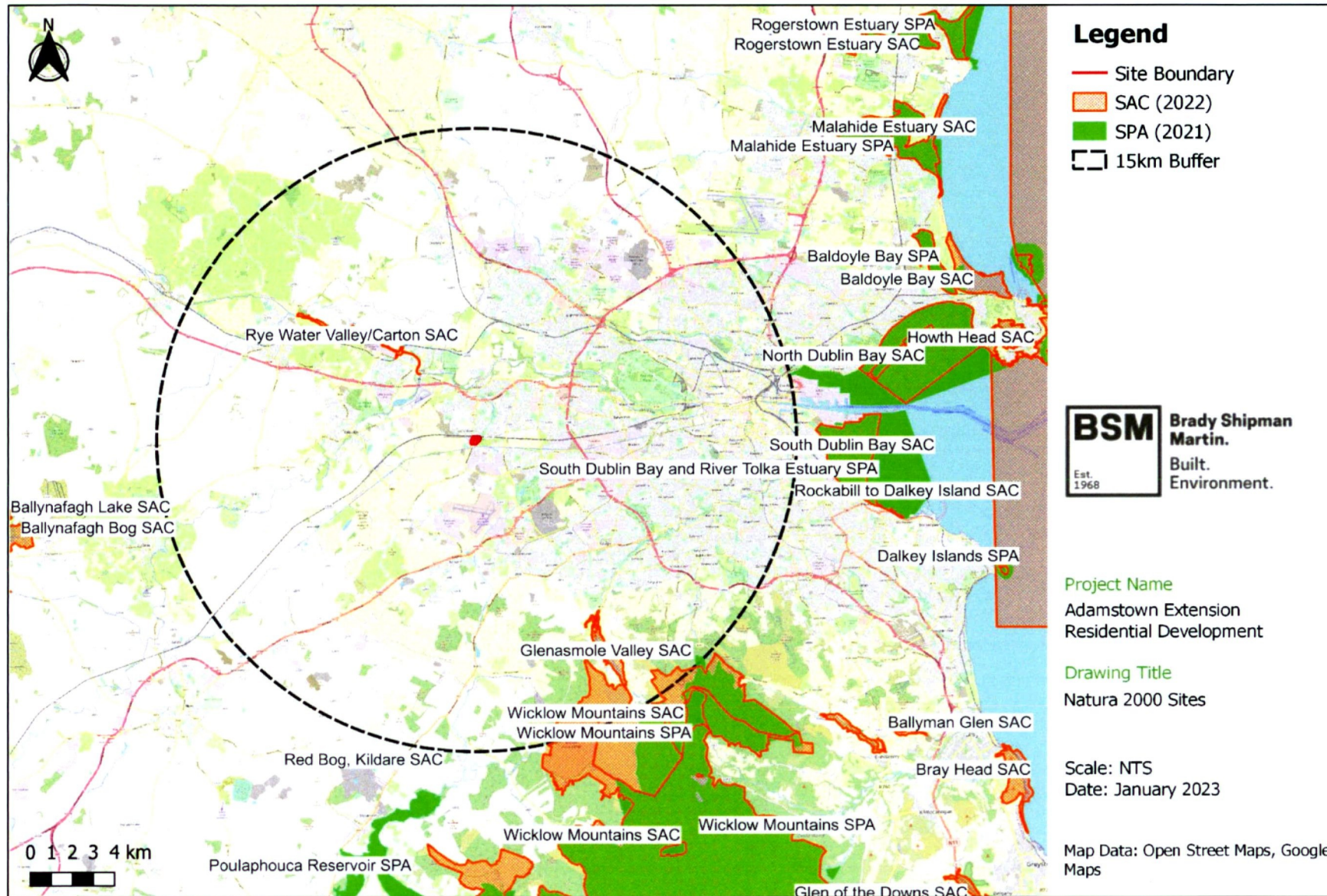


Figure 4.2 pNHA sites within zone of influence of the proposed development. A 15km radius is shown for scale.

