

Appropriate Assessment (AA) Screening Determination for proposed Local Authority Development

Project Name: Residential Development at Holywell, Swords, Co. Dublin

Ref No: LADP/008/23

Description:

Fingal County Council intend to apply for planning permission for a proposed residential development at Holywell, Swords, Co. Dublin. The proposed development consists of a residential development (5,189 sq. m Gross Floor Space) arranged over 3 no. buildings, consisting of 57 no. residential units (20 no. 1-bedroom apartments, 29 no. 2-bedroom apartments, and 8 no. 3-bedroom apartments), at a site of approximately 0.77 ha located in the Townland of Crowcastle, Holywell, Swords, Co. Dublin.

Legislative Context:

This determination has considered the relevant legislative context and guidance as set out in the 'Background to the Appropriate Assessment' and 'Stages of the Appropriate Assessment' Sections of the submitted AA as well as the following guidance;

- Appropriate Assessment Screening for Development Management (OPR, 2021)
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DEHLF, 2009)
- Assessment of Plans and Project Significantly affecting Natura 200 sites Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2002)

Screening Report:

Fingal County Council requested that an Appropriate Assessment Screening Statement be prepared by Altamar Marine and Environmental Consultancy. The Report, entitled 'Appropriate Assessment Screening for a proposed Residential Development at Holywell, Swords, Co. Dublin 20th October 2023', was reviewed by Fingal Ecologist, Jessica Clarke, prior to this Screening Determination being prepared.

The AA Screening Report screened out any potential for alone or in combination effects of the proposed project on any SAC or SPA. From the report and reviewed literature, it is apparent that;

- The nearest European sites are Malahide Estuary SAC & SPA (1.9 km).
- There is no direct pathway for noise, dust, visual or hydrological impacts to affect any European Sites.
- Foul wastewater will be directed to an **existing** public foul network and treated therein.
- Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard. It is noted the SuDS measures proposed do not require any in-stream works or additional mitigation measures during their construction.
- While the surface water network is located within the River Gaybrook catchment, a watercourse that ultimately discharges to Malahide Estuary, there is limited potential for significant inputs of silt or contaminants to reach downstream SACs or SPAs during the construction phase as the surface water connection is to an **existing** network of pipes located in the Holywell Distributer Road outside the boundary of the construction site. The risk of polluting any downstream surface water body with pollutants, sediments or silt laden water from the construction site is therefore considered unlikely.
- No construction or operational impacts are therefore likely to occur to downstream receptors as a result of surface or foul water.

The report by Altemar concludes “Having taken into consideration foul and surface water drainage from the proposed development, the distance between the proposed development to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites, and the dilution effect with other effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European sites.”

Further considerations.

In addition to the considerations outlined in the screening report, it is also considered that the habitats on site, or those within 300 m (Cutts et al., 2013¹), being Dry Meadows and Grassy Verge (GS2), are not suitable to provide ex-situ feeding grounds for significant numbers of SCIs such as Brent Geese. This is supported by studies commissioned by Fingal County Council that found the nearest sites utilised by SCI’s recorded during those studies were over 1 km northeast of the proposed development, on lands adjacent to Malahide Estuary SPA (Handby et al., unpublished report (2022)², Lewis & Butler, unpublished report (2017)³).

Screening Determination:

Fingal County Council have examined, analysed and evaluated the content of the proposed Residential Development at Holywell, Swords, Co. Dublin, including the information and assessments presented in the screening for appropriate assessment report, and are in agreement with the conclusion of the screening for appropriate assessment report with respect to the potential for the proposed project to have a likely significant effect on any European sites.

