

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

Project Name: Proposed Development at Mooretown, Swords, Co. Dublin

Ref No:

Description:

Fingal County Council proposed residential development on lands at Mooretown, Swords, Co. Dublin ('the proposed development' hereafter).

Legislative Context:

This determination has considered the relevant legislative context and guidance, including;

- 1) Articles 6(3) and (4) of European Union (EU) Council Directive 92/43/EEC (Habitats Directive)
- 2) European Communities (Birds and Natural Habitats) Regulations S.I. No 477 of 2011 (as amended)
- 3) Assessment of plans and projects significantly in relation to Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EU Commission, Brussels (2021))
- 4) Appropriate Assessment of plans and projects in Ireland: Guidance for planning authorities (DoEHLG, 2009), Appropriate Assessment Screening for Development Management (Office of the Planning Regulator, 2021).
- 5) Office of the Planning Regulator (OPR) (2021). Practice Note PN01 Appropriate Assessment Screening for Development Management;

Screening Report:

Fingal County Council requested that an Appropriate Assessment Screening Statement be prepared by Brady Shipman Martin. The Report, entitled 'Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin Appropriate Assessment Screening Report,' was reviewed by Fingal Ecologist, Jessica Clarke, prior to this Screening Determination being prepared.

The proposed development will provide 274 no. dwellings, in a mix of houses, own door Duplex units, and apartment units, arranged in clusters and 2 no. blocks varying in height from 2 to 5 storeys. It includes all associated road infrastructure with car and bicycle parking, including external covered bike stores, public open space, new pedestrian/ cycle links, hard and soft landscaping, connections to existing services and all ancillary/ enabling site development works.

The Site currently consists of agricultural land which is currently unmanaged. The boundaries consist of ditches lined with blackthorn, elder, hawthorn and bramble with trees including ash, hawthorn, elder, blackthorn, wild cherry and elm. There is a small area of rank grassland in the northeastern corner of the subject site which appears not to have been farmed recently. The site is not protected, and no rare or protected flora or fauna were encountered during surveys.

The matures hedges and tree lines on site are of value to commuting and foraging bats but contained few features suitable to support roosting bats.

30 bird species were recorded on site during surveys undertaken in December 2023 and January 2024. The species are all common and widespread bird species of Ireland and include four Red-listed species (kestrel, snipe, meadow pipit and yellowhammer) and five Amber-listed species (herring gull, starling, goldcrest, house sparrow and linnet).

There is no habitat on the site suitable for use, even on a very occasional basis, by any overwintering birds, such as Light-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European site within the Zone of Influence. Herring gull, which is listed as an SCI species in the North-West Irish Sea SPA, was recorded as flying over the site only.

Overall the site of the proposed development is of Local (Higher Value) importance.

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 closest Designated Sites are Malahide Estuary SAC and SPA, located approximately 2.1 km east of proposed development and Rogerstown Estuary SAC and SPA, located approximately 4.7 km north-east of the proposed development.
- The submitted AA screening report has indicated that due to the scale of the project, distance to the designated sites there is no direct pathway for noise or dust emissions or visual disturbances to significantly effect the Qualifying Interests within any Designated Sites. Most nuisance dust can be expected to be deposited within 250m of where it is generated¹ and noise or visual related impacts from construction are unlikely to effect birds (which are the nearest Qualifying Interests (QI) potentially effected by noise or visual impacts) outside of 300 m from a construction site (Cutts et al., 2013²). I therefore accept the assumptions within the report.
- The Screening Report indicates that habitats on site are not suitable to provide ex-situ feeding grounds for Qualifying Interests such as Light-bellied Brent geese and no SCI were encountered feeding on site during the winter walkover surveys carried out. These findings are supported by a Light-bellied Brent geese study commissioned by Fingal County Council that found the nearest ex-situ feeding site utilised by Brent geese during winters 2018-2020 were located over 3 km east of the site, on lands at Seatown East (Handby et al., 2022³) and another study that showed the site was not frequented by Curlew, Oystercatcher, Black-tailed Godwit or Redshank (Trapp, 2023)⁴. The Trapp study (2023) indicated the nearest site utilised by ex-situ SCI was fields in Balheary, 1.4 km north of the proposed development. At separation distances greater than 300 m, such as this, visual or noise disturbance impacts that have the potential to significantly effect any Qualifying Interests are unlikely to occur (Cutts et al., 2013).

¹ [SLR Report Template \(Arial 11pt\) \(iaqm.co.uk\)](#)

² [Slide 1 \(divio-media.org\)](#)

³ 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)

⁴ Trapp (2023) The importance of urban habitats to the shorebirds of Dublin Bay (Unpublished Annual Project Report by Steph Trapp and the University of Exeter).