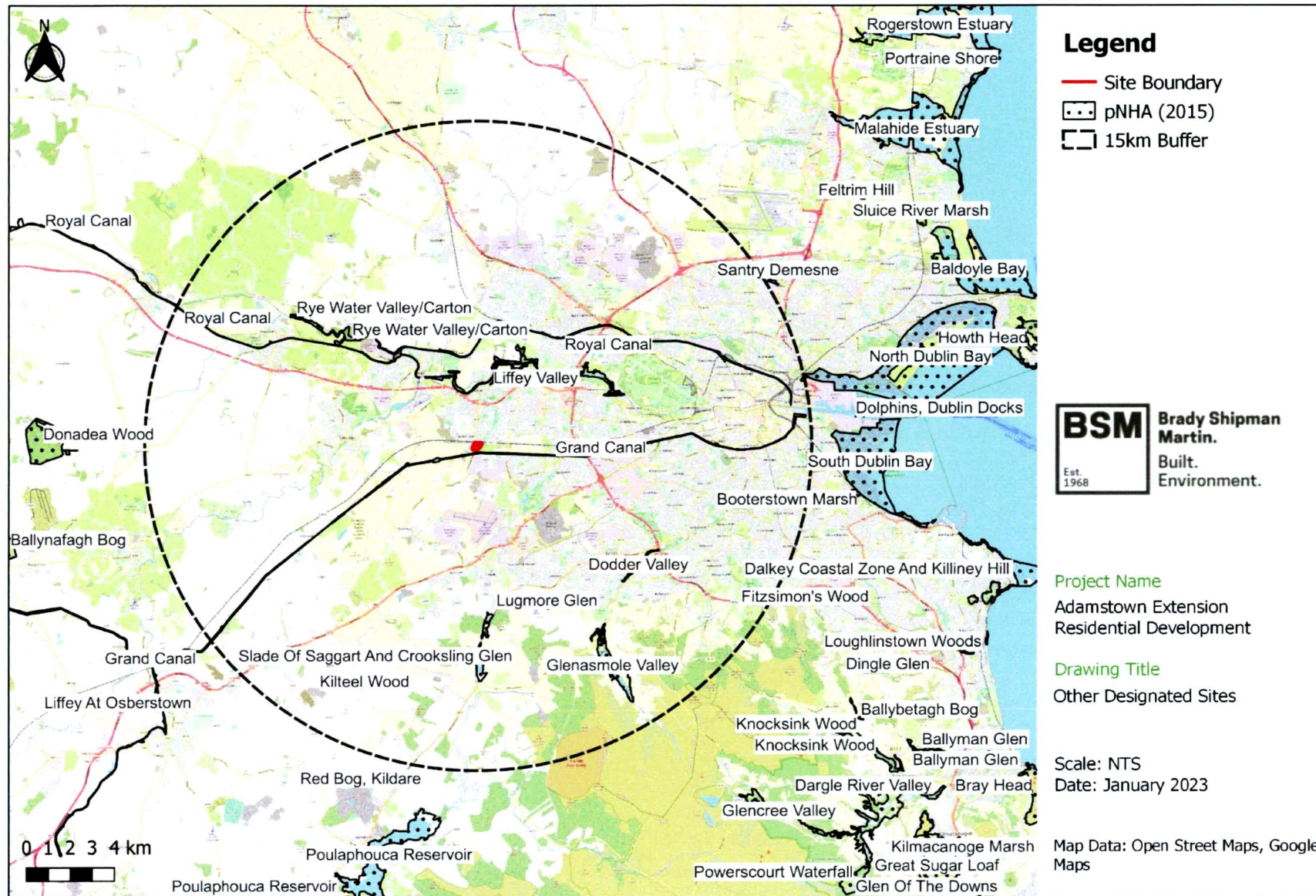
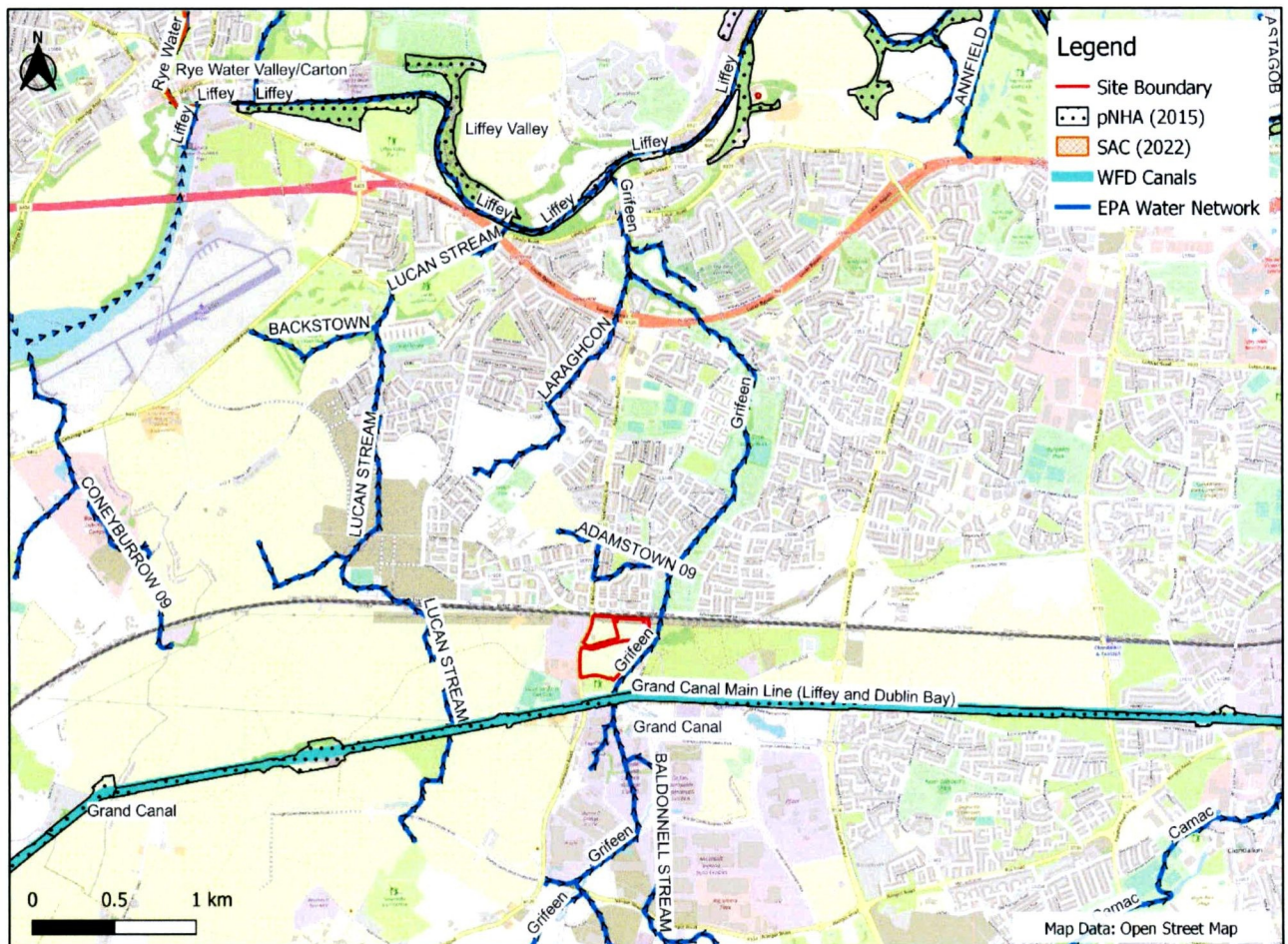


