

**Local Authority Own Housing Development for  
Lands at Mooretown, Swords, Co. Dublin**  
**Appropriate Assessment Screening Report**

Environmental  
Assessment  
**Built  
Environment**

Client:

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# Contents

- 1 Introduction ..... 1
  - 1.1 Background ..... 1
  - 1.2 Expertise and Qualifications ..... 1
  - 1.3 Legal requirement for Appropriate Assessment ..... 2
- 2 Methodology ..... 3
  - 2.1 Guidelines ..... 3
  - 2.2 Baseline Data Collection and Field Visits ..... 4
- 3 Description of the Proposed Development ..... 5
  - 3.1 Site Location ..... 5
  - 3.2 Development Description ..... 6
    - 3.2.1 Water infrastructure ..... 6
    - 3.2.2 Flood Risk Assessment ..... 7
- 4 Screening for Appropriate Assessment ..... 8
  - 4.1 Background ..... 8
  - 4.2 Potential Zone of Influence ..... 8
    - 4.2.1 European Sites ..... 9
    - 4.2.2 Other designated areas (other than European sites) ..... 12
    - 4.2.3 Watercourses, and pathways to European sites ..... 14
- 5 Potential impacts from the proposed development including in-combination effects ..... 15
  - 5.1 European sites and habitats with links to European sites ..... 15
    - 5.1.1 Potential impacts during construction ..... 16
    - 5.1.2 Potential impacts during operation ..... 17
  - 5.2 Summary of potential impacts of the proposed development ..... 32
- 6 Mitigation specific to European sites ..... 32
- 7 In-combination effects ..... 33
- 8 Screening conclusion ..... 34
- 9 References ..... 35
- Appendix I: Background ..... 36
  - Stages in the assessment ..... 36
- Appendix II Conservation Objectives of European sites ..... 38



# 1 Introduction

## 1.1 Background

Fingal County Council (FCC) proposes to develop new housing at Mooretown, Swords, Co. Dublin. It is proposed to carry out this Local Authority Own Housing Development pursuant to s.179A of the Planning and Development Act 2000, as amended (*“the 2000 Act”*), and, *inter alia*, Art.81A of the Planning and Development Regulations 2001, as amended by the Planning and Development (Section 179A) Regulations 2023 (SI No.101/2023) (*“the 2001 Regulations”*) – the foregoing provides the statutory criteria and processes which apply to such housing developments.

It is noted that the Fingal County Development Plan 2023-2029 contains policies and objectives relevant to Screening for Appropriate Assessment / Appropriate Assessment, including DMSO3, Local Authority Development, which states *“Ensure Local Authority development proposals are subject to environmental assessment, as appropriate, including Screening for Appropriate Assessment...”*.

Brady Shipman Martin was appointed to prepare a report to assist Fingal County Council in undertaking a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites, taking into account their conservation objectives.

This document constitutes the Appropriate Assessment Screening Report (*“AA Screening Report”*) prepared for this purpose.

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

## 1.2 Expertise and Qualifications

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

A technical review of this document has been completed by Senior Ecologist and Associate, Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is a highly experienced and qualified ecologist, with a master’s degree in Ecosystem Conservation and Landscape Management. He has over 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. 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)<sup>1</sup> (the “Birds and Natural Habitats Regulations”) and the Planning and Development Act, 2000 (as amended) (the “Planning Acts”).

More relevantly, for present purposes and the proposed Local Authority Own Housing Development, s.179A(1) of the 2000 Act provides that the section (179A) applies to land *“that is not subject to a requirement, in accordance with the Habitats Directive, for an Appropriate Assessment”* (per s.179A(1)(e)). Art.81A(6) of the 2001 Regulations also provides:

“(6)(a) Where a local authority proposes to undertake a housing development under Section 179A of the Act, it shall carry out in respect of the housing development a screening for appropriate assessment, to determine, using the best scientific knowledge, if the housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites in view of the site’s conservation objectives.

(b) If on the basis of a screening under sub-article (6)(a) it can be excluded, on the basis of objective information, that the proposed housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites, the local authority shall determine that an appropriate assessment of the housing development is not required and that the housing development complies with the requirements of section 179A(1) of the Act.

(c) If on the basis of a screening under sub-article (6)(a) it cannot be excluded, on the basis of objective information, that the proposed housing development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site or sites, the local authority shall determine that an appropriate assessment of the housing development is required and that the housing development does not comply with the requirements of section 179A(1) of the Act.”

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

- (a) a candidate site of Community importance,
- (b) a site of Community importance,
- (ba) a candidate special area of conservation,
- (c) a special area of conservation,
- (d) a candidate special protection area and
- (e) a special protection area.

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

*“(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site*

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<sup>1</sup> SI No. 477 of 2011

*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 requires 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 Guidelines

This report takes the following guidance documents into account:

- Chartered Institute of Ecology and Environmental Management (CIEEM). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*, September 2018, updated in September 2019 (V1.1), further updated in April 2022 (V1.2);
- Department of Environment, Heritage and Local Government (DoEHLG) (2010a). *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*;
- DoEHLG (2010b). *Circular NPW 1/10 & PSSP 2/10: Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*;
- European Commission (2021). *Assessment of plans and projects in relation to Natura 2000 sites- Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*;
- European Commission (2018). *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*;
- Directorate – General for Environment (European Commission), (2021). *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*;
- National Roads Authority (NRA)<sup>2</sup> (2009). *Guidelines for Assessment of Ecological Impacts of National Road Schemes*;
- Office of the Planning Regulator (OPR) (2021). *Practice Note PN01 Appropriate Assessment Screening for Development Management*;
- National Parks and Wildlife Services (NPWS) (2021). *Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority*.

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<sup>2</sup> Now Transport Infrastructure Ireland (TII).

## 2.2 Baseline Data Collection and Field Visits

A desk-based assessment was undertaken in March and April 2024 of the Mooretown site. 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.

In order to provide comprehensive baseline on the local ecological environment, biodiversity surveys were undertaken at the proposed development site by Brady shipman Martin on 5 December 2023.

The surveys undertaken comprised habitat, invasive species, rare and/or protected species, mammals, birds and day-time bat survey. Two winter bird surveys were also conducted, by specialist ornithologist Mr John Fox on 1 December 2023 and 3 January 2024.

Although December is not the optimal time to undertake biodiversity surveys in general, given the nature, scale and location of the subject site at Mooretown it has been possible to fully assess the ecological value of the site, and the timing of the survey work is fully valid for this AA Screening Report.

In addition to the biodiversity surveys carried out, an arboricultural survey was undertaken by Independent Tree Services (Mr. John Morgan) on 4 March 2024. The Tree Survey Report is presented separately.

An examination of available information from Bat Conservation Ireland (BCI), previous data from neighbouring sites was also undertaken to compile a list of most likely species in the overall area in addition to the evaluation of the habitat for bats. There are no bat species listed as Qualifying Interests in any European sites within the Zone of Influence. However, Article 12 of the Habitats Directive requires Member States to take requisite measures to establish a system of strict protection of animal species listed in Annex IV(a) in their natural range, and bats (as well as otters also protected under Article 12 of the Habitats Directive) are therefore considered in this report.