- The Newtown 08 Stream flows in a west to east direction through the site. This stream and all drainage ditches on site are linked to the Broadmeadow River which in turn discharges to Malahide Estuary SAC and SPA. At its closest point in the north of the site, the proposed development is approximately 3.4 km upstream of these Designated Sites. The submitted AA screening states;

“Despite the presence of these 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 European sites, for the following reasons:

1. In general, apart from where crossings are required, substantial riparian corridors are being maintained along all drainage ditches on the site. Bankside vegetation will remain untouched and the existing characteristics of the ditches will remain unchanged;
2. The distance between the site of the proposed development and the nearest European sites...There is no perceptible risk to these sites as contaminant loading is very low and will be quickly attenuated, diluted and dispersed to below statutory guideline limits. There is also no resultant indirect source pathway linkage from the proposed development through public sewers which could result in any change to the current water regime (water quality or quantity) and open water.
3. Even in the event of an emission, considering the high dilution factor in potential receiving watercourses, and the distances to the nearest European Sites, it is not likely that perceptible ecological effects could arise in this way.
4. Any pollution from the site clearance 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 Malahide Estuary. 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.”

I agree with the statements due to the scale and nature of the project and considering the assumption of dilution is supported in the literature⁵.

- Surface water runoff from the development will be managed using appropriate Sustainable Urban Drainage Systems (SuDS) techniques as set out in the Fingal Development Plan 2023-2029. The proposed SuDs measures will outfall to the Mill Stream. The ‘Engineering Infrastructure Assessment Report’ by Waterman Moylan states;
 1. Any instream works such as outfall headwall construction will only be carried out only during dry weather.
 2. The precast headwall will be constructed “in the dry” and isolated from the watercourse using sandbags.
 3. The headwall will be installed on cement blinding (50mm minimum) on well compacted clean hardcore (300mm minimum).

⁵ [The effect of dilution on the fate and behaviour of chemicals in the environment \(marinebiodiversity.org\)](https://www.marinebiodiversity.org/)

4. Ready mix concrete will be brought to the site and no concrete batching will occur at the headwall location.
5. The cement will be allowed to fully cure before the removal of the sandbag bund.
6. Under no circumstances will concrete-contaminated water or effluent be permitted to escape to the stream.
7. All works will be carried out in accordance with accepted best practice methodologies, and where appropriate will have regard to the appropriate guidance documentation, as specified in the Waterman Moylan report.

Considering the construction of the headwalls will occur 'in the dry' and the 3.4 km hydrological distance to any downstream Designated Sites, it is considered that significant effects to any downstream Qualifying Interests are unlikely as a result of the construction of the surface water network on site.

- During the operational phase of the development, surface water runoff from the development will be managed using appropriate Sustainable Urban Drainage Systems (SuDS) techniques as set out in the Fingal Development Plan 2023-2029. The submitted AA states "Even in the total absence of any attenuation or SuDS measures there would be no impacts on any European sites. The significant distances to European sites and the natural characteristics of the receiving 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." I agree that significant effects the Qualifying Interests of any downstream Designated Sites are unlikely to occur as a result of surface water originating from this site during the operational phase due to the hydrological distance of 3.4 km and the assumption of dilution, which is supported in the literature⁵.
- Foul wastewater will be directed to the existing public foul networks within the 'Moortown Lands' housing development to the northwest of the site and within the 'Cianlea' development to the east of the site before discharging to Malahide SAC and SPA via Swords WwTP. The Swords WwTP operates under licence from the EPA (Licence no. D0024) and as confirmed in the Annual Environmental Report (AER)⁴ for 2022 the discharges from the wastewater treatment plants do not have an observable negative impact on the Water Framework Directive status. The Qualifying Interests of the Malahide Estuary SAC or SPA are unlikely, therefore, to be significantly effected by foul water originating from the development.
- There are no projects or plans identified that will have an in-combination effect with the proposal.

The report by Brady Shipman Martin concludes "In view of best scientific knowledge this report concludes that the proposed development at the site at Mooretown in Swords, Co. Dublin, 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".

Screening Determination:

Fingal County Council have examined, analysed and evaluated the content of the proposed residential development on lands at Mooretown, Swords, Co. Dublin, including the information and assessments presented in the 'Appropriate Assessment Screening Report' and the 'Engineering Infrastructure 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 the Qualifying Interests of any European sites in light of their Conservation Objectives, either alone or in combination with other plans or projects. In reaching this determination, consideration has been given to the nature and scale of the works, the distance and downstream distance to any Designated Sites, the use of existing foul water network for the offsite disposal of wastewater and considering available evidence that indicates the site or nearby sites are not utilised by Qualifying Interests that may be significantly effected by the proposal.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 30th April 2024

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

Project Name: Proposed Development at Mooretown, Swords, Co. Dublin

Ref No:

Description:

Fingal County Council proposed residential development at Mooretown, Swords, Co. Dublin ('the proposed development' hereafter).