Figure 4.3 EPA waterbodies in the proximity of the proposed development³

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. No significant habitats are present on the proposed development site. The site consists of a number of inter-linked former agricultural fields and is fenced on all sides. The existing Hayden's Lane Access Lane (L5149) divides the site into northern and southern sections. The northern section includes an existing concrete agricultural shed walls / structures (Fossitt habitat code **BL3**).

A central hedgerow (**WL1**) runs from the north-west to the south of the site and is divided by the existing Hayden's Lane Access Lane. The hedgerow within the northern section of the proposed development site is densely vegetated, and under the hedgerow vegetation there is a shallow wet ditch, c. 0.5-1m in depth. This hedgerow comprises linear dense shrubs dominated by *Rubus fruticosus* agg. (blackberry), *Hedera helix* agg. (ivy), *Crataegus monogyna* (hawthorn) and *Prunus domestica* (common plum). The ground layer of the hedgerow contains the high nutrient indicator (noxious weed) species *Cirsium arvense* (creeping thistle), *Urtica dioica* (nettle), *Rumex obtusifolius* (broad-leaved dock) and *Galium aparine* (cleavers). The non-native invasive species *Buddleia davidii* was also recorded in this hedgerow. The hedgerow in the southern section of the proposed development site was the continuation of the hedgerow in the northern section and was split by the access road running east to west. This hedgerow is similar to the northern hedgerow and is densely vegetated. Under the hedgerow vegetation there is a shallow wet ditch c. 0.5-1m in depth, and is dominated by linear

³ <https://gis.epa.ie/EPAMaps/AAGeoTool>

dense shrubs dominated by *Rubus fruticosus* agg., *Hedera helix* agg., *Crataegus monogyna* and *Rosa canina* agg (dog-rose). Both these hedgerows due to the low species diversity and favourable condition are classified to be of 'local importance (higher value)'.