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.

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:
  - The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage ([www.NPWS.ie](http://www.NPWS.ie));
  - The National Biodiversity Data Centre (NDBC) ([www.biodiversityireland.ie](http://www.biodiversityireland.ie));
  - BirdWatch Ireland ([www.birdwatchireland.ie](http://www.birdwatchireland.ie));
  - Bat Conservation Ireland ([www.batconservationireland.org](http://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](http://www.geohive.ie);
- Photographs taken at the site;
- Information on local watercourses from [www.catchments.ie](http://www.catchments.ie);
- Information on water quality in the area ([www.epa.ie](http://www.epa.ie));
- Information on soils, geology and hydrogeology in the area ([www.gsi.ie](http://www.gsi.ie));
- Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
- Ireland's 4th National Biodiversity Plan 2023 – 2030 (Department of Housing, Local Government and Heritage, 2024);

- Fingal Development Plan 2023 – 2029, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

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 Description of the Proposed Development

#### 3.1 Site Location

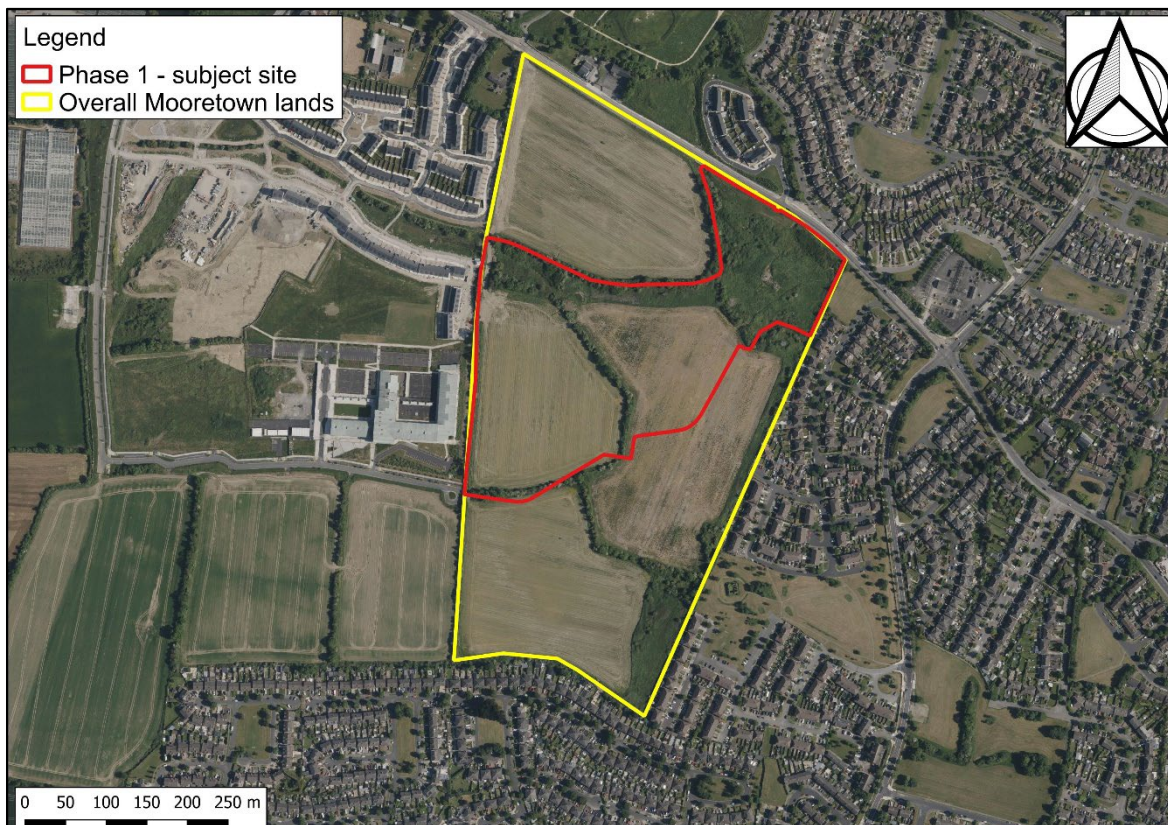
The subject site (see **Figure 1**) is located to the south of Rathbeale Road, Mooretown, Swords, Co. Dublin. The site has a total gross site area of c.9.35 ha, and a net developable area of c.7 ha. The proposed development comprises Phase 1 of a wider residential development on lands at Mooretown.

The north of the site is bound by Rathbeale Road, and further north by Rathbeale Park and residential development; to the east by existing residential area of ‘Cianlea’ and ‘Lioscian’; to the south by greenfield lands and to the west by Swords Community College and lands under development by Gannon Homes.

The subject site is zoned ‘RA – Residential’, (refer to Zoning Map No.8 of the Fingal Development Plan 2023 – 2029), which, as per Chapter 13 of the Written Statement of the Development Plan, has an overall objective to ‘provide for new residential communities subject to the provision of the necessary social and physical infrastructure.’

The vision for ‘RA – residential’ zoned lands is to ‘ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities.’

Figure 3.1 The location of the proposed development site at Mooretown, Swords, Co. Dublin (indicative red line)



