

Proposed Swords Cultural Quarter Appropriate Assessment Screening Report

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Environmental Assessment **Built Environment**

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1 Introduction

1.1 Background

Fingal County Council (FCC) is proposing to develop a Cultural Quarter in the centre of Swords, County Dublin, in proximity to the offices of Fingal County Hall and Swords Castle.

Brady Shipman Martin was appointed by O'Donnell + Tuomey Architects (the Project Architects) on behalf of Fingal County Council to undertake a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites taking into account their conservation objectives.

This document constitutes the Appropriate Assessment Screening Report ("AA screening report") prepared for this purpose.

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

1.2 Expertise and Qualifications

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

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

1.3 Legal requirement for Appropriate Assessment

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

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

- (a) a candidate site of Community importance,
- (b) a site of Community importance,
- (ba) a candidate special area of conservation,

¹ SI No. 477 of 2011

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

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

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

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Section 177U of the Planning Acts and Regulation 42 of the Birds and Natural Habitats Regulations require that screening for appropriate assessment must be carried out:

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

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

The project is not required for the management of any European Site and this AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts and the Birds and Natural Habitats Regulations.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken in April 2022 of the site in Swords 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. Ecological surveys were undertaken at the site by Darragh Furey and John Thompson MCIEEM of EcoÉireann Ecological Consultants on 4 and 25 November 2021 and an Ecology report has been prepared. A bat detector survey (at dusk) was undertaken on 9 June 2021 by Tom O’Donnell CEnv MCIEEM of O’Donnell Environmental, and a separate bat survey report has been prepared.

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

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

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- *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);
- *Practice Note PN01 Appropriate Assessment Screening for Development Management Office of the Planning Regulator*, March 2021).

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 – 2022, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

The report has regard to the following legislative instruments:

- Planning Acts;
- Birds and Natural Habitats Regulations.

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken.

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 development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

In accordance with sections 177U of the Planning Acts, screening for appropriate assessment must be carried out:

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

Screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report is prepared.

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

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. A construction site or completed development may also create a barrier to movement, for example by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

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, NPWS (2010) recommends that *'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'*. Similarly, the OPR Guidance (2021) states that *'The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km)'*.

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 at a great distance from the site. Taking this into account, as a starting point a search was carried out for all European sites within the vicinity of the site in Swords. This search was then extended in order to ensure that all European sites with any potential links to the proposed development (i.e. those within the Zone of Influence) were accounted for in the study.

3.3 Study area and surrounding environment

3.3.1 Site location and European sites

The proposed development site (see **Figure 1**) is centred on Seatown Road and North Street in Swords. Swords Castle is to the immediate west and the main offices of Fingal County Council (County Hall) are located to the immediate south east. The site, being a typical town centre site, includes buildings and a car park; it is almost

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entirely hard standing with the exception of small areas of street landscaping. A line of mature holm oaks is present in front of County Hall.

There are no watercourses present on the site². The nearest such feature, the Ward River, is approximately 100m to the west at its closest point. The proposed development site is located within the Nanny-Delvin Catchment (in the Broadmeadow sub-catchment and the Ward sub-basin).