The hedgerow (**WL1**) along the south of the site runs approximately from the R120 to the River Griffeen and separates the proposed development site from the Lucan Pitch and Putt club. A ditch (1m deep and 1 m wide) runs under the treeline vegetation and is very densely overgrown. This linear treeline is dominated by *Fraxinus excelsior* along much of its length (alongside lesser quantities of *Corylus avellana* and *Fagus sylvatica*), whilst *Rubus fruticosus* agg., *Hedera helix* agg., *Sambucus nigra* (elder), *Salix cinerea* subsp. *Oleifolia* (rusty willow) and *Crataegus monogyna* are the most frequent species in the shrub layer of the hedgerow. The ground layer of the hedgerow contains the indicator species *Asplenium scolopendrium*, alongside the high nutrient indicator (noxious weed) species *Cirsium arvense*, *Urtica dioica*, *Rumex obtusifolius* and *Galium aparine*. The non-native invasive species *Lonicera nitida* was also recorded in this hedgerow. This townland boundary treeline is of high historical importance due to the habitat condition and species diversity.

The access road running east-west through the site is bounded by a low quality, planted treeline (**WL2**) on the northern and southern sides.

The northern site boundary is marked by a hedgerow and treeline (**WL1 / WL2**) along with patches of scrub (**WS1**). This is in turn bounded by earth banks (**BL2**) further north and these separate the site from the railway corridor to the north. The north-eastern section, just outside the site boundary, is covered by dense scrub. The north-western section of the proposed site is covered by immature woodland (**WS2**). The remainder of the site consists of abandoned agricultural field now left unmanaged and covered by dry meadows and grassy verges (**GS2**).

The River Griffeen (**FW2**) runs along the east / south-eastern boundary of the lands and has an associated flood embankment (**BL2**). The area between the site boundary and the embankment is covered by unmanaged immature woodland (**WS2**) and wet grassland (**GS4**) meadows and contains tall grasses, nettles, brambles, hogweed etc. The Grand Canal flows c. 95m to the south of the site (**FW3**).

The National Biodiversity Data Centre (NBDC) database was consulted with regard to rare species (Curtis & McGough, 1988) and species protected under the *Flora Protection Order* (2022). There are no records of any protected species within the 2km grid square (O03G) that covers the proposed development area. Further no protected plants were recorded during any of the field surveys undertaken in July or November 2022. The non-native invasive species *Buddleia davidii* and *Lonicera nitida* were recorded within hedgerows in northern section and the southern boundary, respectively. However, neither of these species is listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011.

The breeding bird surveys were undertaken on the site between late March and early June 2022 and the survey was focussed on existing hedgerows, habitat along the river, areas of scrub and trees. The survey recorded 35 species, typical of the type of habitats on the lands. The breeding bird survey report states that-

'A total of 35 common bird species of Ireland were recorded on the lands, of which seven were confirmed as breeding. One species of high conservation concern was recorded and possibly breeds on or very close to the lands. Nine species of medium conservation concern were recorded of which six possibly breed and three do not breed on the lands. The remaining 25 species recorded were of least conservation concern, seven of which were confirmed to breed on the site. Three of the 35 species recorded were seen in flight only and most probably were not breeding on the site.'

Further, **winter bird surveys** were undertaken on the site between October 2022 and January 2023. The survey recorded 30 species and concludes the following:

'30 species, typical of the type of habitats were recorded on or over the lands. No nocturnal species were detected on the lands. The only waterbirds that were detected on the lands were small numbers of Snipe. The habitat and sward are currently unsuitable for grazing geese, and none were found on the lands. No winter Thrushes were found on the lands either such as Fieldfare or Redwing.

Two red listed species were seen foraging on the lands. Three amber listed species were seen foraging on the lands with a fourth flying over. The remaining 24 species were all green listed of least conservation concern.'

No winter birds associated with any of the European sites in the zone of influence of the proposed development were recorded during the winter bird surveys.

During the **bat surveys** undertaken no bats emerged from or entered any structure. Three species of bat were recorded feeding or commuting at the site (common and soprano pipistrelle as well as Leisler's bat). As noted in the bat survey report

'There was bat activity throughout the site with the exception of the southwestern edge where there was high illumination from the nearby garage and limited vegetation cover. Areas notable for bat activity were the trees east of the former farm shed and the southern hedgerow.'