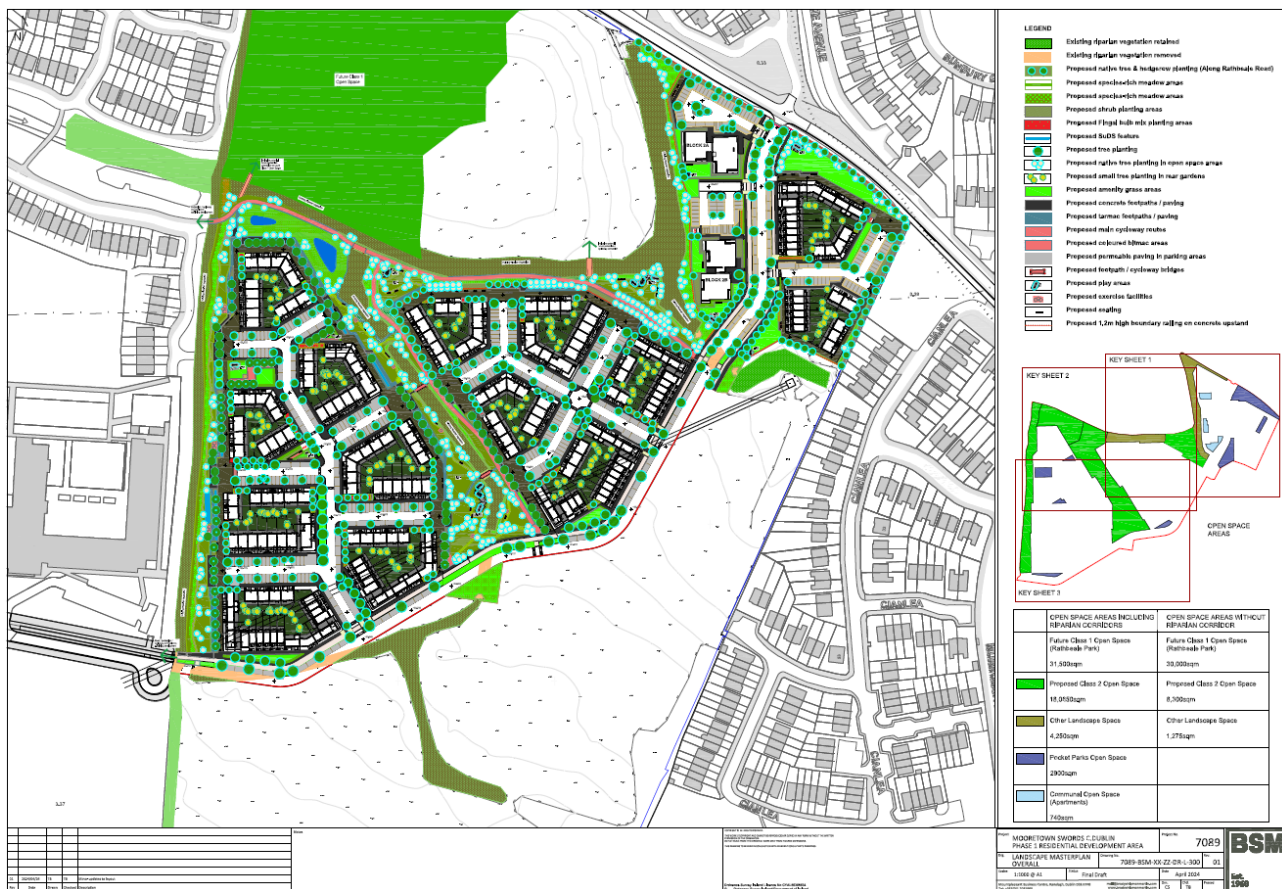


### 3.2 Development Description

The proposed development will provide for 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 proposed site layout and landscape design are shown in **Figure 3.2**.

**Figure 3.2 Landscape Masterplan for the proposed development (refer to Brady Shipman Martin drg 7089-BSM-XX-ZZ-DR-L-300\_Landscape Masterplan for full details)**



#### 3.2.1 Water infrastructure

##### 3.2.1.1 Water Supply

As noted in the Engineering Infrastructure Assessment Report, prepared by Waterman Moylan Consulting Engineers Ltd (2024) and submitted separately, a pre-connection enquiry was submitted to Uisce Éireann and a Confirmation of Feasibility letter (CDS23007520) was issued on 6 February 2024. The letter, included as Appendix A of the Engineering Report that the development is feasible without upgrades to the water supply.

The average demand for the proposed development is calculated to be 1.77l/s with a peak demand of 8.83l/s.

##### 3.2.1.2 Surface Water Drainage

As noted in the Waterman Moylan Engineering Infrastructure Assessment Report the site drains towards the Mill Stream (named on the EPA database as the Newtown Stream) that traverses the northern portion of the

site west to east. This stream ultimately discharges to the Broadmeadow R, c. 1km to the north. The Broadmeadow River in turn flows into Malahide Estuary.

Surface water runoff arising at the proposed development will be managed using appropriate Sustainable Urban Drainage Systems (SuDS) techniques as required in the Fingal Development Plan 2023-2029. As set out in the Engineering Infrastructure Assessment Report the SuDS treatment train at the site includes open green spaces and permeable paving to slow and intercept rainwater. Tree pits will further slow and reduce the runoff rate, while providing treatment of runoff, particularly from the roads. The use of these SuDS measures will encourage infiltration of surface water into the ground, with rainwater from roads will be directed towards tree pits. During large storm events, there is a high-level overflow from these tree pits into an adjacent gully, which discharges to the below-ground sewer network.

After these SuDS devices, rainwater will make its way into the below ground sewer network, The runoff is restricted to the greenfield equivalent rate, and excess storm water above this rate is directed to the proposed below and above attenuation.

In summary, surface water will be attenuated on site and will discharge to the stream via a hydrobrake or similar approved flow control device. Flow will be restricted to greenfield run-off rates.

### 3.2.1.3 Foul Water Drainage

As noted in the Waterman Moylan Consulting Engineers Ltd (2024). The majority of the subject Mooretown site will drain in a northerly and westerly direction to an existing 450mmØ sewer which drains north and ultimately connects to 500mmØ foul sewer that crosses the Rathbeale Road. This public sewer flows northwards through Oldtown, to the Glen Ellan Road, from where it flows in an easterly direction to Swords Wastewater Treatment Plant (WwTP). A small portion of the site in the northeastern of the site is proposed to drain to the eastern existing Cianlea development (and from there to Swords WwTP).

A pre-connection enquiry was submitted to Uisce Éireann and a Confirmation of Feasibility letter (CDS23007520) was issued on 6 February 2024. The letter, included as Appendix A of the Engineering Report that the development is feasible subject to wastewater upgrades. In addition to the CoF, Uisce Éireann has issued a Statement of Design Acceptance (SoDA) for the proposed development and this is included in Appendix B of the Engineering Report. The letter states that Irish Water has no objection to the proposals.

The predicted total daily wastewater discharge volume for the development is 122,100 litres per day and the predicted design peak flow is 8.48 litres per second.

### 3.2.2 Flood Risk Assessment

A Flood Risk Assessment has been prepared by Waterman Moylan Consulting Engineers Ltd (2024) in accordance with the OPW 2009 publication *“The Planning System and Flood Risk Management – Guidelines for Planning Authorities”*.

The proposed residential development is classified as highly vulnerable. Vulnerable or highly vulnerable developments located within areas classified as Zone A or Zone B flooding require a justification test. However, given that the subject site is within Flood Zone C, no justification test is required for the development, and development is considered appropriate (in terms of flood risk). As noted in the conclusions of the FRA, the residual risks from flooding (tidal, fluvial, pluvial, ground water or human/mechanical error) range from low to extremely low.

## 4 Screening for Appropriate Assessment

### 4.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

In accordance with sections 177U of the Planning Acts, 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.

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

In addition to the foregoing, OPR's Practice Note "Appropriate Assessment Screening for Development Management", dated March 2021 – also details a number of key concepts relevant to AA Screening, including "Best Scientific Knowledge/Information in the Field" (pg.5), stating:

*"The screening determination must be based on scientific information relevant to the likely effects on the conservation objectives of the relevant European sites. The information should be up-to-date and based on the best available techniques and methods to estimate the presence and extent of effects. This is because if there is any scientific uncertainty as to the absence of significant effects, the project must be screened in for appropriate assessment.*

*In the vast majority of cases the information provided by the applicant (including the project description) and publicly available information in relation to the European sites in question and information published by the NPWS, the EPA and others in relation to such sites, should provide a sufficient level of objective scientific information to allow the planning authority to make an informed decision on screening."*

Following screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment under section 177V of the Planning Acts for the purposes of compliance with Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

### 4.2 Potential Zone of Influence

This assessment is based on the source-pathway-receptor model, which dictates that, for an effect to occur, there must be a 'source' (such as a construction site); a 'receptor' (such as a designated site for nature conservation); and a 'pathway' between the two (such as a watercourse). A construction site or completed development may also create a barrier to movement, for example, by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

Identification of a potential effect means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the potential effect and the characteristics of the receptor. Although there may be a risk of an impact, it may not necessarily occur, and if it does occur, it may not be significant.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. DoEHLG (2010a, pp. 31 – 32) states that:

*“The approach to screening is likely to differ somewhat for plans and projects, depending on scale and on the likely effects, but the following should be included:*

1. Any Natura 2000 sites within or adjacent to the plan or project area
2. Any Natura 2000 sites within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects.
3. Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the cases of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment.”