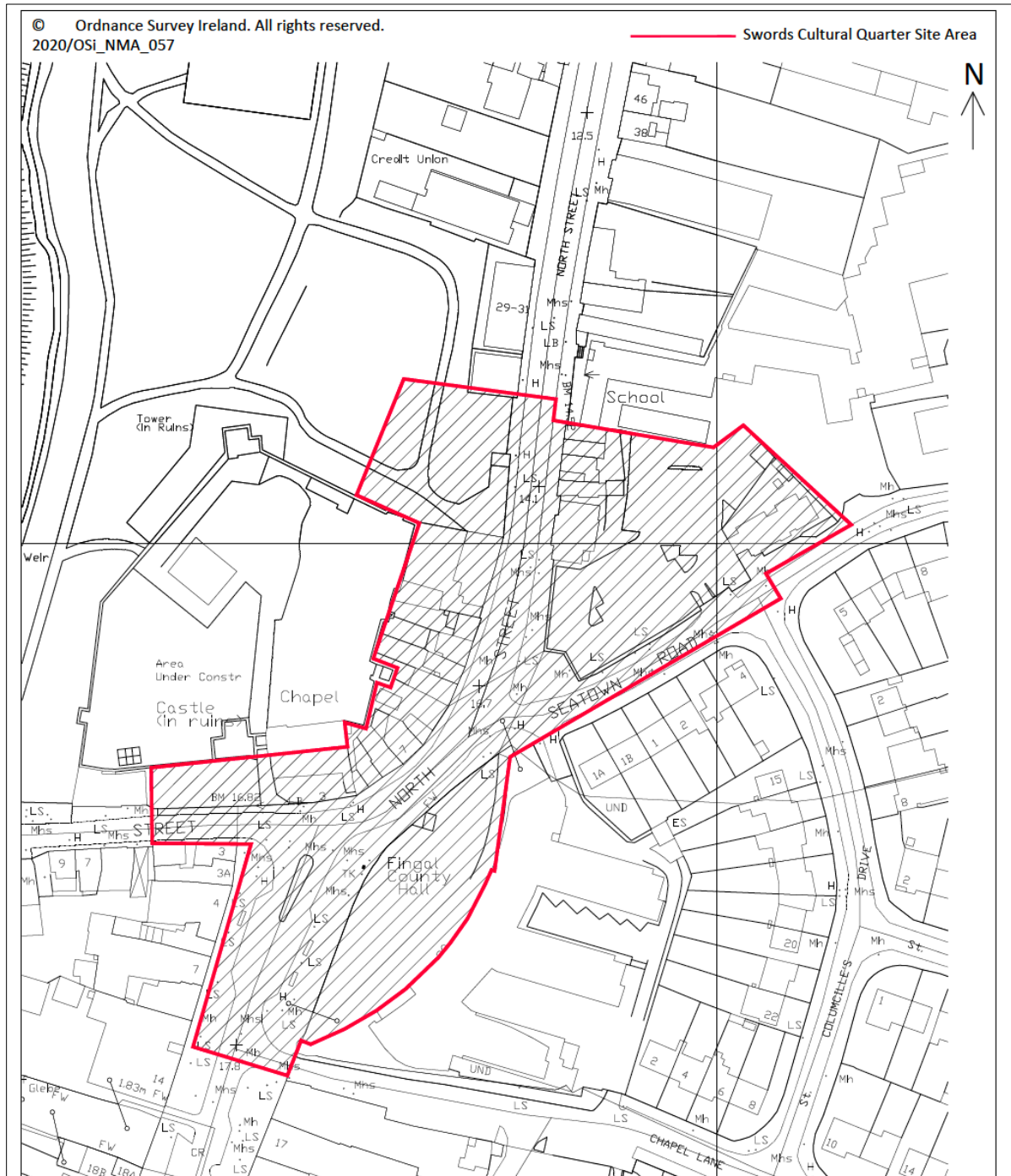


Figure 1: Location of the Swords Cultural Quarter site (red line is indicative, refer to accompanying documentation for full details).

² <https://gis.epa.ie/EPAMaps/>

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There are 18 European sites located within a 15km radius of the proposed development (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - Malahide Estuary SAC (site code 000205), c.1.1km to the north east;
 - Rogerstown Estuary SAC (site codes 000208), c.4.6km to the north east;
 - Baldoyle Bay SAC (site code 000199), c.6.9km to the south east;
 - North Dublin Bay SAC (site code 000206), c.9.8km to the south east;
 - Rockabill to Dalkey Island SAC (site code 003000), c.9.8km to the east;
 - Ireland's Eye SAC (site code 002193), c.11.4km to the south east;
 - Howth Head SAC (site code 000202), c.12.4km to the south east;
 - Lambay Island SAC (site code 000204), c.12.6km to the north east;
 - South Dublin Bay SAC (site code 000210), c.13.5km to the south east;
- **Special Protection Areas (SPA)**
 - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.1.1km to the north east.
 - Rogerstown Estuary SPA (site codes 004015), c.5.0km to the north east;
 - Baldoyle Bay SPA (site code 004016), c.6.9km to the south east;
 - North Bull Island SPA (site code 004006), c.9.8km to the south east;
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.10.8km to the south;
 - Ireland's Eye SPA (site code 004117), c.11.1km to the south east;
 - Lambay Island SPA (site code 004069), c.12.6km to the north east;
 - Howth Head Coast SPA (site code 004113), c.13.3km to the south east;
 - Skerries Islands SPA (site code 004122), c.7.1km to the north east;

Rockabill SPA (site code 004014), is just under 16km from the site, to the north east. There are no other European sites within 20km.