No signs of any protected large mammals such as otters, badgers etc. were recorded on the site during any of the surveys undertaken. However, during the previously surveys undertaken on site, otter spraints were found along the River Griffeen at the south-eastern corner of the site.

As confirmed by 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.

The potential impacts on biodiversity is discussed in detail in the Ecological Impact Assessment Report that accompanies the application.

As noted in Section 4.2, there are no mapped water features on the site itself, however, the River Griffeen (IE_EA_09L012100) runs c. 35m to the east / south-east of the site. This river flows in a northerly direction, it is culverted under the railway and Adamstown Avenue and it exits the culvert at Griffeen Valley Park. It then flows northwards to Vesey Park, before it ultimately outfalls to the River Liffey at Lucan. The Liffey then discharges into the transitional waters of Dublin Bay. The Grand Canal flows c. 95m to the south of the site which also discharges into the Liffey/Dublin Bay near the Grand Canal Docks. The proposed development site is located within the WFD catchment Liffey and Dublin Bay (catchment ID_09) and within WFD sub-catchment Liffey_SC_090.

Other than via surface water there is another potential link to European sites in Dublin Bay, via the emission point of the Ringsend wastewater treatment plant (WwTP). This will receive foul water flows from the proposed development during its operation. The WwTP, which is the largest in Ireland, operates under licence from the EPA (licence no. D0034-01) and received planning permission for upgrade works in 2019 (ABP reg. ref. 301798). These upgrade works are ongoing, and will increase the plant capacity from 1.64 million population equivalent (m PE) to 2.4 m PE. Though the WwTP is currently operating over capacity, recent water quality assessment undertaken in Dublin Bay (published by the EPA) confirms that Dublin Bay is classified as 'unpolluted', indicating that the over-capacity issues at Ringsend are not having significant effects on water quality in Dublin Bay.

As noted in the EPA database (WFD Cycle 3 Draft Liffey and Dublin Bay Catchment, WFD Cycle 2 Catchment Liffey and Dublin Bay, Sub catchment Liffey_SC_090 Code 09_15)⁴ the watercourse network, including at the proposed development location, is generally of poor status and is 'at risk' of failing to meet Water Framework Directive objectives by 2027. 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 2016-2021 and risk for waterbodies connected to the proposed development

Waterbody		Status	Risk	Significant pressures
Name	Code			
Liffey_170	IE_EA_09L012100	Poor	At risk	Urban runoff, urban wastewater

There are 10 no. European sites located within the potential Zone of Influence:

- Rye Water Valley / Carton SAC (site code 001398), c.3.9km to the north-west;
- Glenasmole Valley SAC (site code 001209), c.10.2km to the south-east;
- Wicklow Mountains SAC (site code 002122), c.11.7km to the south-east;
- Wicklow Mountains SPA (site code 004040), c.14.8km to the south-east;
- South Dublin Bay SAC (site code 000210), c.16.2km to the east;
- North Dublin Bay SAC (site code 000206), c.18.2km to the north-east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.16.1km to the east;
- North Bull Island SPA (site code 004006), c.15.2km to the north-east;
- Poulaphouca Reservoir SPA (site code 004063), c.16.8km to the south;
- Rockabill to Dalkey Island SAC (site code 003000), c. 24km to the east.

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

The Conservation Objectives of these Sites are to maintain the favourable conservation condition of the QIs / SCIs in question. Where specific conservation objectives have been set out by the NPWS, 'favourable conservation condition' is defined in respect of specific attributes and targets for the habitat or species in question. For further information, refer to Appendix II.

⁴ 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 Clonburris SDZ Planning Scheme Framework (SDCC, 2019). This contains a number of overarching and key principles and biodiversity measures, 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 (CDP) 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 Adamstown Extension development.

5.1 European sites and habitats with links to European sites

The proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the *Irish Red Data Book 1 – Vascular Plants* (Curtis & McGough, 1988), the *Flora Protection Order, 2022* or the *EU Habitats Directive*, are known to occur within the site and none were recorded.

The bird fauna recorded on the site is as expected for such a site and there is no habitat on the site suitable for use, even on a very occasional basis, by any overwintering birds, such as pale-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European site within the Zone of Influence.

The hedgerows, treeline and immature woodland are of local ecological value for their ecological / habitat connectivity and for nesting birds as well as commuting and foraging bats. The mature hedgerows and trees within the site are of greatest importance as they are relatively diverse and act as ecological corridors. Due to the low species diversity and favourable condition, the hedgerows, treeline and immature woodland are classified of 'local importance (higher value)'.

