

Kellystown

Local Area Plan

Adopted 11th January 2021

Appendix 4

Appropriate Assessment (AA) Screening

Appropriate Assessment (AA) Screening Determination



Adopted 11th January 2021

**Comhairle Contae
Fhine Gall**
Fingal County
Council



Kelystown Local Area Plan

Information for Screening for Appropriate Assessment

BSM

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Client:

Fingal County Council

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1 Introduction and Background

Fingal County Council (FCC) has prepared the Kellystown Local Area Plan (LAP). The LAP seeks to establish a land use strategy for the proper planning and sustainable development of lands at Kellystown, Dublin 15.

Brady Shipman Martin was appointed by FCC to undertake a screening exercise for Appropriate Assessment (AA). This will determine the effects, if any, on European sites, of the Draft Local Area Plan. Following public display of the Draft LAP and review of submissions received, a number of recommended amendments, and motions from elected representatives, were proposed and incorporated into the Final Plan. The recommended amendments and motions have also been screened for the requirement for AA.

This document constitutes an Appropriate Assessment Screening Report prepared for this purpose.

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA), and are designated for nature conservation. The requirements for an Appropriate Assessment are set out under *Article 6 of the EU Habitats Directive (92/43/EEC)*, transposed into Irish law through the *European Union (Birds and Natural Habitats) Regulations 2011-2015* and the *Planning and Development Act, 2000* (as amended).

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

The work was carried out by Senior Ecologist 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 over 18 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 plans and 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.

2 Methodology

2.1 Baseline data collection and field visit

A desk-based assessment was undertaken in June, July and August 2020 of the site at Kellystown and the wider area. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites. A site survey was also undertaken, on 19th August 2019. During the survey an assessment of habitat suitability for bird species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

In addition to this survey, which was undertaken for the purpose of preparing this report, a comprehensive suite of ecological surveys was undertaken at the site, including habitat, flora and hedgerow surveys, as well as invasive species, mammal, breeding bird and bat surveys, by specialist ecologists Minogue & Associates. A detailed Biodiversity Report has been prepared based on these surveys and accompanies the Draft Local Area Plan.

This report takes the following guidance documents into account:

- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (Department of Environment, Heritage and Local Government, 2010 revision);
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular NPWS 1/10 & PSSP 2/10;

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- *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, 2001);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Guidance issued by the European Commission (21st November 2018).

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 Culture, Heritage and the Gaeltacht (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 photography, 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);
- Fingal Development Plan 2017 – 2023, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

The report has regard to the following legislative instruments:

- Planning and Development, Act 2000, as amended;
- European Commission (EC) Habitats Directive 92/43/EEC;
- European Commission (EC) Birds Directive 2009/147/EC;
- European Communities (Birds and Natural Habitats) Regulations 2011-2015.

The report takes full account of the details of the Draft Local Area Plan and a detailed examination of all relevant elements was undertaken. This includes the following documents, among others:

- Biodiversity Report (Minogue & Associates, 2020);
- Strategic Flood Risk Assessment (McCloy Consulting, 2020);
- Sustainable Drainage Strategy (McCloy Consulting, 2020);
- Strategic Environmental Assessment Screening Report (Brady Shipman Martin, 2020, Finalised 2021).

Given the amount of information available, including from Fingal County Council, 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 LAP on the qualifying interests of the European sites.

3 Screening for Appropriate Assessment

3.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed Plan 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 and Development Act 2000, as amended, the AA screening test must be applied, as follows:

- [...]to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- 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.

Following Screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development (in this case the Local Area Plan), 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.

3.2 Potential zone of influence

For the risk of a significant 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 source and the receptor, such as a watercourse that links the construction site to the designated site. Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

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.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, for a project NPWS (2010) recommends that '*Any Natura 2000 sites within the likely zone of impact of the plan or project*' should be appraised. For projects '*the distance should 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*'.

In the case of plans, such as the Draft Kellystown LAP, the guidance states that '*A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al. 2006)*¹.

¹ Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants. 2006. Appropriate Assessment of plans.

In addition, the guidance states that *'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 case 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.'*

Therefore, in some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 km away. Taking the guidance into account, as a starting point a search was carried out for all European sites within 15km of the site at Kellystown. This search was then extended in order to ensure that all European sites with any potential links to the LAP area were accounted for in the study.

3.3 Study area and surrounding environment

3.3.1 Site location and European sites

Kellystown is located circa 1.5km from Blanchardstown Town Centre, 1.8km from Blanchardstown Main Street and 9.8km from O'Connell Street, Dublin. The Draft LAP lands are situated directly south of the Royal Canal and the Dublin-Maynooth railway line and between Diswellstown Road to the east and Clonsilla Road (R121) to the west. The tree-lined Luttrellstown Road, frames the lands to the south. Diswellstown Road to the east offers an access point for vehicular and pedestrian traffic to cross the canal and railway line without traversing via a level crossing. The R121/Clonsilla Road, a well-trafficked route, defines the boundary of the lands to the west and is part of a network of roads linking Blanchardstown to Lucan.

The site is located in the Liffey sub-catchment of the Liffey and Dublin Bay catchment. There are no watercourses within the LAP lands themselves². The nearest watercourse, other than the Royal Canal, is the River Liffey to the south, and a tributary to the Liffey that flows the Luttrellstown Golf Course to the south.

The location of the LAP lands is shown in **Figure 1**.