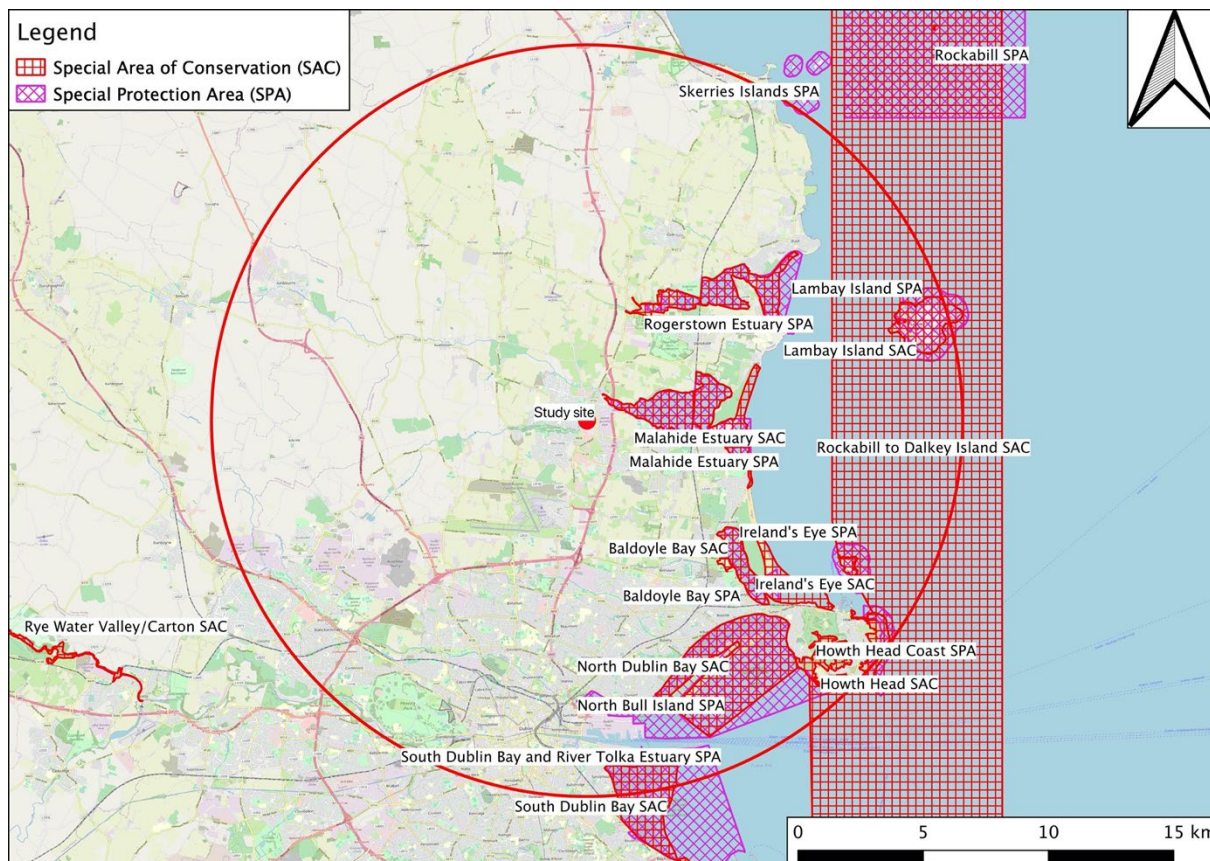


Figure 2: Proposed Swords Cultural Quarter site showing European sites

3.3.2 Other designated areas (other than European sites)

The nearest sites designated for nature conservation, not otherwise designated as a European site, are Feltrim Hill proposed Natural Heritage Area (pNHA site code 001208, approximately 2.5km to the south east and Sluice River Marsh pNHA (site code 001763), approximately 5.7km to the south east.