Although bats were recorded within and around the site during the course of bat surveys undertaken, no evidence of roosting bats (species protected under Article 12 of the Habitats Directive) has been found within the site.

No evidence of any other protected species such as otter (also protected under Article 12 of the Habitats Directive) or badgers was recorded during the surveys carried out. However, as noted in Section 4.3.1, otter spraints were found along the River Griffeen at the south-eastern corner of the site. The proposed development site itself has no value for commuting otters, which remain within the Griffeen corridor.

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.

Overall, with the exception of the north-western boundary immature woodland, northern treeline and central and southern 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 hedgerows and immature woodland will be removed as part of the proposed development and where feasible, plants from these hedgerows will be translocated to suitable areas within the site to further enhance the existing and proposed native vegetation. Further, the loss will be alleviated by additional tree and shrub planting on the site. The northern boundary treeline and hedgerow along the railway corridor will be retained and protected. The north-eastern scrub area will be retained and enhanced with native tree and shrub planting. The River Griffeen corridor outside the site boundary on the eastern /south-eastern side will be left undisturbed and existing hedgerow / woodland edge will be enhanced with new native tree and shrub planting. Refer to the accompanying Ecological Impact Assessment Report and Landscape Design Report for further details.

5.2 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. In addition there is a potential risk to flora and fauna arising from dust deposition, which in extreme cases can inhibit photosynthesis in plants and can increase turbidity in water courses. Given the nature, scale and duration of the construction phase for the proposed development there is the potential for temporary negative impacts on water quality arising during the construction phase.

The River Griffeen is linked to the River Liffey to the north. A theoretical potential surface water pathway, via the local surface water drainage network and the River Griffeen and River Liffey, 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, South Dublin Bay and River Tolka Estuary SPA and Rockabill to Dalkey Island SAC). There is no potential groundwater pathway between the proposed development site and European sites. Despite its proximity there is no hydrological link between the proposed development site and the Grand Canal.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses 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);
- 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. 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.

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

5.3 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 (GSDS). The GSDS 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 Limited 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 GSDS and the Greater Dublin Regional Code of Practice for Drainage Works. They are however not 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 reviewed and assessed the risk of flooding from tidal, fluvial, pluvial, groundwater and human / mechanical error and proposed mitigation measures where necessary. The report concluded that the residual risk of flooding from any source is low.

It is proposed to discharge **foul water** from the proposed development via a network of foul gravity sewers, which will flow to the network in Hayden's Lane as permitted under Reg Ref: SDZ20A/0021. There will be a total of 2 no. connections from the proposed development to the permitted infrastructure, 1 no. connection from the north of Hayden's Lane, and 1 no. connection from the south of Hayden's Lane. Irish Water issued a Confirmation of Feasibility letter on 10 January 2023 indicating that a wastewater connection to the Irish Water network is feasible, subject to upgrades (the required infrastructure will be delivered by Clonburris Infrastructure Ltd). A Statement of Design Acceptance was issued by Irish Water on 18 January 2023. Refer to the Engineering Assessment Report, prepared by Waterman Moylan Consulting Engineers and submitted as part of the planning documentation for further information.

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 5.95l/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).

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 related to foul water management, arising as a result of the operation of the proposed development, on European sites or otherwise, can therefore be excluded.

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 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**.