² <https://gis.epa.ie/EPAMaps/>

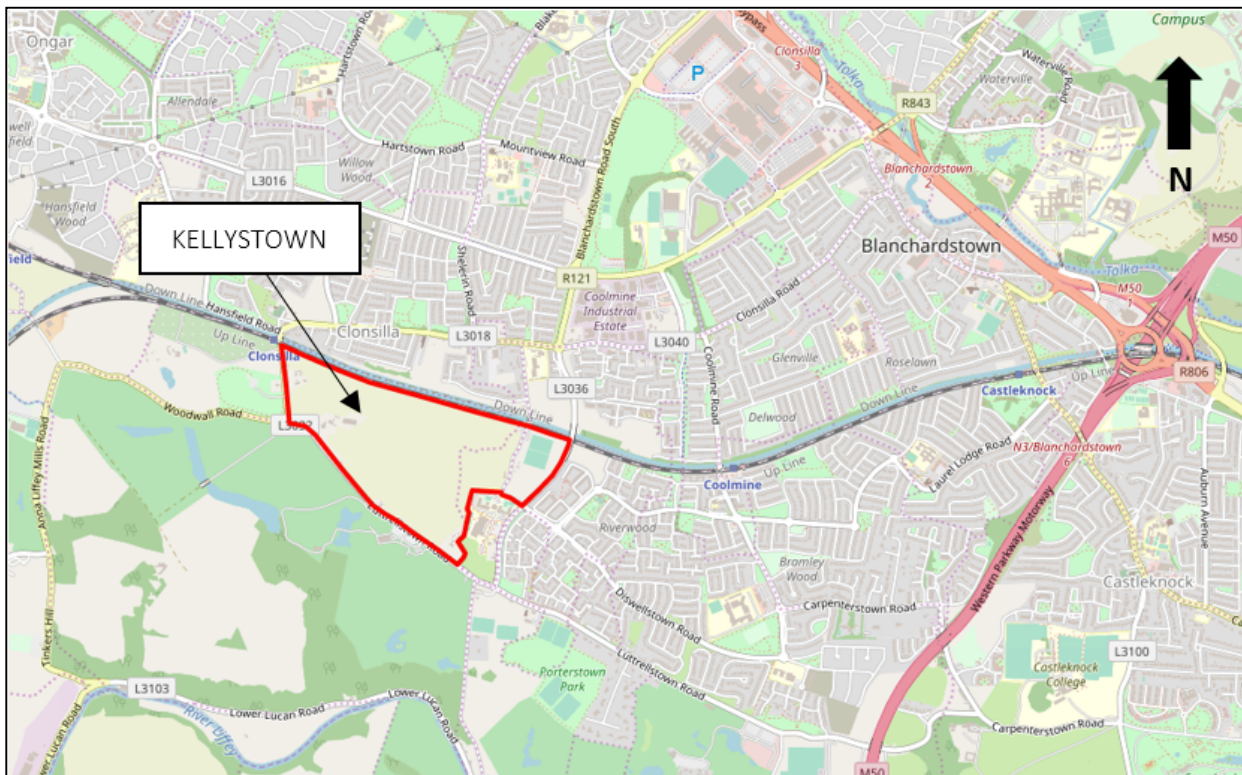


Figure 1: Location of the Kelystown LAP lands³

There are 4 European sites located within a 15km radius of the proposed development (see Figure 2). These are:

- **Special Areas of Conservation (SAC)**
 - Rye Water Valley/Carton SAC (site code 001398), c.5.2km to the west;
 - Glenasmole Valley SAC (site code 001209), c.13.6km to the south;
 - South Dublin Bay SAC (site code 000210), c.14.1 to the south east;
- **Special Protection Areas (SPA)**
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.12.4km to the east;

Beyond the 15km zone, there are a number of additional European sites:

- North Dublin Bay SAC (site code 000206), c.15.4km to the east;
- Wicklow Mountains (site code 002122), c.15.8km to the south;
- Malahide Estuary SAC (site code 000205), c.16.8km to the north east;
- Baldoyle Bay SAC (site code 000199), c.18.3km to the north east;
- Rogerstown Estuary SAC (site code 000208), c.19.7km to the north east;
- Howth Head SAC (site code 000202), c.21.0km to the east;
- Rockabill to Dalkey Island SAC (site code 003000), c.21.6km to the east;
- Red Bog, Kildare SAC (site code 000397), c.21.6km to the south west;
- Knocksink Wood SAC (site code 000725), c.22.7 to the south east;

³ Environmental Protection Agency (EPA) website: <https://gis.epa.ie/EPAMaps/default> (OpenStreet Maps)

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- Ireland's Eye SAC (site code 002193), c.23.0km to the east;
- North Bull Island SPA (site code 004006), c.15.5km to the east;
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.16.9km to the north east;
- Wicklow Mountains SPA (site code 004040), c.17.3km to the south;
- Baldoyle Bay SPA (site code 004016), c.18.5km to the north east;
- Rogerstown Estuary SPA (site codes 004015), c.20.4km to the north east;
- Poulaphouca Reservoir SPA (site code 004063), c.22.4km to the south west;
- Ireland's Eye SPA (site code 004117), c.22.8km to the east;
- Howth Head Coast SPA (site code 004113), c.23.8km to the east;
- Dalkey Islands SPA (site code 004172), c.24.0km to the south east.