The 2021 OPR guidelines, *Practice Note PN01: Appropriate Assessment Screening for Development Management*, state that the Zone of Influence “should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km)” (p. 8).

Therefore, considering the nature, scale and location of the proposed development, and in accordance with the source-pathway-receptor model, the potential Zone of Influence for the proposed development is:

- Any site to which there is a pathway from the proposed development site during either the construction or operational phase of the development as defined in the following sections.

#### 4.2.1 European Sites

The site of the proposed development is not under any designation for nature conservation. There are no European sites within the immediate vicinity of the proposed development site at Mooretown, Swords, Co. Dublin.

The nearest sites are as follows (see also **Figure 4.1**):

- **Special Areas of Conservation (SAC)**
  - Malahide Estuary SAC (site code 000205), c. 2.1km to the east;
  - Rogerstown Estuary SAC (site codes 000208), c. 4.7km to the north-east;
  - Baldoyle Bay SAC (site code 000199), c. 8.6km to the south-east;
  - Rockabill to Dalkey Island SAC (site code 003000), c. 11.4km to the east;
  - North Dublin Bay SAC (site code 000206), c. 11.4km to the south-east;
  - Ireland’s Eye SAC (site code 002193), c. 13.2km to the south-east;
  - Lambay Island SAC (site code 000204), c. 14km to the north-east;
  - Howth Head SAC (site code 000202), c. 14.2km to the south-east;
  - South Dublin Bay SAC (site code 000210), c. 14.7km to the south-east;
  - Rye Water Valley/Carton SAC (site code 001398), c. 19.8km to the south-west.

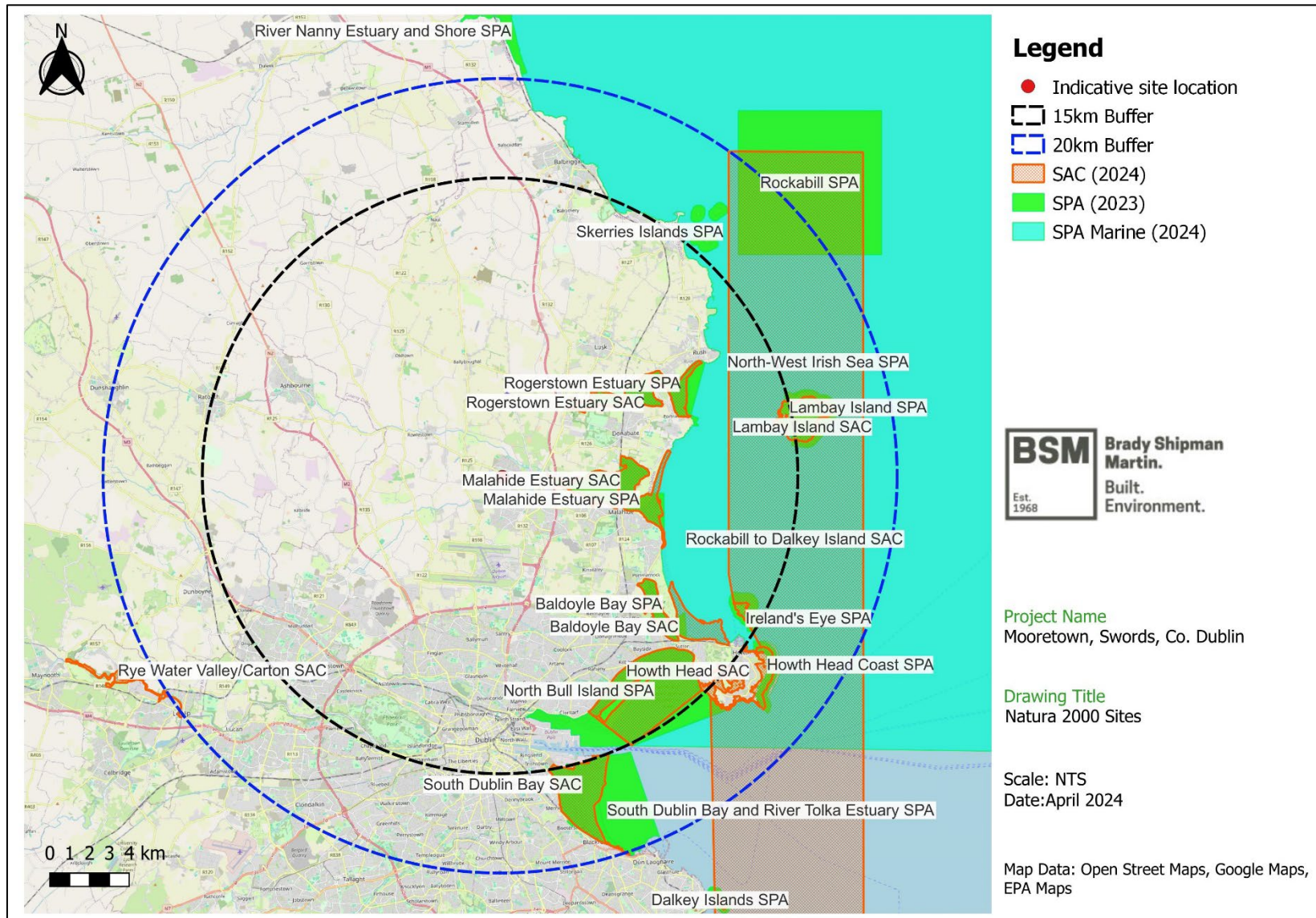
■ **Special Protection Areas (SPA)**

- Malahide Estuary SPA (site code 004025), c. 2.5km to the north-east;
- Rogerstown Estuary SPA (site code 004015), c. 5.3km to the north-east;
- North-West Irish Sea SPA (site code 004236), c. 7.6km to the east;
- Baldoyle Bay SPA (site code 004016), c. 8.6km to the south-east;
- North Bull Island SPA (site code 004006), c. 11.2km to the south-east;
- Ireland's Eye SPA (site code 004117), c. 12.8km to the south-east;
- Lambay Island SPA (site code 004069), c. 13.8km to the north-east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 14.8km to the south-east;
- Howth Head Coast SPA (site code 004113), c. 15.0km to the south-east;
- Skerries Island SPA (site code 004122), c. 15.2km to the north-east;
- Rockabill SPA (site code 004014), c. 16.4km to the north-east.