Legislative Context:

This determination has considered the relevant legislative context and guidance as set out in the EIA Screening Report including;

- Directive 2014/52/EU (amending Directive 2011/92/EU) on the assessment of the effects of certain public and private projects on the environment;
- Planning and Development Act 2000, as amended ('PDA 2000');
- Planning and Development Regulations 2001, as amended ('PDR 2001');
- Department of Housing, Planning and Local Government (DoHPLG) (2018). Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment;
- Environmental Protection Agency (EPA) (2022). Guidelines on the Information to be Contained in Environmental Impact Assessment Reports;
- European Commission (2017). Environmental Impact Assessment of Projects – Guidance on Screening; and
- Office of the Planning Regulator (OPR) (2021). OPR Practice Note PN02: Environmental Impact Assessment Screening.

Screening Report:

Fingal County Council requested that an Environmental Impact Screening Statement be prepared by Brady Shipman Martin. The Report, entitled "Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin EIA Screening Report..." dated 29th April 2024 was reviewed and evaluated by, Fingal Ecologist, Jessica Clarke.

The Proposed Development, which has a net development area of c.7 ha, will provide for 274 no. dwellings, in a mix of houses, own door duplexes, and apartment units, arranged in clusters varying in height from 2 to 5 storeys, with a density of c.39 units per hectare. It includes all associated road infrastructure with car parking and bicycle parking, including external covered bike stores, public open space, new pedestrian/ cycle links, hard and soft landscaping, connections to existing services and all ancillary/ enabling site development works.

According to the submitted reports, the Site consists of agricultural land which is currently unmanaged. The boundaries consist of ditches lined with blackthorn, elder, hawthorn and bramble with trees including ash, hawthorn, elder, blackthorn, wild cherry and elm. There is a small area of rank grassland in the northeastern corner of the subject site which appears not to have been farmed recently. The site is not protected, and no rare or protected flora or fauna were encountered during surveys. The mature hedges and tree lines on site are of value to commuting and foraging bats but contained few features suitable to support roosting bats. 30 bird species were recorded on site during surveys undertaken in December 2023 and January 2024. The species are all common and

widespread bird species of Ireland and include four Red-listed species (kestrel, snipe, meadow pipit and yellowhammer) and five Amber-listed species (herring gull, starling, goldcrest, house sparrow and linnet). Overall the site of the proposed development is of Local (Higher Value) importance.

The Fingal Development Plan 2023-2029 zones the site, the wider land holding and lands to the west as Residential Area (RA).

A Flood Risk Assessment has been prepared in respect of the proposed development. It concluded that the proposed development satisfies the flood risk requirements set out in the OPW guidelines and may be regarded as 'appropriate' (as per the OPW criteria) in the context of flood risk.

An Archaeological Impact Assessment Report (Courtney Deery, 2024) notes that there "are no recorded archaeological sites (RMP sites) or features of cultural heritage significance within the Mooretown Phase 1 lands." In addition the report details the required measures for the avoidance and/ or mitigation of impacts on any features, currently unknown, which may be discovered during the works.

The AA Screening Report screened out any potential for alone or in-combination effects of the proposed project on the Qualifying Interests of any Designated Sites in light of their Conservation Objectives. Furthermore, the EIA Screening stated there is no real likelihood of significant effects on any Nature Reserve, park, NHA or pNHA resulting from the proposed development.

No significant impacts to water quality are likely to occur as a result of the proposal. The Newtown 08 Stream flows in a west to east direction through the site and a further 2 drainage ditches, which are described as having 'normal' flow in the Water Moylan Engineering Report, also traverse the site. A number of mitigation measures are outlined in the "Preliminary Construction, Demolition and Waste Management Plan" for the protection of water quality in the immediate locale. In addition to these mitigation measures the waterbodies will be naturally protected due to the proposed retention of substantial riparian corridors, in line with Objective DMSO211 of the Fingal Development Plan 2023-2029, whereby bankside vegetation along ditches and streams will remain untouched and the existing characteristics of the ditches will remain unchanged. It has been shown that a 9.1 m grassland buffer removes 84% of suspended particulate matter in surface runoff⁶, this feature of the design of the development will therefore provide significant protection of water quality in the immediate environs of the site. In addition, the Waterman Moylan report states that in accordance with best practice guidelines by Inland Fisheries Ireland, any instream works, will only be carried out only during dry weather and the precast headwall, required for the outfall of the SuDs measures, will be constructed "in the dry". In this regard, it is considered due to the nature of the proposal significant impacts to Water Quality in the immediate area is unlikely to occur. Mitigation measures proposed for the protection of water quality are not considered to be necessary to prevent significant effects to the Qualifying Interests of any downstream Designated Sites in light of their Conservation Objectives. As stated in the AA Screening Report when discussing SuDs measures on site, "The significant distances to European sites and the natural characteristics

⁶ <https://iwaponline.com/ws/article/21/7/3541/81500/Nitrogen-removal-by-different-riparian-vegetation>

of the receiving 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.” I agree with this statement due to the hydrological distance of 3.4 km to the nearest Designated Site and the assumption of dilution, which is supported in the literature⁵.

Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard and no operational stage effects are therefore likely to occur to any downstream waterbodies.

Foul wastewater will be directed to the **existing** public foul networks within the ‘Moortown Lands’ housing development to the northwest of the site and within the ‘Cianlea’ development to the east of the site before discharging to Malahide Estuary via Swords WwTP. The Swords WwTP operates under licence from the EPA (Licence no. D0024) and as confirmed in the Annual Environmental Report (AER)⁴ for 2022 the discharges from the wastewater treatment plants do not have an observable negative impact on the Water Framework Directive status.

During the operational phase, potable water from the existing public supply network will be consumed by residents. Confirmation of ability to provide both potable water and wastewater services to the proposed development have been received from Uisce Éireann. No impacts from this aspect of the development are therefore considered likely.

With regard to requirement for EIA, the Screening Report indicates;

Part 1 of Schedule 5 of the PDR 2001 lists classes of development for which by their nature EIA is a mandatory requirement. These classes of development relate to major industries and infrastructure projects and the proposed Housing Development does not come within a class or type of development set out under Part of Schedule 5.

Part 2 of Schedule 5 sets out specific thresholds for classes of development at or above which EIA is also a mandatory requirement. Class 10 refers to Infrastructure Projects which includes:

- 10(b) (i) Construction of more than 500 dwelling units. ...
- 10(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

In this instance the proposed Housing Development is of a class listed above and therefore is a project to which the EIA Directive applies. However, the proposed development does not meet or exceed the applicable stated thresholds (i.e. class 10(b)(i) - 500 dwelling units or class 10(b)(iv) - 10 hectares) and therefore EIA is not a mandatory requirement.

Nevertheless, while not meeting or exceeding the stated thresholds, the proposed Housing Development is of a class listed in Part 2 of Schedule 5 and as such is subject to a screening exercise for assessment of likely significant impacts on the environment and for the requirement for ‘sub-threshold EIA, where section 15 of Part 2 of Schedule would apply:

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

Following consideration of the proposal in accordance with Schedule 7, the EIA Screening Report concludes “There is no real likelihood of significant effects arising as a result of the proposed development; and, therefore, that environmental impact assessment and the preparation of an environmental impact assessment report is not required.”

Having read the submitted EIA Screening Report and information provided to support consideration of the project in accordance with Schedule 7. I agree with the conclusion of the submitted screening report. The main reasons and considerations for this conclusion are:

- The nature and scale of the site and the proposed scheme, which are significantly below the stated thresholds of class 10(b)(i) and class 10(b) (iv) in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) at or above which there would be a mandatory requirement for an EIA;
- The residential development is to be located on lands zoned for residential land use in the Fingal Development Plan 2023-2029, which itself has been the subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA);
- The construction phase of the proposed scheme is expected to give rise to minor, localised and temporary environmental effects that are typical of urban construction projects of this nature;
- Foul wastewater will be directed to the **existing** public foul network before discharging via the Swords WWTP. The submitted AA stated the capacity available at Swords Wastewater Treatment Works is sufficient to accommodate the inflow arising from the proposed development. The Swords WwTP operates under licence from the EPA (Licence no. D0024) and as confirmed in the Annual Environmental Report (AER)⁴ for 2022 the discharges from the wastewater treatment plants do not have an observable negative impact on the Water Framework Directive status.
- Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard.
- The location of the proposed scheme is outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended);
- The features and measures proposed to avoid and prevent what otherwise might be potentially significant impacts on the environment, including the measures to mitigate impacts to trees, archaeological heritage or surface water in the immediate area.
- The information on the proposed scheme provided in accordance with Schedule 7A of the Planning and Development Regulations 2001-2023; and
- Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2023

Screening Determination:

Having regard to the forgoing, the Proposed Development at Mooretown, 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 Brady Shipman Martin and supporting documents (Appropriate Assessment Screening, Engineering Reports, Preliminary CEMP and Tree Survey Report) and in light of best scientific knowledge, the proposed development is not likely to have significant effects on the environment. In reaching this conclusion consideration has been given to the nature, scale and location of the proposed development relevant to areas of environmental sensitivity, the limited potential for impacts to occur and the mitigation measures outlined in the various reports for the protection of the immediate environment. Fingal County Council therefore accepts the conclusions of the EIA Screening Report.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 30th April 2024