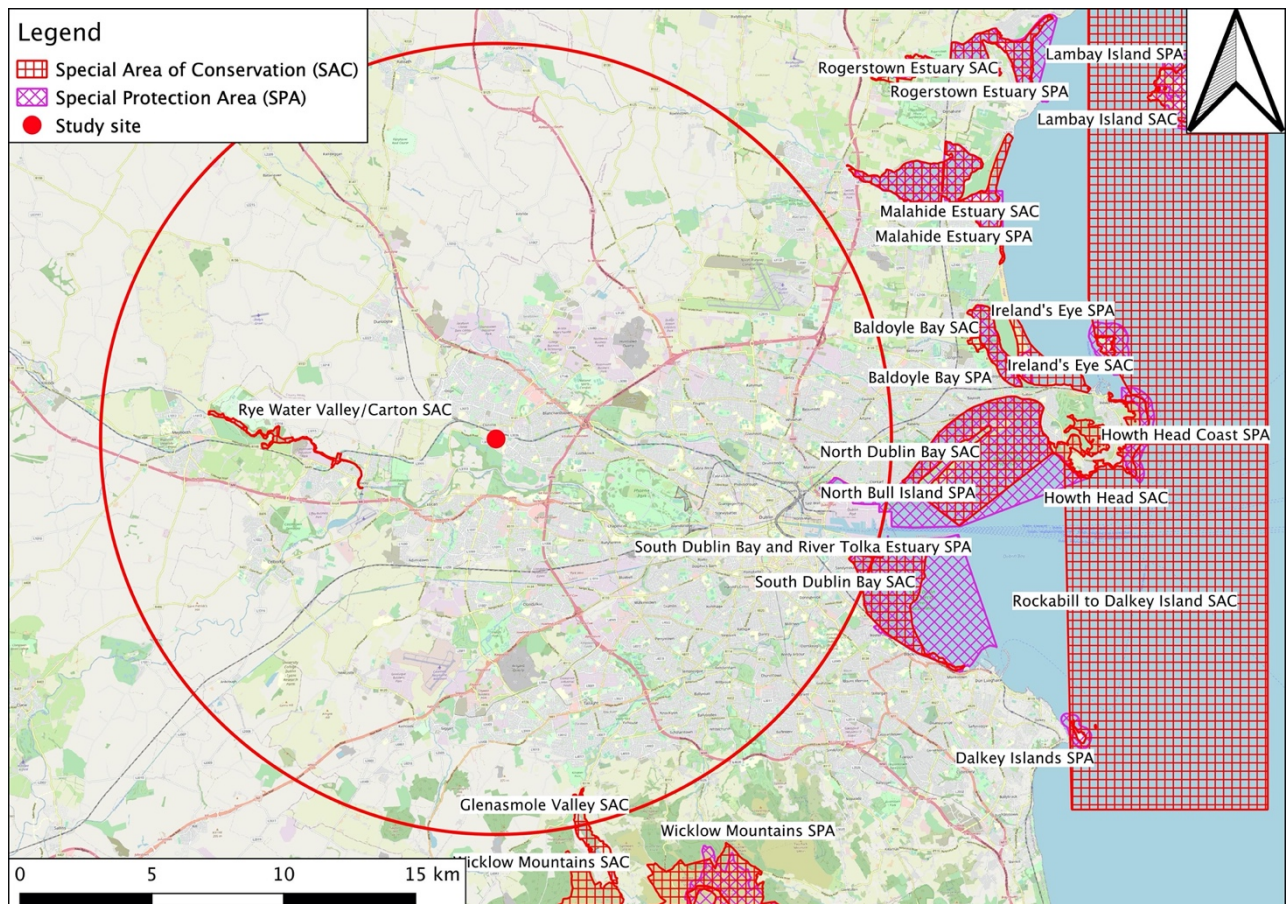


Figure 2: Kelystown LAP lands, including a 15km buffer, with European sites shown (Source: OpenStreetMap)

3.3.2 Other designated areas (other than European sites)

The nearest site designated for nature conservation, not otherwise designated as a European site, is the Royal Canal proposed Natural Heritage Area (pNHA site code 002103, which is located immediately to the north of the LAP lands (to the north of the Dublin-Maynooth railway line). The Liffey Valley pNHA (site code 000128) is located

approximately 200m to the south of Luttrellstown Road (the road forms the southern boundary of the LAP lands). The Grand Canal pNHA (site code 002104) is approximately 5km to the south of the LAP lands.

These are included in this report in order to address their potential to act as supporting sites for the European sites.

4 Kellystown Draft Local Area Plan

4.1 Vision for the Draft LAP

The vision and development strategy for Kellystown is intended to guide its long-term future growth through articulation of how the LAP lands will look, function and feel. The vision statement is based on community consultation (undertaken May-July 2019) and an analysis of the key opportunities and challenges for Kellystown.

The proposed Vision Statement for the area as set out in the Draft LAP states:

“The vision for Kellystown is to promote the development of a distinctive, sustainable, high quality new residential quarter, connected to the neighbouring suburbs of Clonsilla and Carpenterstown. Kellystown will provide a sustainable residential community, comprising a choice of high quality new homes, with a mix of dwelling types, size and tenure based around a new civic square that incorporates local services with new schools, public open space and access to high capacity public transport links.

Kellystown will offer a good quality of life to its residents and balance the need for additional housing, with community, economic, cultural, educational and recreational facilities. The Draft LAP seeks to create a place with a strong sense of community and to build on its existing identity by incorporating valuable existing elements of the built and natural environment.

4.2 The Draft LAP

The Draft LAP promotes best practice architectural solutions for the overall development of Kellystown and is a long-term strategy for the sustainable development of the LAP lands with a diversity and mix of uses to create a place where a balance is achieved between the natural and built environment.

Existing features, including treelines and hedgerows have been used to define the development areas, as has the zoning of the lands and the proposed alignment of the Kellystown Link road. The proposed phasing of the LAP also relates to the defined development areas. The identified Development Areas are set out in the Sections below and are shown in Figure 3.

4.2.1 Eastern Development Area (DA1)

The Eastern Development Area (DA1) is approximately 14.9ha (gross) in size and is bounded by the Royal Canal to the north; Diswellstown Road to the east; Luttrellstown Education Campus to the south (Scoil Choilm Community National School and Luttrellstown Community College) as well as the alignment of the proposed Kellystown Link Road; and Development Area 2 (DA2) to the west, with the boundary delineated by a mature hedgerow. The entire development area is zoned *RA - Residential*.

The land currently accommodates St. Mochta’s Football Club, St. Brigid’s Halting Site, a small number of dwellings and agricultural / pasture land.

DA1 is been designed to accommodate a new high-quality residential quarter. The goal of the development area is to provide for a range of housing unit types, with a range of net densities of between c.50-c.75 units/ha approximately, that would support a diverse and changing community.

4.2.2 Central Development Area (DA2)

The Central Development Area (DA2) is approximately 7.4ha (gross) in size and is bounded by DA1 and DA3 to the east and west respectively. The northern boundary is defined by the Dublin-Maynooth railway line/Royal Canal corridor and the southern boundary by the alignment of the Kellystown Link Road. The lands are currently managed for agricultural purposes. The entire development area is zoned *RA - Residential*.

DA2 will form the ‘heart’ of Kellystown and will provide a range of important amenities to support day-to-day life in the area, including a local centre, a primary and secondary school, a central open space/civic square as well as residential development, with a range of net densities of between c.50-c.75 units/ha approximately. Access to the lands will be achieved from the proposed Kellystown Link Road.

An appropriately sized local centre is proposed to provide for everyday shopping facilities and other local services (e.g. newsagent, doctor, pharmacy, hairdresser, etc.). It is anticipated that weekly shopping activities will be undertaken at the nearby Blanchardstown Shopping Centre or within the nearby centre of Clonsilla which provides for Level 4 retail provision.

4.2.3 Western Development Area (DA3)

The Western Development Area (DA3) is approximately 10.23ha (gross) in size and is bounded by the R121 to the west, the Dublin-Maynooth Railway Line / Royal Canal corridor to the north, DA2 to the east and by the proposed alignment of the Kellystown Link road to the south. The lands are located adjacent to Clonsilla Railway Station and the associated railway crossing. Currently, the lands accommodate a number of dispersed dwellings including Greenmount House. The majority of the development area is zoned *RA - Residential*, with a small element of *OS – Open Space* to the south west corner (excluded for development purposes).

DA3 is intended to accommodate a new high-quality residential quarter, with a range of net densities of between c.50-c.75 units/Ha approximately. The design approach will incorporate a strong urban form consisting of a series residential blocks, linked through an internal road network incorporating home zones with one access point onto the proposed Kellystown Link road.

4.2.4 Proposed Open Space Area

The southern portion of the LAP lands, located to the south of the proposed alignment of the Kellystown Link Road, are zoned ‘OS’ - Open Space. The lands are bounded to the east by Luttrellstown Community College and Scoil Choilm Community National School and to the south/east by Luttrellstown Road. The southern LAP lands are currently in agricultural use, and as well as containing a small number of dispersed dwellings, include protected structure No. 945 ‘The Gables’ situated on Luttrellstown Road.

Table 1 below sets out the Development Areas characteristics for the Eastern, Central and Western Development Area.