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

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

Figure 4.1 European sites within zone of influence of the proposed development at Mooretown. A 10km and 15km radius is shown for scale.



#### 4.2.2 Other designated areas (other than European sites)

Designated Sites other than European sites (i.e. Proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA)) are included in this assessment in order to address their potential to act as supporting sites for the European sites. The NHAs and pNHAs within the Zone of Influence include:

- Natural Heritage Areas (NHA):
  - Skerries Islands NHA (site code 001218), c. 15.2km to the north-east.
- Proposed Natural Heritage Areas (pNHA):
  - Malahide Estuary (site code 000205), c. 2.2 km to the east;
  - Feltrim Hill pNHA (site code 001208) c. 4.2km to the south-east;
  - Rogerstown Estuary pNHA (site code 000208), c. 4.7km to the north-east;
  - Santry Demesne pNHA (site code 000178), c.6.5km to the south;
  - Sluice River Marsh pNHA (site code 001763) c. 7.5km to the south-east;
  - Portraine Shore pNHA (site code 001215), c. 8.5km to the north-east;
  - Baldoyle Bay pNHA (site code 000199), c. 8.7km to the south-east;
  - Royal Canal pNHA (site code 002103), c. 11.1km to the south-west;
  - North Dublin Bay pNHA (site code 000206), c. 11.5km to the south-east;
  - Bog of the Ring pNHA (site code 001204), c. 11.8km to the north;
  - Knock Lane pNHA (site code 001203), c. 12.8km to the north;
  - Ireland's Eye pNHA (site code 000203), c. 13.2km to the south-east;
  - Grand Canal pNHA (site code 002104), c. 13.6km to the south;
  - Lambay Island pNHA (site code 000204), c. 14km to the north-east;
  - Howth Head pNHA (site code 000202), c. 14.5km to the south-east.
  - Loughshinny Coast pNHA (site code 002000), c. 14.5km to the north-east;
  - South Dublin Bay pNHA (site code 000210), c. 14.8km to the south-east.

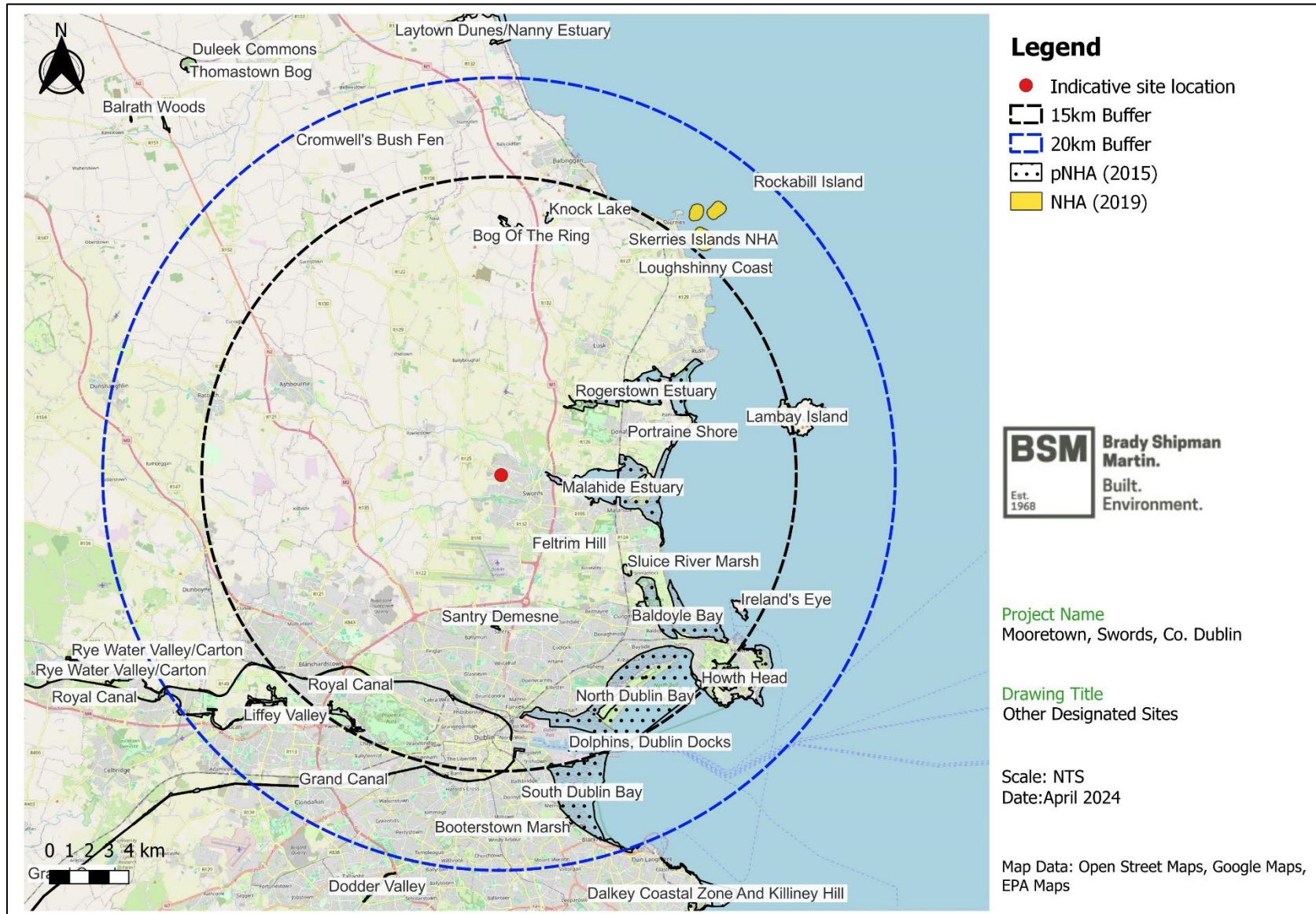
Note that above distances are as crow flies (i.e. linear distances). No impacts are expected on any pNHA in the zone of influence.

**Figure 4.2** illustrates all of the pNHA within the potential Zone of Influence (including those which overlap with European sites).

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Figure 4.2 pNHA and NHA sites within zone of influence of the proposed development at Mooretown. A 10km and 15km radius is shown for scale.





### 4.2.3 Watercourses, and pathways to European sites

A review of the Environmental Protection Agency (EPA) web-tool indicates that the Newtown 08 stream (EPA Code: IE\_EA\_08B020800) flows in a west to east direction through the site before turning north and flowing through Oldtown to merge into the Broadmeadow River c. 1km to the north of the proposed site. The Broadmeadow 08 River (EPA Code: IE\_EA\_08B020800) flows west to east and discharges downstream into the Malahide Estuary.