Table 1 Potential impacts on designated sites in the potential Zone of Influence

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
Rye Water Valley / Carton SAC (site code 001398), c.3.9km to the north west	<ul style="list-style-type: none"> ▪ [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>) <p>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.</p>	There is no hydrological link or any other pathway between the proposed development site at Adamstown Extension and this SAC. It is approximately 3.9km 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.10.2km to the south-east	<ul style="list-style-type: none"> ▪ [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)* <p>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.</p>	There is no hydrological link or any other pathway between the proposed development site at Adamstown Extension and this SAC. It is over 10.2km 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),	<ul style="list-style-type: none"> ▪ [3110] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) ▪ [3130] Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) 	There is no hydrological link or any other pathway between the proposed development site at Adamstown Extension and this SAC. It is approximately 11.7km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
c.11.7km to the south-east	<ul style="list-style-type: none"> ▪ [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)* ▪ [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>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>	or disturbance to the qualifying interests of this SAC as a result of the proposed development.	
Wicklow Mountains SPA (site code 004040), c.14.8km to the south-east	<ul style="list-style-type: none"> ■ [A098] Merlin (<i>Falco columbarius</i>) ■ [A103] Peregrine (<i>Falco peregrinus</i>) <p>According to this SPA's First Order Site-specific Conservation Objectives (Version 1, dated 12 October 2022), for the listed SCIs, the Conservation Objectives are</p>	There is no hydrological link or any other pathway between the proposed development site at Adamstown Extension and this SPA. It is approximately 14.8km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which the SPA has been selected.	or disturbance to the special conservation interests of this SPA as a result of the proposed development.	
South Dublin Bay SAC (site code 000210), c.16.2km to the east	<ul style="list-style-type: none"> ■ [1140] Mudflats and sandflats not covered by seawater at low tide <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <ul style="list-style-type: none"> ■ [1210] Annual vegetation of drift lines ■ [1310] Salicornia and other annuals colonising mud and sand ■ [2110] Embryonic shifting dunes <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 Adamstown Extension 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 River Griffeen 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 site is over 16.2km (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</p>	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
		<p>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>	
North Dublin Bay SAC (site code 000206), c.18.2km to the north-east	<ul style="list-style-type: none"> ■ [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 (<i>Glaucopuccinellietalia maritimae</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 ■ [1395] Petalwort (<i>Petalophyllum ralfsii</i>) <p>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 condition of the Annex I habitat(s) and/or the Annex II species 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 Adamstown Extension 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 River Griffeen 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 site is over 18.2km (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,</p>	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
		<p>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.16.1km to the east</p>	<ul style="list-style-type: none"> ■ [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>) ■ [A999] Wetlands <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 Adamstown extension 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 River Griffeen 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 and River Tolka Estuary SPA.</p>	<p>No</p>

European Site	Reasons for designation (information correct as of November 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>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is almost 16.1km (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.15.2km to the north-east</p>	<ul style="list-style-type: none"> ■ [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>) 	<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 Adamstown extension 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 River Griffeen 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</p>	<p>No</p>

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<ul style="list-style-type: none"> ■ [A052] Teal (<i>Anas crecca</i>) ■ [A141] Grey Plover (<i>Pluvialis squatarola</i>) ■ [A056] Shoveler (<i>Anas clypeata</i>) ■ [A130] Oystercatcher (<i>Haematopus ostralegus</i>) ■ [A140] Golden Plover (<i>Pluvialis apricaria</i>) ■ [A999] Wetlands <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>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 Bull Island 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 16.1km (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 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>	
Poulaphouca Reservoir SPA (site code 004063), c.16.8km to the south	<ul style="list-style-type: none"> ■ [A043] Greylag Goose (<i>Anser anser</i>) ■ [A183] Lesser Black-backed Gull (<i>Larus fuscus</i>) <p>According to this SPA's site Conservation Objectives document (First Order Site-specific Conservation Objectives Version 1.0, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Adamstown Extension and this SPA. It is approximately 16.8km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.</p>	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	species and wetland habitat for which the SPA has been selected.		
Rockabill to Dalkey Island SAC (site code 003000), c. 24km to the east	<ul style="list-style-type: none"> ■ [1170] Reefs ■ [1351] harbour porpoise (<i>Phocoena phocoena</i>) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 07 May 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species 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 Adamstown Extension 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 River Griffeen 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 Rockabill to Dalkey Island SAC.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is over 24km (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</p>	No

European Site	Reasons for designation (information correct as of November 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
		<p>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>	

5.4 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as 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:

- Habitat loss and/or fragmentation;
- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution / vibration impacts;
- Light pollution;
- Emissions to air (including dust);
- Emissions to water.

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.

6 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).

Advocate General Kokott delivered her Opinion⁵ in this case (Case C-721/21) on 19 January 2023, and, while the decision of the CJEU is awaited, it is notable that the Opinion states the following (Section V, paragraph 109(4)):

At the stage of screening the need for an appropriate assessment under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2013/17/EU of 13 May 2013, features of the plan or project involving the removal of contaminants that may have the effect of mitigating a harmful effect on the protected site may be taken into account, where it is clear, on the basis of objective considerations, that those features were incorporated into the design as standard features irrespective of any effect on the protected site concerned, and all reasonable scientific doubt concerning their effectiveness can be ruled out.

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. SuDS measures will be incorporated into the design of the proposed

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CC0721>

development as standard features. SuDS features are highly effective and are required to be included in developments where appropriate (as noted in Section 5.3 SuDS are a requirement of South Dublin County Council under the GSDS and the Greater Dublin Regional Code of Practice for Drainage Works). These standard measures are considered best practice in construction and, therefore reasonable scientific doubt concerning their effectiveness can be ruled out.