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

4 Description of the proposed development

The proposed development relates to lands located in Swords Town Centre. The site consists of lands at Swords Castle, North Street, Existing Fingal County Council Carpark on Seatown Road and existing public realm along Seaton Road, Main Street, Bridge Street and to the front of Fingal County Hall. The proposed application includes for minor external works to the Swords District Court House (Protected Structure).

The proposed development will comprise of public realm upgrade works and the construction of the proposed Swords Civic and Cultural Building, located on the existing Fingal County Council car park site at Seatown Road and St. Michaels House Centre, ranging in height from 2-4 storeys. The proposed Swords Civic and Cultural Building will include for:

- A 165-no. seated theatre with associated control/ sound rooms & light lobbies
- Dressing rooms and rehearsal spaces
- An art gallery
- Café/theatre bar
- Exhibition spaces

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- Workshop and study areas
- Meeting rooms
- Public library
- Offices
- Storage rooms, toilets and other ancillary uses.

The proposed development will consist of minor external works to the southern entrance of the Swords District Court House (Protected Structure).

The proposed development will include for the demolition of 17 and 17A North Street single storey commercial property; single storey structure located on North Street; St. Michaels House single storey bungalow located on Seatown Road Swords; and the demolition of 4 no. terraced 2-storey commercial vacant properties located at Units 1-4, No. 20 North Street.

Please refer to the Planning Report for full description of development.

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

5.1 European sites and habitats with links to European sites

The proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the *Irish Red Data Book 1 – Vascular Plants (Curtis & McGough, 1988)*, the Flora (Protection) Order, 2015 (SI No. 365 of 2015) or the Habitats Directive, are known to occur within the site, and none were recorded during the course of the field surveys undertaken.

The results of the ecological surveys undertaken at the site in 2021 concluded that the site is of low ecological value. As noted in the separate Ecology Survey Report, prepared by EcoÉireann:

The site is dominated by sealed surfaces such as roads and pavements / parking areas or buildings. Where non built areas are present these are heavily managed and comprise a high proportion of non-native species. The ecological value of the trees and hedgerows present on site is considered to be higher than other habitats, as such features may not be readily recreated due to a long lead-in period.

Various features on site, namely the buildings, are identified as supporting some potential for roosting bats. However, bat surveys completed in 2021 indicated that the buildings do not currently support roosting bats. These surveys did however indicate that the site is used by commuting and foraging bats.

Other features within the site including built structures offer a low risk of occupation by nesting birds.

Overall, the site has no key ecological receptors as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA/TII, 2009 (Rev. 2))*.

No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study 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.

5.1.1 Potential impacts during construction

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

No watercourses are present within or connected to the proposed Swords Cultural Quarter development site. The nearest watercourse to the site, the Ward River, flows northwards close to the eastern boundary of the site, before joining the Broadmeadow River and entering Malahide Estuary at a point approximately 1.1km to the north east.

Given the location of the site in relation to the Ward River a theoretical potential surface water pathway exists between the proposed development site and the two European sites associated with Malahide Estuary (i.e. Malahide Estuary SAC and Malahide Estuary SPA). There is also a potential groundwater pathway between the proposed development site and these European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality 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 – although the designated sites of Malahide Estuary are approximately 1km from the proposed development site (straight-line distance to the north east), other than potentially via the surface water drainage network and the Ward River there is no direct pathway between the proposed development site and these European sites.
- Any pollution from the demolition and construction works would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the estuary;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the receiving waters;
- The site is already developed, and construction works will take place over a comparatively short period. There is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development and its location in the centre of a busy town at a remove from the European sites.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction at this town centre site will similarly be entirely remote from any European site.

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

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

5.1.2 Potential impacts during operation

The site of the proposed development presently comprises of the existing public roads, a surface car park and localised soft landscaping. The impermeable area of the site measures circa 12,170m². On completion of the proposed development, the impermeable area of the site will measure circa 11,670 m², which is a reduction of circa 500m² in impermeable area. While such a reduction will result in a reduced surface water run-off from the site, it is still proposed to adopt SuDs features into the design as well as attenuation of surface water.