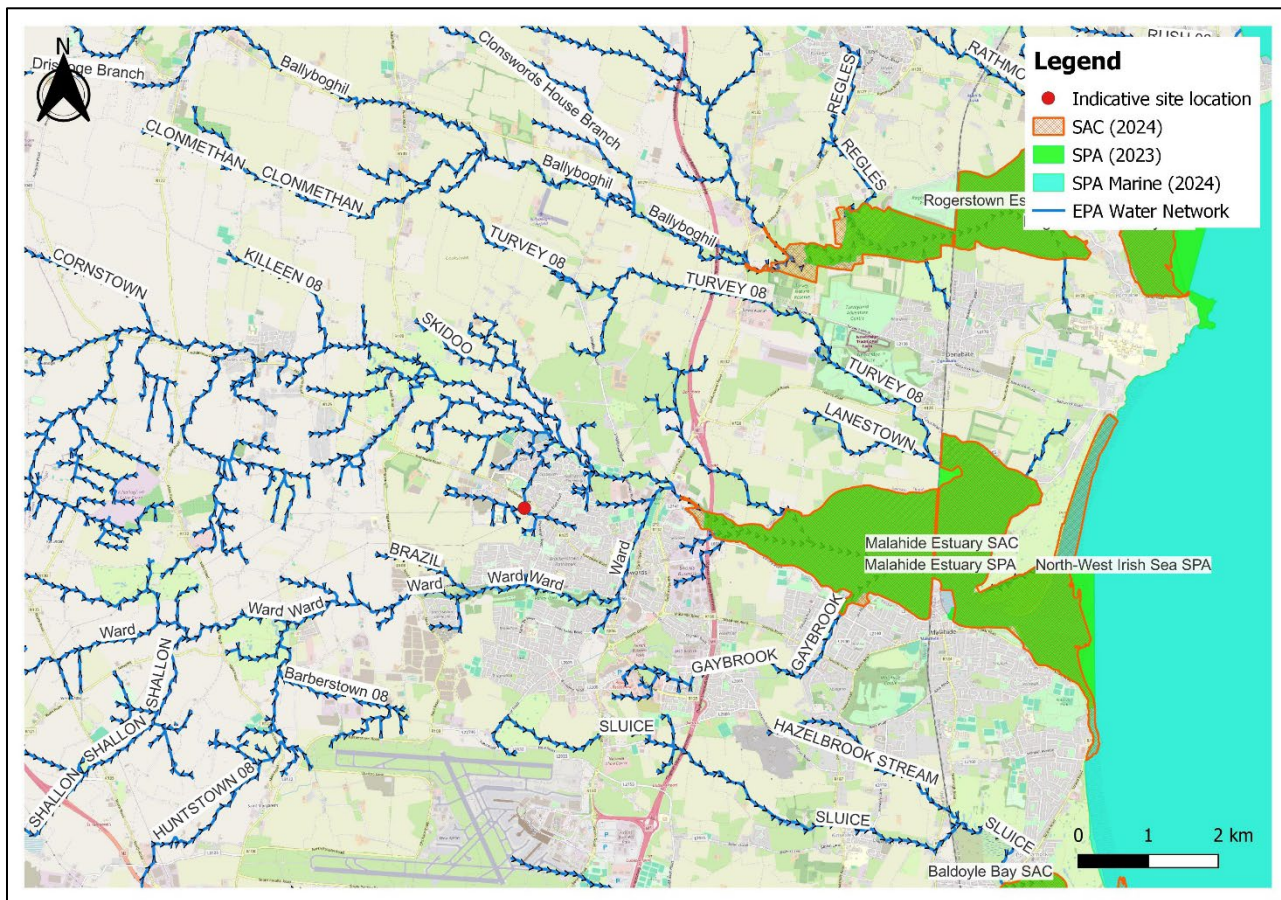
The proposed development site is located within the Nanny-Delvin catchment (08), Broadmeadow (SC\_010) sub-catchment and Broadmeadow\_040 river sub-basin.

As per the WFD 2016-2021 status, the Newtown Stream is of 'Moderate' status and are 'At risk' for river waterbodies risk. As per the WFD 2016-2021 status, the Broadmeadow Water transitional water (IE\_EA\_060\_0100) is 'moderate' and the risk status is under 'at risk'.

There is therefore a potential (albeit unlikely) surface water link between the proposed development site and the Natura 2000 Sites in the Malahide Bay and North-western Irish Sea (i.e. Malahide Estuary SAC & SPA and North West Irish Sea SPA). Refer to **Figure 4.3**.

A second potential link to coastal European sites is via the emission point of the Swords Wastewater Treatment Plant (WwTP) which will receive foul water flows from the proposed development during its operation.

Figure 4.3 EPA waterbodies in the proximity of the proposed development at Mooretown



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

### 5.1 European sites and habitats with links to European sites

The subject site comprises former agricultural land, now unmanaged. The evidence suggests that the fields were probably sown with potatoes or similar when last the land was farmed. The fields are separated from each other by steep-sided, narrow ditches, heavily vegetated with scrub and hedgerows/tree lines with associated ditches (including the Newtown Stream). All ditches on the site flow north to the Broadmeadow River.

The hedges and groups are made up of a mixture of native mostly tree species, including ash, hawthorn, elder, blackthorn, wild cherry, and elm. Vegetation growing along the field boundaries and ditches comprises a mix of hawthorn, elder and blackthorn, heavily overgrown with bramble. The ash trees show signs of ash dieback disease and Dutch elm disease is also prevalent in the elm trees at the site. O

There is a small area of rank grassland in the northeastern corner of the subject site which appears not to have been farmed recently. This area also contains some areas of hard standing and bonfires appear to have lit in this location in the recent past.

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

No species listed on the Third Schedule of the Habitats Regulations, such as giant hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Reynoutria japonica*), Himalayan balsam (*Impatiens glandulifera*) or three-cornered leek (*Allium triquetrum*) are known to be present at the proposed development site.

No rare habitats or habitats of significant ecological value (i.e. International or National) are present at the site. A total of 30 bird species were recorded on the site during the surveys undertaken in December 2023 and January 2024. The species are all common and widespread birds species of Ireland and include four Red-listed<sup>3</sup> 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 pale-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European site within the Zone of Influence. Herring gull, which is listed as an SCI species in the North-West Irish Sea SPA, was recorded as flying over the site only.

The mature hedges and tree lines that run through the site are of value for commuting and foraging bats (species protected under Article 12 of the Habitats Directive), however they contain few features suitable for use by roosting bats. No evidence of otter (also protected under Article 12 of the Habitats Directive) was recorded however the drainage ditches that traverse the site are likely to be of occasional use by otters moving through the landscape.

None of the habitats or features present on the site are Qualifying Interests/Special Conservation Interests in any European site within the Zone of Influence and none of these Qualifying Interests/Special Conservation Interests are present on the site. No evidence of any habitats or species with links to European sites was

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<sup>3</sup> Gilbert G., Stanbury A., & Lewis L. 2021. Birds of Conservation Concern in Ireland 2020-2026. Irish Birds, 43: 1-22. Birdwatch Ireland, Kilcoole Co Wicklow.

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.