Table 1: Development Areas Identified in the Draft LAP

Development Area	Gross Area (hectares)	Density Range (Gross)	Approximate units	Community Infrastructure
Eastern (DA1)	14.9	38-57	571-857	Green routes
Central (DA2)	7.4	16-24	119-179	Primary & Secondary School Civic Square Local Centre Green Route Pedestrian Bridge

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Development Area	Gross Area (hectares)	Density Range (Gross)	Approximate units	Community Infrastructure
Western (DA3)	10.23	36-53	365-547	Green Route Open Space incorporating Ring Barrow
Total	32.53		1,055-1,583	



Figure 3: Kellystown Draft LAP Development Areas⁴

The Draft LAP contains a number of objectives (Objectives 8.1 – 8.14) that are intended to ensure the delivery of significant green and blue infrastructure within the Draft LAP area.

These Objectives (for Example, Objective 8.1: *Promote the conservation and enhancement of biodiversity having regard to the policies and objectives of the Fingal Development Plan, the Fingal Heritage Plan and the Fingal Biodiversity Plan while allowing for appropriate development, access arrangements and recreational activity*) will ensure that key existing features of high biodiversity value, such as the mature tree lines, hedgerows and the riparian corridor along the Royal Canal are protected and enhanced in so far as is practicable throughout the delivery of the Draft LAP development objectives.

⁴ Fingal County Council (2020). *Kellystown Draft Local Area Plan*, Figure 5.2, Page 19

5 Potential impacts from the proposed Local Area Plan, including in-combination effects

5.1 European sites and habitats with links to European sites

The Kellystown LAP lands are 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, 2015* or the *EU Habitats Directive*, are known to occur within the site. None were found during the course of the surveys undertaken in the preparation of this report or by Minogue & Associates.

According to the Biodiversity Report (included at Appendix 1 of the Draft LAP), a number of the hedgerows and other features have local ecological value, however no features of any ecological significance in the context of European sites are present within the LAP lands. No evidence of any habitats or species with links to European sites was recorded in the desk study or during any of the field surveys undertaken and no ‘reservoir’ type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

There will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the implementation of any elements of the Draft LAP. The lands within the Kellystown site do not in any way act as an important *ex-situ* site for any European site (SPA) SCIs.

5.1.1 Surface and ground water

Other than minor ditches there are no watercourses within the Draft LAP lands. There is, nevertheless, a potential water pathway, between the Draft LAP lands area and coastal European sites associated with Dublin Bay (the nearest of which, South Dublin Bay and River Tolka Estuary SPA, is over 12km to the east). There is also a potential groundwater pathway between the Draft LAP lands and the European sites should indirect discharges (i.e. spillages to ground) occur. The potential pathway is via the Royal Canal along the northern boundary of the site and the River Liffey, which is located to the south. There is however no pathway between the Draft LAP lands and the nearest European site (Rye Water Valley/Carton SAC). This site is over 5km to the west and entirely unconnected.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses or groundwater by LAP-related development is extremely low, and even in the event of a pollution incident occurring during the implementation of the Draft LAP that would be significant enough to impact upon surface/ground water quality locally, it is reasonable to assume that **this would not be perceptible in the offshore European sites**, for the following reasons:

- The distance to the European sites – the nearest designated site in Dublin Bay (South Dublin Bay and River Tolka Estuary SPA) is over 12km (straight-line distance to the east), and any pollution entering the local surface water drainage network from any construction site associated with the Draft LAP area would be so diluted as to be entirely undetectable by the time the water enters the sea;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters;
- There is no conceivable pathway between the Draft LAP lands at Kellystown and any other European sites, such as the Rye Water Valley/Carton SAC.

It is clear that there is no possibility of any significant effects on European sites via surface or ground water, arising out of the implementation of the Draft LAP. Regardless, the Draft LAP includes a series of specific

objectives to ensure protection of surface and ground water as well as flood risk management (refer to Objectives 11.9 to 11.25).

As confirmed in the Draft LAP, any development arising will be designed in accordance with the principles of Sustainable Drainage Systems (SuDS) as embodied in the recommendations of the Greater Dublin Strategic Drainage Study (GSDSDS). The GSDSDS addresses the issue of sustainability by requiring designs to comply with a set of drainage criteria which aim to minimize the impact of urbanization, by replicating 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, as well as ensuring the environment is protected from any pollution from roads and buildings.

SuDS are a requirement of Fingal County Council (including under Objective SW04 of the Fingal County Development Plan 2017-2023) and under the GSDSDS and the Regional Code of Practice for Drainage Works. Additionally these systems are recommended under the 2009 guidelines published by the OPW, *'The Planning System and Flood Risk Management'*.

SuDS are an environmentally effective approach to managing surface water on developed lands. This most closely reflects natural catchment behaviour where rainfall either infiltrates through the soil or runs off slowly over the ground surface to the nearest watercourse. This is an important element of climate change mitigation and will act to future-proof communities against adverse weather effects.

SuDS offer a comprehensive approach to the management of water on a site, to delay and reduce run-off through infiltration, transpiration, evapotranspiration and re-use, whilst also providing improvements to water quality, amenity and biodiversity. Shallow surface based systems to manage surface water are encouraged in favour of underground infrastructure such as pipes and culverts. In tandem with this, runoff control measures favoured include surface based systems such as weirs and orifices rather than proprietary systems contained underground in manholes. Runoff from green areas should never be permitted to enter closed sewer networks, and groundwater infiltration must be favoured over discharge to open surface water (ditches, streams).

A Surface Water Management Plan comprising of both a Flood Risk Assessment and a Sustainable Drainage Strategy has been developed for Kelystown, prepared by McCloy Consulting Engineers on behalf of Fingal County Council (please refer to Appendix 2 to the Draft LAP), and identifies various measures that may be employed throughout the development taking into account the existing surface water infrastructure in place across the site. These SuDS measures must be incorporated into the development in line with appropriate sustainable drainage practices and include for limiting runoff rates and providing site, source and regional controls. Such measures must be developed in conjunction with approved landscape and open space plans and must align with the taking in charge requirements of the local authority.

There is no possibility of the implementation of the Draft LAP objectives adversely impacting on the conservation objectives of any of the QIs or SCIs of any European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges to groundwater.

5.1.2 Foul water

The Draft LAP includes specific objectives in relation to wastewater (refer to Objectives 11.4 to 11.8).

Development of the LAP lands will be dependent on the progress of relevant improvement works and will be subject to the agreement of Irish Water. All foul infrastructure shall be designed and constructed in consultation with Irish Water.