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.

7 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 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 (13 January 2023);
- EIA Portal Viewer (as of 13 January 2023);
- South Dublin County Development Plan 2022 – 2028.

Permitted and proposed projects in the immediate vicinity of the site, including the previously permitted developments in Adamstown, were considered in terms of the potential for in-combination effects. No developments are proposed within the immediate vicinity of the site that would, in combination with the development under appraisal in this report, give rise to significant effects. This includes projects that are currently under construction, have recently been granted planning permission or are awaiting a decision, such as:

- Planning Reg No. [SDZ20A/0021](#), in the townlands of Adamstown, Grange, Kishoge, Clonburriss Litte & Cappagh, Co. Dublin: 10 year permission granted for roads and drainage infrastructure works as approved under the Clonburriss Strategic Development Zone Planning Scheme (2019) to form part of the public roads and drainage networks providing access and services for the future development of the southern half of the overall Strategic Development Zone (SDZ) lands. The application is accompanied by an Environmental Impact Assessment Report (EIAR);
- Planning Reg No. [SD228/0003](#), Kishogue South West, Lynches Lane, East of R136 Outer Ring Road, Dublin: A decision is awaited for the proposed social and affordable housing development comprising of 263 residential units on a site located on lands within Clonburriss SDZ, in the subsector known as Kishogue South West which is located on Lynches Lane to the East of the R136 Outer Ring Road. The application is accompanied by an EclA and AA screening report;
- Planning Reg No. [SDZ21A/0022](#), in the townland of Cappagh, Clonburriss Little & Kishoge : Permission granted for the construction of 569 dwellings, a creche, innovation hub and open space in the

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)*

Clonburris South West Development Area of the Clonburris SDZ Planning Scheme 2019. The application is accompanied by an Environmental Impact Assessment Report (EIAR);

- Planning Reg No. [SDZ22A/0017](#), in the townland of Cappagh, Clonburris, Dublin 22: A decision is awaited for the proposed construction of 157 dwellings within the Clonburris South-West Development Area of the Clonburris SDZ planning scheme consisting of 81 houses comprising of 4 two bedroom houses, 65 three bedroom houses and 12 four bedroom houses (all two storey with associated private open space and car parking; 76 apartment units consisting of 26 one bedroom and 50 two bedroom units within Block 1 (4 storeys) including all associated works. . The application is accompanied by an EIA screening report, EclA and AA screening report;
- Planning Reg No. [SDZ22A/0018](#), in the townland of Cappagh, Clonburris, Dublin 22: A decision is awaited for the proposed construction of a mixed-use development comprising 594 apartments, office floorspace, 4 retail units, a creche and urban square in the Clonburris Development Areas CUCS3 & CSWS3 of the Clonburris SDZ Planning Scheme 2019, 594 apartments (255 one bedroom apartments, 307 two bedroom apartments and 32 three bedroom apartments (all apartments to have terrace or balcony; ancillary communal amenity spaces for residents). The application is accompanied by an Environmental Impact Assessment Report (EIAR).

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. For example the Plan 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.

Further, the Clonburris SDZ Planning Scheme Framework and the accompanying Biodiversity Action Plan set out a range of overarching and key principles and biodiversity measures, 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 Framework aims have been achieved in so far as is practicable within the Adamstown Extension development site.

8 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed development at Adamstown Extension, 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 under Section 177U of the Planning Acts, 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.

9 References

- Chartered Institute of Ecology and Environmental Management (CIEEM) (2022). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (Version 1.2).
- Clonburris SDZ Planning Scheme 2019.
- 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.
- DoHLGH (2022). EIA Portal.
- 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.
- European Commission Environment Directorate-General (2021). Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive.
- South Dublin County Council Development Plan 2022-2028.
- 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.
- NPWS (2022a). Boundary data – Special Area of Conservation (SAC). [Update date 25/11/2022].
- NPWS (2021). Boundary data – Special Protection Area (SPA). [Update date 27/10/2021].
- NPWS (2011). Boundary data – proposed Natural Heritage Area (pNHA). [Update date 01/11/2015].
- NPWS (2019). Boundary data –Natural Heritage Area (pNHA). [Update date 28/06/2019].
- NPWS (2009). pNHA Site Synopses.
- NRA7 (2009). Guidelines for Assessment of Ecological Impacts of National Road Schemes.
- 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:

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*

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, 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

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

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.

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