According to the Engineering Report prepared by Horgan Lynch Consulting Engineers, all **surface water** from the proposed building and its immediate surrounds is to be collected by a gravity surface water drainage system, which will envelope the perimeter of the building. This drainage will discharge to a new surface water manhole at the northwest corner of the site of the building, from which it will discharge to the existing 600mm dia. surface water drain on North Street. Prior to discharging to the new manhole, the surface water will be attenuated in 2 no. storm water attenuation tanks, one at each side of the building. Furthermore, green roof technology is being adopted for the building resulting in circa 66% of the flat roofs of the building being extensive green roof. The green roof will comprise of 30% of the total roof area (inclusive of sloped roofs)

The provision of the attenuation tanks and the adoption of green roof technology will assist in controlling the rate of surface water discharge from the site to reflect green field run-off i.e. 2 litres/sec/hectare.

Even in the total absence of any SuDS measures there would be no impacts on any European sites. The natural characteristics of the coastal waters ensure rapid mixing of water such that there is no possibility of any appreciable effect on water quality in European sites in any event.

According to the **Flood Risk Assessment** Report prepared by Horgan Lynch Consulting Engineers the subject site is located in Flood Zone C as per the OPW guidance document '*The Planning System and Flood Risk Assessment – Management Guidelines for Planning Authorities*'. Lands in Flood Zone C are suitable for all types of land use including developments such as that under appraisal in this report.

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

According to the Engineering Report prepared by Horgan Lynch Consulting Engineers, all **foul water** generated by the proposed development (i.e., the Cultural Centre Building) is to be collected by a gravity foul sewerage system, which will envelope the perimeter of the building. This foul sewerage system will discharge to a new foul manhole to the north-west of the site of the proposed building from which it will discharge to the existing 525mm dia. foul drainage sewer on North Street in Swords. From there it will discharge to the Swords Wastewater Treatment Plant.

A pre-connection enquiry was made to Irish Water on 5 January 2022. This enquiry included details of the final outfall loadings from the development to the Irish Water Network. A response to this enquiry was received from Irish Water on 10 January 2022 and this response advised that the proposed connection to the Irish Water network(s) can be facilitated.

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

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

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

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

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

European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
<p>Malahide Estuary SAC (site code 000205), c1.1km to the north east</p>	<p>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 maritima</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 27 May 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance and demolition, construction and operation of the proposed Swords Cultural Quarter development could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Ward River and from there, eventually, to Malahide Estuary.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the estuary and would not be perceptible in Malahide Estuary SAC, due to the very small volumes.</p> <p>This is due to the separation between the proposed development site and the European site – the proposed development site is over 1km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the estuary. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development, on an already developed site and its location in the centre of a busy town at a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
Rogerstown Estuary SAC (site code 000208), c.4.6km to the north east	<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 14 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>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is almost 5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.
Baldoye Bay SAC (site code 000199), c.6.9km to the south east	<p>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>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 19 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>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is almost 7km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.
North Dublin Bay SAC (site code 000206), c.9.8km to the south east	<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)</p>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is almost 10km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat))	Source – Pathway – Receptor link
	<p>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 06 November 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	
<p>Rockabill to Dalkey Island SAC (site code 003000), c.9.8km 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 07 May 2013), 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>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is almost 10km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>Ireland's Eye SAC (site code 002193), c.11.4km to the south 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 27 January 2017), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is over 11km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>Howth Head SAC (site code 000202), c.12.4km to the south 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 06 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 proposed Swords Cultural Quarter development and this SAC. It is over 12km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
Lambay Island SAC (site code 000204), c.12.6km to the north east	<p>1170 Reefs 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1364 Grey seal (<i>Halichoerus grypus</i>) 1365 Harbour seal (<i>Phoca vitulina</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 22 July 2013), 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>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SAC. It is almost 13km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
South Dublin Bay SAC (site code 000210), c.13.5km 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>According to this SAC's site Conservation Objectives document (Version 1, dated 22 August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development 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 proposed development.</p>
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.1.1km to the north east	<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>)</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance and demolition, construction and operation of the proposed Swords Cultural Quarter development could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network or the Ward River and from there, eventually, to Malahide Estuary.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as</p>

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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>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 16 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>described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the estuary and would not be perceptible in Malahide Estuary SPA, due to the very small volumes.</p> <p>This is due to the separation between the proposed development site and the European site – the proposed development site is over 1km (straight line distance) from the SPA and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the estuary. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development, on an already developed site and its location in the centre of a busy town at a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>
<p>Rogerstown Estuary SPA (site code 004015), c.5.0km 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>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is approximately 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 proposed development.</p>