In April 2019, An Bord Pleanála granted permission to Irish Water for revisions to the approved scheme (granted permission in 2012) to upgrade the Ringsend Treatment Plant, which is currently operating at capacity. The upgrade permitted will include the use of Aerobic Granular Sludge (AGS) technology as well as the omission of the previously approved long sea outfall tunnel, which would have deposited treated material 9km out to sea. The approved upgrades to the treatment plant will allow it to increase its capacity from 1.64 million PE (population equivalent) to 2.4 million PE and will enable further population growth in the Dublin region, including at

Kelystown. Irish Water plans to invest over €400 million in the staged upgrade of the plant, with the major phase of the works expected to be completed in 2020, with all works scheduled to be completed by 2025.

The Greater Dublin Drainage (GDD) Project is a long term scheme designed to provide the strategic drainage infrastructure required for the Greater Dublin Area (GDA) in the period up to 2050. It is currently estimated that construction of a new regional wastewater treatment plant in the Fingal area and orbital pipelines, stretching from Blanchardstown to Clonshaugh, will be operational by 2026. The project also includes a new pumping station at Abbotstown and An Bord Pleanála granted planning permission for the GDD Project in November 2019.

The Draft LAP Lands at Kelystown will be served in the long term by both the Ringsend Treatment Plant and the GDD. However, it is important to note that development will only be permitted where there is adequate treatment capacity. Development will be dependent on the progress of relevant improvement works and will be subject to the agreement of Irish Water. All foul infrastructure shall be designed and constructed in consultation with Irish Water.

In particular, Objective 11.7 of the Draft LAP (*Permit new development only where it can be clearly demonstrated that there is adequate capacity in the wastewater disposal infrastructure in accordance with applicable requirements and standards, including urban wastewater treatment disposal standards*) will ensure that there is no possibility of the implementation of the Draft LAP objectives adversely impacting on the conservation objectives of any of the QIs or SCIs of any European sites in, or associated with, Dublin Bay (currently categorized as “unpolluted” according to the EPA database⁵) as a result of foul water discharges.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site as a result of the implementation of the Draft LAP objectives. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction.

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

Details of the potential impacts of the implementation of the Draft LAP on European sites are presented in Table 2.

⁵ <https://gis.epa.ie/EPAMaps/>

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Table 2 lists relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives*

European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
Rye Water Valley/Carton SAC (site code 001398), c.5.2km to the west	<p>7220 Petrifying springs with tufa formation (Cratoneurion)* Species</p> <p>1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) 1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>)</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed QIs, the Conservation Objectives are 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is over 5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the implementation of any of the objectives of the Draft LAP.</p>
Glenasmole Valley SAC (site code 001209), c.13.6km to the south	<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed QIs, the Conservation Objectives are 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is over 13km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the implementation of any of the objectives of the Draft LAP.</p>
South Dublin Bay SAC (site code 000210), c.14.1km to the south east	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <p>(1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes)</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 implementation of the objectives of the Draft LAP could potentially 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 and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature and location of the Draft LAP lands at Kellystown and the policies and objectives set out in the Draft LAP. Even in the event of a pollution incident significant enough to</p>



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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SAC's site Conservation Objectives document (Version 1, dated 22nd 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>impact upon surface/ground water quality locally, it is reasonable to assume that this would not be perceptible in South Dublin Bay SAC.</p> <p>This is due to the significant separation between the Draft LAP area and the European site – it is over 14km (straight line distance) from the SAC. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>There will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the implementation of the objectives of the Draft LAP.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the implementation of the objectives of the Draft LAP.</p>
<p>North Dublin Bay SAC (site code 000206), c.15.4km to the east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia 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> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06th 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 implementation of the objectives of the Draft LAP could potentially 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 and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature and location of the Draft LAP lands at Kelystown and the policies and objectives set out in the Draft LAP. Even in the event of a pollution incident significant enough to impact upon surface/ground water quality locally, it is reasonable to assume that this would not be perceptible in North Dublin Bay SAC.</p> <p>This is due to the significant separation between the Draft LAP area and the European site – it is over 15km (straight line distance) from the SAC. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>There will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the implementation of the objectives of the Draft LAP.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the implementation of the objectives of the Draft LAP.</p>
<p>Wicklow Mountains SAC (site code 002122), c.15.8km to the south</p>	<p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths</p>	<p>There is no hydrological link or any other pathway between the Draft LAP lands at Kelystown and this SAC. It is almost 16km 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 implementation of any of the objectives of the Draft LAP.</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 31st July 2017), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>	
<p>Malahide Estuary SAC (site code 000205), c.16.8km to the north east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is almost 17km 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 implementation of any of the objectives of the Draft LAP.</p>
<p>Baldoye Bay SAC (site code 000199), c.18.3km to the north east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	<p>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is over 18km 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 implementation of any of the objectives of the Draft LAP.</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SAC's site Conservation Objectives document (Version 1, dated 19th November 2012), for each of the listed QIs, the Conservation Objective is to maintain 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>Rogerstown Estuary SAC (site code 000208), c.19.7km to the north east</p>	<p>1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 14th August 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is almost 20km 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 implementation of any of the objectives of the Draft LAP.</p>
<p>Howth Head SAC (site code 000202), c.21.0km to the east</p>	<p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06th December 2016), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>	<p>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is approximately 21km 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 implementation of any of the objectives of the Draft LAP.</p>
<p>Rockabill to Dalkey Island SAC (site code 003000), c.21.6km to the east;</p>	<p>1170 Reefs 1351 Harbour porpoise (<i>Phocoena phocoena</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 07th May 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation</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 implementation of the objectives of the Draft LAP could potentially 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 and from there, eventually, to the sea.</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature and location of the Draft LAP lands at Kellystown and the policies and objectives set out in the Draft LAP. Even in the event of a pollution incident significant enough to impact upon surface/ground water quality locally, it is reasonable to assume that this would not be perceptible in Rockabill to Dalkey Island SAC.</p> <p>This is due to the significant separation between the Draft LAP area and the European site – it is over 21km (straight line distance) from the SAC. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>There will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the implementation of the objectives of the Draft LAP.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the implementation of the objectives of the Draft LAP.</p>
<p>Red Bog, Kildare SAC (site code 000397), c.21.6km to the south west</p>	<p>7140 Transition mires and quaking bogs</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 17th July 2019), 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is almost 22km 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 implementation of any of the objectives of the Draft LAP.</p>
<p>Knocksink Wood SAC (site code 000725), c.22.7km to the south east</p>	<p>7220 Petrifying springs with tufa formation (Cratoneurion)* 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed QIs, the Conservation Objectives are 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is almost 23km 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 implementation of any of the objectives of the Draft LAP.</p>
<p>Ireland's Eye SAC (site code 002193), c.23km to the east</p>	<p>1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th January 2017), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation</p>	<p>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SAC. It is approximately 23km 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 implementation of any of the objectives of the Draft LAP.</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	condition of the Annex I habitat(s) for which the SAC has been selected.	
South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.12.4km to the east	<p>A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9th 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>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the implementation of the objectives of the Draft LAP could potentially 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 and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature and location of the Draft LAP lands at Kelystown and the policies and objectives set out in the Draft LAP. Even in the event of a pollution incident significant enough to impact upon surface/ground water quality locally, it is reasonable to assume that this would not be perceptible in South Dublin Bay and River Tolka Estuary SPA.</p> <p>This is due to the significant separation between the Draft LAP area and the European site – it is over 14km (straight line distance) from the SPA. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>There will be no loss of wetland habitat or species, or disturbance to the special conservation interests of this site as a result of the implementation of the objectives of the Draft LAP.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the implementation of the objectives of the Draft LAP.</p>
North Bull Island SPA (site code 004006), c.15.5km to the east	<p>A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>)</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 implementation of the objectives of the Draft LAP could potentially 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 and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature and location of the Draft LAP lands at Kelystown and the policies and objectives set out in the Draft LAP. Even in the event of a pollution incident significant enough to impact upon surface/ground water quality locally, it is reasonable to assume that this would not be perceptible in North Bull Island SPA.</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>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>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9th 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>This is due to the significant separation between the Draft LAP area and the European site – it is over 15km (straight line distance) from the SPA. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>There will be no loss of wetland habitat or species, or disturbance to the special conservation interests of this site as a result of the implementation of the objectives of the Draft LAP.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the implementation of the objectives of the Draft LAP.</p>
<p>Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.16.9km to the north east</p>	<p>A048 Shelduck (<i>Tadorna tadorna</i>) A054 Pintail (<i>Anas acuta</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A162 Redshank (<i>Tringa totanus</i>) A143 Knot (<i>Calidris canutus</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A149 Dunlin (<i>Calidris alpina</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A069 Red-breasted Merganser (<i>Mergus serrator</i>) A005 Great Crested Grebe (<i>Podiceps cristatus</i>) A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 16th August 2013), 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is almost 17km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.</p>
<p>Wicklow Mountains SPA (site code 004040), c.17.3km to the south</p>	<p>A098 Merlin (<i>Falco columbarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)</p>	<p>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is over 17km distant and is completely unconnected. Furthermore there will be no loss</p>