Fingal County Council have determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the project, and in the absence of any measures intended to avoid or reduce any harmful effects on European sites, that the project is not likely to have a significant effect on any European sites, either alone or in combination with other plans or projects.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Delegation No:

Date: 23rd October 2023

¹ Waterbird Disturbance Mitigation Toolkit (Cutts et al, 2013) Slide 1 (divio-media.org)

² Handby, Bearhop and Colhoun (2022) Understanding patterns of urban habitat use in overwintering light-bellied Brent geese in Dublin, Ireland (Unpublished Project Report in collaboration with Irish Brent Goose Research Project)

³ Lewis & Butler (2017) Winter bird survey of Malahide Estuary & surrounding lands (Unpublished Report commissioned by Fingal County Council and prepared by BirdWatch Ireland)

Environmental Impact Assessment (EIA) Screening Determination for proposed Local Authority Development

Project Name: Residential Development at Holywell, Swords, Co. Dublin

Ref No: LADP/008/23

Description:

Fingal County Council intend to apply for planning permission for a proposed residential development at Holywell, Swords, Co. Dublin. The proposed development consists of a residential development (5,189 sq. m Gross Floor Space) arranged over 3 no. buildings, consisting of 57 no. residential units (20 no. 1-bedroom apartments, 29 no. 2-bedroom apartments, and 8 no. 3-bedroom apartments), at a site of approximately 0.77 ha located in the Townland of Crowcastle, Holywell, Swords, Co. Dublin.

Legislative Context:

This determination has considered the relevant legislative context and guidance which are set out in the 'Purpose of this Report' and 'Relevant Legislation' Sections of the EIA screening statement, in addition legislation set out in Section 6.2 'Mandatory EIA Thresholds' of the EIA Screening submitted, which includes Section 172 and 179 of the Planning and Development Act 2000.

Screening Report:

Fingal County Council requested that an Environmental Impact Screening Statement be prepared by The Planning Partnership. The Report, entitled 'Environment Impact Assessment Screening, Residential Development: Holywell, Swords, Co. Dublin (20th October 2023)', was reviewed and evaluated by, Fingal Ecologist, Jessica Clarke.

The development site is an area of 0.77 ha, located in Holywell, Swords. The habitats on site consist of Dry Meadows and Grassy Verge (GS2) and Hedgerow (WL1). With the exception of the onsite hedgerow being utilised by a very small number of foraging bats, there are no indications the site is utilised by rare or protected flora or fauna. The hedgerow on site will be largely retained and impacts to bats are therefore unlikely. No surface water features are present onsite and the nearest designated sites are Malahide Estuary SAC & SPA, which are located 1.9 km north east of the site. Potential impacts to ecological receptors are therefore unlikely.

With regard to Mandatory EIA, the Screening Report states;

"Development similar to that as presented as part of the development, i.e. 57 no. unit Residential Development at Holywell, Swords, is not listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such the requirement for Environmental Impact Assessment, or even Screening for Environmental Impact Assessment, does not apply in this instance. It is thus interpreted that the presented 57 no. unit Residential Development at Holywell, Swords, is therefore **not subject to any Environmental Impact Assessment** in terms of Part X of the Planning and Development Act 2000 (as amended)."

As the development is below the thresholds set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, EIA Guidelines state that a screening determination, in accordance with Criteria set out in Schedule 7 of the 2001 Regulations (as amended), is required to be undertaken by the competent authority with consideration of 1. Characteristics of the Proposed Development, 2. the Location of Proposed Development and 3. the resulting Types and Characteristics of Potential Impacts.

The EIA Screening Report concluded that the proposed Residential Development: Holywell, Swords, Co. Dublin “would not give rise to significant environmental effects”.

Screening Determination:

Having regard to the forgoing, the proposed Residential Development at Holywell, Swords, Co. Dublin does not trigger a mandatory EIA under the EIA Directive or the 2001 Regulations. Furthermore, having reviewed the EIA Screening Report presented by The Planning Partnership and supporting documents (Ecological Impact Assessment, Appropriate Assessment Screening Report and Construction Environmental Management Plan), and in light of best scientific knowledge, the proposed development is not likely to have significant effects on the environment due to the nature, scale or location of the proposed development relevant to areas of environmental sensitivity and the potential for impacts to occur. Fingal County Council therefore accepts the conclusions of the EIA Screening Report.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Delegation No:

Date: 23rd October 2023