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SPA's site Conservation Objectives document (Version 1 - dated 20 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>Baldoyle Bay SPA (site code 004016), c.6.9km to the south 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 27 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 proposed Swords Cultural Quarter development and this SPA. It is almost 7km 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 proposed development.</p>
<p>North Bull Island SPA (site code 004006), c.9.7km to the south east</p>	<p>A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Wetlands</p>	<p>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is almost 10km 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 proposed development.</p>



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.10.8km to the south</p>	<p>A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain 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 proposed Swords Cultural Quarter development and this SPA. It is almost 11km 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 proposed development.</p>
<p>Ireland's Eye SPA (site code 004117), c.11.1km to the south east</p>	<p>A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 9, dated 26 January 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore</p>	<p>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is over 11km 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 proposed development.</p>



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
	the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	
Lambay Island SPA (site code 004069), c.12.6km to the north east	<p>A043 Greylag Goose (<i>Anser anser</i>) A200 Razorbill (<i>Alca torda</i>) A184 Herring Gull (<i>Larus argentatus</i>) A009 Fulmar (<i>Fulmarus glacialis</i>) A204 Puffin (<i>Fratercula arctica</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 9, dated 26 January 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is almost 13km 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 proposed development.
Howth Head Coast SPA (site code 004113), c.13.3km to the south east	<p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 9, dated 26 January 2022), for the listed SCI, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is over 13km 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 proposed development.
Skerries Islands SPA (site code 004122), c.14.9km to the north east	<p>A169 Turnstone (<i>Arenaria interpres</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A148 Purple Sandpiper (<i>Calidris maritima</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 9, dated 26 January 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore</p>	There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is almost 15km 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 proposed development.



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European Site	Reasons for designation (information correct as of 09 June 2022 (*denotes a priority habitat)	Source – Pathway – Receptor link
	the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	
Rockabill SPA (site code 004014), c.15.9km to the north east	<p>A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A148 Purple Sandpiper (<i>Calidris maritima</i>)</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 8 May 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species habitat for which the SPA has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed Swords Cultural Quarter development and this SPA. It is almost 16km 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 proposed development.</p>

*Only the offshore sites of Malahide Estuary 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 proposed development site, by virtue of distance, lack of a pathway and the reasons for their designation.



5.2 Summary of potential impacts of the proposed development

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

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

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

6 Other issues

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

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

7 Mitigation specific to European sites

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

In accordance with the GSDS and the requirements of Fingal County Council SuDS measures will be provided. However as is made clear in this report, even if no SuDS measures were to be incorporated into the design and surface water arising at the site were to be diverted in its entirety to the existing sewer system there would be no impacts on any European sites. The natural characteristics of the coastal waters and Malahide Estuary ensure rapid mixing of water such that there is no appreciable effect on water quality in European sites in any event.

8 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but

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uncompleted, or proposed (but not yet approved).³ 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.

No developments are proposed within the immediate vicinity of the site in the centre of Swords that would, in combination with the development under appraisal in this report, give rise to significant effects.

The Fingal County Development Plan 2017-2023 has a series of objectives intended to protect and enhance the natural environment. For example the CDP includes policies for the protection of the county's flood plains, to prevent development in flood plains without satisfying the appropriate justification test and to require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving in order to reduce the potential impact of existing and predicted flooding risks.

The proposed development will not impact on the flow of water through the area, nor increase potential flood impacts. It is in compliance with all of the relevant Plan objectives.

A number of other plans were considered when assessing in-combination effects, but it was determined that there would be no in-combination effects with these:

- National Planning Framework;
- Regional Spatial and Economic Strategy;
- Greater Dublin Strategic Drainage Study;
- Greater Dublin Transport Strategy;
- Climate Action and Mitigation Plan;
- National Biodiversity Plan; and,
- River Basin Management Plan.

9 Screening conclusion

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

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

³ *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)*

Appendix I: Background

The European⁴ 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 Birds and Natural Habitats Regulations and by the Planning Acts.

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

Stages in the assessment

European Commission guidance (2001)⁵ 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

⁴ 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”

⁵ 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 Commission⁶ 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.

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

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