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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.</p>
<p>Baldoyle Bay SPA (site code 004016), c.18.5km to the north east</p>	<p>A137 Ringed Plover (<i>Charadrius hiaticula</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 27th February 2013), 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is approximately 18.5km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.</p>
<p>Rogerstown Estuary SPA (site code 004015), c.20.4km to the north east</p>	<p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A043 Greylag Goose (<i>Anser anser</i>) A143 Knot (<i>Calidris canutus</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A056 Shoveler (<i>Anas clypeata</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (dated 20th May 2013), 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>There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is over 20km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.</p>



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European Site	Reasons for designation (information correct as of 17 th August 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
Poulaphouca Reservoir SPA (site code 004063), c.22.4km to the south west	<p>A043 Greylag goose (<i>Anser anser</i>) A183 Lesser black-backed gull (<i>Larus fuscus</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for the listed SCI, the Conservation Objective is to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is over 22km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.
Ireland's Eye SPA (site code 004117), c.22.8km to the east	<p>A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is almost 23km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.
Howth Head SPA (site code 004113), c.23.8km to the east	<p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for the listed SCI, the Conservation Objective is to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is almost 24km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.
Dalkey Islands SPA (site code 004172), c.24.0km to the south east	<p>A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	There is no hydrological link or any other pathway between the Draft LAP lands at Kellystown and this SPA. It is approximately 24km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the implementation of any of the objectives of the Draft LAP.

Kellystown Local Area Plan

Information for Screening for Appropriate Assessment

*For completeness, this table includes all sites within 25km of the site, however, as confirmed in Section 5.1, only the sites associated with Dublin Bay are linked in any way to the proposed development site. None of the other listed sites, and no sites further afield, are remotely linked to the Kellystown site, by virtue of distance, lack of a pathway and the reasons for their designation.



5.2 Summary of potential impacts of the Draft LAP

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

In addition there is no possibility of any impacts on water, via either surface or foul water, as a result of the implementation of the objectives of the Draft LAP.

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

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

6 Other issues

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

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

7 Mitigation specific to European sites

In relation to European sites, there will be no impacts as a result of the implementation of the Draft LAP. Therefore no mitigation is necessary or proposed for the protection of European sites or which is intended to avoid or reduce impacts on any European sites. Accordingly, 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.

As noted in Section 5.1.2, the operational Surface water management for the Draft LAP will comply with the 'Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005' and it is proposed to use a sustainable urban drainage system (SuDS) approach to storm water management throughout the overall site. However, the High Court has held that compliance with SUDS is not a mitigation measure intended to avoid or reduce the impact on European sites: see *Eoin Kelly v An Bord Pleanála* [2019] IEHC 84.

Notwithstanding this, any future development arising will be subject to Appropriate Assessment Screening in its own right and adequately addressed through the assessment of individual planning applications and within the provisions of the normal planning and sustainable development process.

8 In-combination effects

It is a requirement of the Part XAB of the *Planning and Development Act 2000* 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 current or reasonably foreseeable plans and projects. 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 Draft LAP has been guided by EU Directives, the National Planning Framework, Eastern Regional Spatial and Economic Strategy (RSES) and by the Fingal Development Plan 2017-2023 (including Variations to the Plan), in addition to various Government policy documents and guidelines. Variation No. 2 to Fingal Development Plan 2017-2023 (adopted June 2020) aligns the Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Fingal Development Plan 2017-2023, (including Variations to the Plan), sets out the Council’s policies and objectives for the development of the County over the Plan period. It seeks to develop and improve, in a sustainable manner the social, economic, environmental and cultural assets of the County. The Draft LAP has had due regard to all relevant policies and objectives set out in the Development Plan.

Sheet 13 of the Development Plan includes a number of **Specific Objectives** of relevance to Kellystown LAP lands. A **Road Proposal** crosses the lands to connect the L3035 in the east to R121 along the western boundary of the lands, see Figure 3.1 above. The Road Proposal is identified in **Table 7.1 Road Schemes** of the Development Plan (page, 262) as the “*Kellystown Road*”, and **Objective MT41** of the Development Plan (page, 261) seeks “*to implement the Road Improvement Schemes indicated in Table 7.1*”. Fingal County Council has commissioned consultants to prepare an options assessment and preliminary design for this road proposal, which will be subject to separate appropriate environmental assessment and to a future public consultation prior to seeking consent.

The Development Plan also includes the following map based local objectives within Kellystown LAP area:

Local Objective 130: *Prepare a feasibility study on the location of a road bridge, crossing the Royal Canal and the Dublin-Maynooth railway, connecting north to the Ongar road. This location shall be determined in advance of, or part of, the adoption of the Local Area Plan for lands at Kellystown.*

Local Objective 137: *Preserve the existing pedestrian and vehicular right of way at the level crossing at Porterstown.*

Local Objective 144: *Protect the rural character and setting of the Luttrellstown Road and enhance its use for pedestrians and cyclists.*

Local Objective 146: *Provide for a burial ground of up to 4 hectares within the Kellystown area. This site is to be identified as part of, or in advance of, the adoption of Kellystown LAP.*

In relation to Objectives 130 and 137, Iarnród Éireann has recently commissioned consultants to prepare an options assessment and preliminary design for these projects and for electrification of the rail line.

In relation to Objective 146, Fingal County Council obtained planning consent for the graveyard and has contracted construction of Phase 1 of the development of the cemetery, which is currently on-going.

The Draft LAP is in full compliance with all of the relevant policies and objectives of the Fingal Development Plan, as varied. The Development Plan was itself subject to Appropriate Assessment. No developments are proposed within the immediate vicinity of the site that would, in combination with the Draft LAP in this report, give rise to significant effects.

Running concurrently with, but separate to, the preparation of the Draft Kellystown LAP, Fingal County Council is proposing to develop a new road scheme (the Kellystown Road Scheme). The proposed road will run from the Diswellstown Road Extension to the proposed Ongar Barnhill Distributor Road, and the eastern portion of the road will run through the Kellystown Draft LAP lands.

The road scheme is to be delivered under Part 8⁶ of the Planning and Development Regulations 2001-2020 and is currently at Route Selection Stage – a Preferred Route has been selected. A report (*Information for Screening for Appropriate Assessment*) has been prepared by Brady Shipman Martin to accompany the Route Selection Report for the Kellystown Road Scheme (itself prepared by Clifton Scannell Emerson (Final (for non-statutory public consultation), 4th issue, dated 3rd September 2020)). The report assessed each of the route options, including the Preferred Route, in terms of their potential to have any significant effects on any European sites. The conclusion of the AA Screening report for the Kellystown Road Scheme was that *the proposed Kellystown Road Development, individually or in combination with another plan or project, is not likely to have a significant effect on European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives. The Proposed Development of the Kellystown Road Scheme does not require an Appropriate Assessment and the preparation of a Natura Impact Statement.*

Due to the location of the Kellystown site and based on the studies undertaken in relation to both the Draft Kellystown LAP and the proposed Kellystown Road Scheme, it is reasonable to conclude that there will be no in-combination effects arising out of the implementation of the Draft LAP and the development of the proposed road scheme.

On the basis of objective information it can be excluded that the implementation of the Draft LAP, individually or in-combination with other plans or projects, will have a significant effect on a European site.

9 Screening of amendments

Following public display of the Draft LAP and review of submissions received, a number of recommended amendments, and motions from elected representatives, were proposed and incorporated into the Final Plan. The recommended amendments and motions were screened for the requirement for AA as set out in Tables 3 and 4.

Table 3 Screening of amendments for the requirements for AA

Proposed Amendment	Outline Description (refer to Part D of this CE's Report)	Screening for Appropriate Assessment (AA)
CER 1	Amendment provides for clarification on the status of the Draft LAP in the context of the Development Plan.	New text provides clarity. Requirement for Stage 2 AA is excluded.
CER 2	Amendment provides for clarification on the periods of public consultation in the context of the Covid-19 pandemic.	No AA issues arise. Requirement for Stage 2 AA is excluded.
CER 3	Amendment provides for clarification on the preparation of the Draft LAP in the context of submissions received and studies undertaken.	No issues arise. Requirement for Stage 2 AA is excluded.
CER 4	Amendment provides for clarification on the proposed Kellystown Road, Local Objective 130 and the link to the Barnhill – Ongar Road.	The Kellystown Road project (which is an objective of the Development Plan) will be subject to the Appropriate Assessment process in its own right. Requirement for Stage 2 AA is excluded.
CER 5	Amendment provides for clarification on the provision of commercial floor space for local community use.	Amendment provides for clarity on local use commercial floor space within proposed development areas. Requirement for Stage 2 AA is excluded.

⁶ Provisions with respect to certain development by or on behalf of local authorities

Proposed Amendment	Outline Description (refer to Part D of this CE's Report)	Screening for Appropriate Assessment (AA)
CER 6	Amendment deletes reference to particular consultants	Amendment provides for clarity of wording. Requirement for Stage 2 AA is excluded.
CER 7	Amendment provides for clarification on hedgerows to be protected.	Amendment provides for additional environmental protection. Requirement for Stage 2 AA is excluded.
CER 8	Amendment provides for clarification on the Eastern Development Area.	Amendment provides for clarity by way of update. Requirement for Stage 2 AA is excluded.
CER 9	Amendment provides for a 'printing error' and reference to the existing level crossing.	Amendment provides for clarity by way of update. Requirement for Stage 2 AA is excluded.
Section 3		
No. 1	Amendment to clarify timescales in relation to the provision of wastewater infrastructure.	Amendment provides for clarity by way of update. Delivery of development remains linked to delivery of key infrastructure. Requirement for Stage 2 AA is excluded.
No. 2	Amendment to clarify issues in relation to recreation and leisure facilities.	Amendment provides for clarity by way of update. Requirement for Stage 2 AA is excluded.
Section 4		
No. 3	Amendment to confirm that the Draft LAP will support key environmental actions in relation to Climate Change and Environmental Sustainability.	Enhanced environmental support. Requirement for Stage 2 AA is excluded.
Section 6		
No. 4	Amendments to clarify issues related to urban design, local employment / community hubs and upgrading of existing service units in line with Traveller Accommodation Programme.	Amendments provide for clarity by and enhanced measures in relation to human beings. Requirement for Stage 2 AA is excluded.
No. 5		
No. 6		
Section 7		
No. 7, 8, 9, 10, 11, 12, 13, 14, 15 16.	Amendments in the context of Movement and Transport in the Draft LAP – the cycle and pedestrian network, access for all, illustration of links to Clonsilla Train Station, internal links, cycle parking, car parking, signage and EV charging, mode shares are not a target but a reflection of the potential mode share for the site. It is envisaged that a greater level of sustainable trip making will take place at Kellystown' - including update to Figure 7.11 (including printing error on the 'proposed fotobridge).	Amendments provide for clarity and enhanced pedestrian and cycle permeability and sustainable modes of transport. Requirement for Stage 2 AA is excluded.

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Information for Screening for Appropriate Assessment

Proposed Amendment	Outline Description (refer to Part D of this CE's Report)	Screening for Appropriate Assessment (AA)
Section 8		
No. 17	Amendment provides enhanced environmental protection, including the provision of corridors for mammal passage through the lands, and the provision of bat and bird boxes.	Amendment provides for additional environmental protection. Requirement for Stage 2 AA is excluded.
Section 9		
No. 18	Amendment provides enhanced environmental protection, ensuring that measures in the All-Ireland Pollinator Plan will be implemented.	Amendment provides for additional environmental protection. Requirement for Stage 2 AA is excluded.
Section 10		
No. 19	Amendment provides for clarification on the provision of remote working space at a local community level.	Requirement for Stage 2 AA is excluded.
Section 11		
No. 20	Amendment provides for clarification noting requirement for hydraulic modelling to be carried out as part of SSFRAs.	Amendment provides for additional environmental protection. Requirement for Stage 2 AA is excluded.
Section 12		
No. 21	Amendment provides for clarification on the requirement for provision of water supply infrastructure in tandem with new development.	Amendment provides for delivery of development only with delivery of key infrastructure. Requirement for Stage 2 AA is excluded.
No. 22	Amendment provides for clarification on the provision of green infrastructure within the LAP area.	Amendment provides for clarity. Requirement for Stage 2 AA is excluded.

Table 4 Screening of motions for the requirements for AA

	Recommended Amendment / Motion	Screening for Appropriate Assessment (AA)
Motion 1	<p>Universal Design relates to the design and management of buildings and spaces so that they can be readily accessed, understood and used by everyone regardless of their age, size, ability or disability. An environment (or any building, product or services in that environment) should be designed to meet the needs of all people who wish to use it. This approach also promotes social inclusion and can eliminate or reduce the need for expensive changes or retro fits to meet the needs of particular groups at a later stage.</p> <p>The importance of a universal design approach is supported throughout this LAP and across a number of wide-ranging objectives. The above should be read</p>	Requirement for Stage 2 AA is excluded.

	Recommended Amendment / Motion	Screening for Appropriate Assessment (AA)
	in conjunction with Objective 7.23 which states as follows: Ensure a Universal Design Approach to the built environment including footpaths, roads, pedestrian crossing points and bus stops shelters to ensure access for all.	
Motion 2	Ensure the timely roll-out of permanent school facilities by the Department of Education and Skills in line with the principles of proper planning and sustainable development by providing for the development of a new primary school and a new second-level school on the LAP lands in tandem with housing development and population growth in the Kellystown lands. A new primary school to serve the eastern development area shall be a priority in tandem with the development of a new residential quarter.	Requirement for Stage 2 AA is excluded.
Motion 3	Facilitate the development of a community centre operated by the local authority within the LAP lands which may be co-located and planned on the same campus as a new school.	Requirement for Stage 2 AA is excluded.

The recommended amendments and motions incorporated in the LAP are generally minor in nature, supportive or provide clarification to the existing intention of the Plan. Individually or in combination, they do not change the nature and character of the Local Area Plan. there is no change to the finding of the Screening of the LAP for the requirement for AA.

10 Screening conclusion

Following review of the objectives of the LAP against the Conservation Objectives of the relevant European sites, it is concluded that there is no possibility that the implementation of the LAP could result in any likely significant effects on European sites on its own or in combination with other plans and programmes.

In view of best scientific knowledge therefore, this report concludes that the LAP, and the recommended amendments and movements, individually or in combination with another plan or project, is not likely to have a significant effect on European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives. The LAP does not require an Appropriate Assessment and the preparation of a Natura Impact Report.

Appendix I: Background

The European⁷ 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 Communities (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*) 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 (2001)⁸ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

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

⁷ 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”

⁸ European Commission (2001) *Assessment of Plans and Projects Significantly Affecting European Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC*

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.

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 Commission⁹ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

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

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

Assess the likely significance of any effects on European sites.

⁹ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

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Appropriate Assessment (AA) Screening Determination

Planning and Development Act 2000 (as amended)
Planning and Development Regulations 2001 (as amended)

Pursuant to the *Planning and Development Act 2000* (as amended) and the *Planning and Development Regulations 2001* (as amended), Fingal County Council has prepared a Local Area Plan (LAP) for Kellystown, Dublin 15. The LAP seeks to establish a land use strategy for the proper planning and sustainable development of the lands at Kellystown, Dublin 15.

This Appropriate Assessment Screening Determination of the LAP has been prepared as per the requirements of Regulation 42(1) of the *European Communities (Birds and Natural Habitats) Regulations 2011-2015*. It has been informed by the contents of an AA Screening report (the *Kellystown Local Area Plan – Information for Screening for Appropriate Assessment*). The AA Screening report was written by Brady Shipman Martin on behalf of Fingal County Council.

The AA Screening Report comprises an appraisal of the Draft LAP and its potential to impact on European sites as well as an appraisal of whether the implementation of the Draft LAP is likely to have a significant effect on any European sites.

The LAP study area and surrounding environment are described in Section 3.3 of the AA Screening Report and Section 4 describes the LAP itself. Section 5, including Table 2, appraises the potential impacts of the Draft LAP in the context of the European sites within the zone of influence of the LAP area.

The AA Screening Report, at Section 8, examines the potential for other plans and/or projects to act in combination with the LAP and to have a significant effect on European sites within the zone of influence of the LAP area. The appraisal concluded that there are no other plans or projects that will act in combination with the LAP to have a significant effect on European sites.

In addition, at Section 9 the AA Screening Report assesses the recommended amendments, and motions from elected representatives that were proposed and incorporated into the Final Plan. These are generally minor in nature, supportive or provide clarification to the existing intention of the Plan. Individually or in combination, they do not change the nature and character of the Local Area Plan. There is no change to the finding of the Screening of the LAP for the requirement for AA.

The AA Screening Report concludes the following:

“Following review of the objectives of the LAP against the Conservation Objectives of the relevant European sites, it is concluded that there is no possibility that the implementation of the LAP could result in any likely significant effects on European sites on its own or in combination with other plans and programmes.”

In view of best scientific knowledge therefore, this report concludes that the LAP, and the recommended amendments and motions, individually or in combination with another plan or project, is not likely to have a significant effect on European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives. The LAP does not require an Appropriate Assessment and the preparation of a Natura Impact Report."

Fingal County Council, having examined both the LAP and the AA Screening Report, agrees with the conclusions presented in the AA Screening Report. In light of best scientific knowledge and in the absence of mitigation measures Fingal County Council is satisfied that Kellystown Local Area Plan is not likely to have a significant effect on any European sites, either alone or in combination with other plans or projects. Therefore a Stage 2 Appropriate Assessment is not required.



Colm McCoy
Senior Planner

Date: 08.02.21