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

### 5.1.1 Potential impacts during construction

The proposed development comprises a local authority residential development project. The proposed development site comprises fallow agricultural fields as well as hedges/tree lines with associated drainage ditches and scrubby vegetation and is of local (higher) ecological value, as noted in Section 5.1 above. There is no possibility of any of the QIs or SCIs of the European Sites in the potential Zone of Influence ever occurring at the proposed development site.

All site clearance and construction activities, including headwall construction where this is required, pose a potential risk to water as surface / ground water arising at the 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.

Polluted surface water will not be emitted directly to any surface water body. There is a possibility that contaminated surface water from the site could enter the local ditches/surface water network, thereby creating an indirect hydrological pathway linking the proposed development site with European Sites downstream (i.e. Malahide Estuary SAC and SPA).

Given the scale of the proposed development there is no possibility of there being a groundwater pathway to any European site.

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:

- In general, apart from where crossings or headwalls 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;
- The distance between the site of the proposed development and the nearest European sites (Malahide Estuary SAC and SPA, just over 2km straight line distance to the east). 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.
- 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.
- 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.

The proposed site clearance and construction works may be expected to involve noisy activities, dust-generating activities, construction traffic and machinery, and the generation of waste material for off-site disposal. Typical environmental effects are predicted, including elevated levels of noise, emissions of dust, and direct and indirect greenhouse gas emissions. Generally speaking, these effects will be short-term in duration, reversible and localised.

There are no designated sites – national or European – at the site of the proposed development or in the immediate vicinity. The nearest European Site within the potential Zone of Influence is Malahide Estuary SAC/SPA, a c. 2km linear distance from the site – and at a much greater remove via any potential impact pathway. Considering the distance of the proposed development from the nearest European Sites in the potential Zone of Influence, and the absence of any associated QIs or SCIs, there is no likelihood of direct effects on any European Site arising as a result of the proposed development.

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

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

**Significant effects arising as a result of the construction of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.**

### 5.1.2 Potential impacts during operation

During the operational phase, typical environmental aspects and effects associated with the presence and operation of residential development are also predicted, including potable water consumption, foul water loading to the municipal network, and direct and indirect greenhouse gas emissions. Operational phase effects are expected to be permanent in duration. However, it is noted that the site is zoned for residential development.

As set out in the Engineering Infrastructure Assessment report prepared by Waterman Moylan Consulting Engineers (2024) and discussed in Section 3.2, surface water runoff from the development will be managed using the attenuation infrastructure as well as appropriate Sustainable Urban Drainage Systems (SuDS) techniques as set out in the Fingal Development Plan 2023-2029.

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.

**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.**

The proposed foul water drainage system will connect with existing municipal infrastructure (refer to Section 3.2.1) From here, the foul water will be conveyed to the Irish Water WwTP at Swords, where the effluent will be subject to treatment prior to discharge to the Irish Sea. This creates an indirect hydrological pathway linking the proposed development site with coastal European Sites.

As set out in Waterman Moylan Engineering report the peak wastewater discharge is calculated at 8.52l/s for the proposed development (the predicted total daily wastewater discharge volume for the development is 122,100 litres per day) and the predicted design peak flow is 8.48 litres per second). The Swords WwTP operates under licence from the EPA (Licence no. D0024) and as confirmed in the Annual Environmental Report (AER)<sup>4</sup> for 2022 *the discharges from the wastewater treatment plants do not have an observable negative impact on the Water Framework Directive status.*

**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.**

For the reasons set out above, no pNHAs have the potential to be affected by the proposed development in a manner that could directly or indirectly affect any European Sites or their QIs / SCIs, taking into account their Conservation Objectives.

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

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

A detailed discussion of the potential impacts of the proposed development on individual European sites within the potential Zone of Influence is presented in **Table 5.1**, below.

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<sup>4</sup> [https://www.water.ie/docs/aers/2022/D0024-01\\_2022\\_AER.pdf](https://www.water.ie/docs/aers/2022/D0024-01_2022_AER.pdf)

Table 5.1 Potential impacts on European sites in the potential Zone of Influence

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
<p>Malahide Estuary SAC (site code 000205), c. 2.1km to the east</p>	<ul style="list-style-type: none"> <li>■ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>■ 1310 <i>Salicornia</i> and other annuals colonising mud and sand</li> <li>■ 1320 <i>Spartina</i> swards (<i>Spartinion maritimae</i>)</li> <li>■ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>■ 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>■ 2120 Shifting dunnes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>■ 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</li> </ul> <p><i>*indicates a priority habitat under the Habitats Directive</i></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, construction and operation of the proposed 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, including the Newtown Stream, and from there, eventually, to Malahide Estuary SAC (over 2km distant (straight line distance). There would be no significant effects on the SAC 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 sea and would not be perceptible in Malahide Estuary SAC, due to the very small volumes.</p> <p>In any case, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters.</p> <p>There is a potential indirect hydrological pathway between the proposed development and European Sites in Irish Sea via the municipal wastewater drainage network and the Swords WWTP. However, as detailed above, considering the capacity available at Swords WWTP, and the substantial dilution factor in the sea, there is no possibility of significant impacts on this or any other European site arising as a result of the proposed development via this pathway. 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</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		No operational impacts on this European site will occur as a result of the proposed development.	
Rogerstown Estuary SAC (site codes 000208), c. 4.7km to the north-east	<ul style="list-style-type: none"> <li>■ 1130 Estuaries</li> <li>■ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>■ 1310 Salicornia and other annuals colonising mud and sand</li> <li>■ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> <li>■ 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>■ 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>■ 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* *indicates a priority habitat under the Habitats Directive</li> <li>■ 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.</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SAC. It is almost 5km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the QI's of this SAC as a result of the proposed development.</p>	No
Baldoyle Bay SAC (site code 000199), c. 8.6km to the south-east	<ul style="list-style-type: none"> <li>■ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>■ 1310 Salicornia and other annuals colonising mud and sand</li> <li>■ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SAC. It is almost 9km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the QI's of this SAC as a result of the proposed development.</p>	No

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<ul style="list-style-type: none"> <li>■ 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>■ 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.</li> </ul>		
<p>Rockabill to Dalkey Island SAC (site code 003000), c. 11.4km to the east</p>	<ul style="list-style-type: none"> <li>■ 1170 Reefs</li> <li>■ 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)</li> <li>■ 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.</li> </ul>	<p>No significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development 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, including the Newtown Stream, and from there, eventually, to Rockabill to Dalkey Island SAC (over 11km distant (straight line distance, via Malahide Estuary). There would be no significant effects on the SAC 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 sea and would not be perceptible in Rockabill to Dalkey Island SAC, due to the very small volumes.</p> <p>In any case, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters.</p>	<p>No</p>



Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		<p>There is a potential indirect hydrological pathway between the proposed development and European Sites in Irish Sea via the municipal wastewater drainage network and the Swords WWTP. However, as detailed above, considering the capacity available at Swords WWTP, and the substantial dilution factor in the sea, there is no possibility of significant impacts on this or any other European site arising as a result of the proposed development via this pathway. 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>North Dublin Bay SAC (site code 000206), c. 11.4km south-east</p>	<ul style="list-style-type: none"> <li>■ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>■ 1210 Annual vegetation of drift lines</li> <li>■ 1310 Salicornia and other annuals colonising mud and sand</li> <li>■ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> <li>■ 1395 Petalwort (<i>Petalophyllum ralfsii</i>)</li> <li>■ 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>■ 2110 Embryonic shifting dunes</li> <li>■ 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>■ 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</li> <li>■ 2190 Humid dune slacks</li> </ul> <p><i>*indicates a priority habitat under the Habitats Directive</i></p> <ul style="list-style-type: none"> <li>■ According to this SAC's site Conservation Objectives document (Version 1, dated 06 November 2013), for</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SAC. It is over 11km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the QI's of this SAC as a result of the proposed development.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<p>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>Ireland's Eye SAC (site code 002193), c. 13.2km to the south-east</p>	<ul style="list-style-type: none"> <li>■ 1220 Perennial vegetation of stony banks</li> <li>■ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>■ 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.</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SAC. It is over 13km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the QI's of this SAC as a result of the proposed development.</p>	<p>No</p>
<p>Lambay Island SAC (site code 000204), c. 14km to the north-east</p>	<ul style="list-style-type: none"> <li>■ 1170 Reefs</li> <li>■ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>■ 1364 Grey seal (<i>Halichoerus grypus</i>)</li> <li>■ 1365 Harbour seal (<i>Phoca vitulina</i>)</li> <li>■ 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.</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SAC. It is approximately 14km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the QI's of this SAC as a result of the proposed development.</p>	<p>No</p>
<p>Howth Head SAC (site code 000202), c. 14.2km to the south-east</p>	<ul style="list-style-type: none"> <li>■ 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>■ 4030 European dry heaths</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is over 14km distant and is unconnected via any pathway.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	
<p>South Dublin Bay SAC (site code 000210), c. 14.7km to the south-east</p>	<ul style="list-style-type: none"> <li>1140 Mudflats and sandflats not covered by seawater at low tide</li> </ul> <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> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 15km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>
<p>Rye Water Valley/Carton SAC (site code 001398), c. 19.8km to the south-west</p>	<ul style="list-style-type: none"> <li>7220 Petrifying springs with tufa formation (Cratoneurion)</li> <li>1016 Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>)</li> <li>1014 Narrow-mouthed whorl snail (<i>Vertigo angustior</i>)</li> </ul> <ul style="list-style-type: none"> <li>According to this SAC's site Conservation Objectives document (Version 1, dated 22 December 2021), for each of the listed QIs, the Conservation Objectives are to maintain or restore the favourable</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 20km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<p>conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		
<p>Malahide Estuary SPA (site code 004025), c. 2.5km to the north-east</p>	<ul style="list-style-type: none"> <li>■ A005 Great Crested Grebe (<i>Podiceps cristatus</i>)</li> <li>■ A046 Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A048 Shelduck (<i>Tadorna tadorna</i>)</li> <li>■ A054 Pintail (<i>Anas acuta</i>)</li> <li>■ A067 Goldeneye (<i>Bucephala clangula</i>)</li> <li>■ A069 Red-breasted (<i>Merganser Mergus serrator</i>)</li> <li>■ A130 Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>■ A140 Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>■ A141 Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>■ A143 Knot (<i>Calidris canutus</i>)</li> <li>■ A149 Dunlin (<i>Calidris alpina alpina</i>)</li> <li>■ A156 Black-tailed Godwit (<i>Limosa limosa</i>)</li> <li>■ A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>■ A162 Redshank (<i>Tringa tetanus</i>)</li> <li>■ A999 Wetlands</li> </ul> <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>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development 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, including the Newtown Stream, and from there, eventually, to Malahide Estuary SPA (over 2km distant (straight line distance). There would be no significant effects on the SPA 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 sea and would not be perceptible in Malahide Estuary SPA, due to the very small volumes.</p> <p>In any case, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters.</p> <p>There is a potential indirect hydrological pathway between the proposed development and European Sites in Irish Sea via the municipal wastewater drainage network and the Swords WWTP. However, as detailed above, considering the capacity available at Swords WWTP, and the substantial dilution factor in the sea, there is no possibility of significant impacts on this or any other European site arising as a result of the proposed development via this pathway. There will be no loss of habitat or species,</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
		<p>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. 5.3km to the north-east</p>	<ul style="list-style-type: none"> <li>■ A043 Greylag Goose (<i>Anser anser</i>)</li> <li>■ A046 Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A048 Shelduck (<i>Tadorna tadorna</i>)</li> <li>■ A056 Shoveler (<i>Anas clypeata</i>)</li> <li>■ A130 Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>■ A137 Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>■ A141 Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>■ A143 Knot (<i>Calidris canutus</i>)</li> <li>■ A149 Dunlin (<i>Calidris alpina alpina</i>)</li> <li>■ A156 Black-tailed Godwit (<i>Limosa limosa</i>)</li> <li>■ A162 Redshank (<i>Tringa tetanus</i>)</li> <li>■ A999 Wetlands</li> </ul> <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>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is over 5km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SAC as a result of the proposed development.</p>	<p>No</p>
<p>North-West Irish Sea SPA (site code 004236), c. 7.6km to the east</p>	<ul style="list-style-type: none"> <li>■ A065 Common Scoter (<i>Melanitta nigra</i>)</li> <li>■ A001 Red-throated Diver (<i>Gavia stellata</i>)</li> <li>■ A003 Great Northern Diver (<i>Gavia immer</i>)</li> <li>■ A009 Fulmar (<i>Fulmarus glacialis</i>)</li> <li>■ A013 Manx Shearwater (<i>Puffinus puffinus</i>)</li> <li>■ A018 Shag (<i>Phalacrocorax aristotelis</i>)</li> <li>■ A017 Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>■ A177 Little Gull (<i>Larus minutus</i>)</li> <li>■ A188 Kittiwake (<i>Rissa tridactyla</i>)</li> </ul>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development 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, including the Newtown Stream, and from there, eventually, to the North-West Irish Sea SPA (almost 8km distant (straight</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<ul style="list-style-type: none"> <li>■ A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>■ A182 Common Gull (<i>Larus canus</i>)</li> <li>■ A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>■ A184 Herring Gull (<i>Larus argentatus</i>)</li> <li>■ A187 Great Black-backed Gull (<i>Larus marinus</i>)</li> <li>■ A195 Little Tern (<i>Sterna albifrons</i>)</li> <li>■ A192 Roseate Tern (<i>Sterna dougallii</i>)</li> <li>■ A193 Common Tern (<i>Sterna hirundo</i>)</li> <li>■ A194 Arctic Tern (<i>Sterna paradisaea</i>)</li> <li>■ A204 Puffin (<i>Fratercula arctica</i>)</li> <li>■ A200 Razorbill (<i>Alca torda</i>)</li> <li>■ A199 Guillemot (<i>Uria aalge</i>)</li> </ul> <p>According to this SPA's site Conservation Objectives document (Version 1 - dated 19 September 2023), for each of the listed SCIs, the Conservation Objective maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>line distance, via Malahide Estuary SPA). There would be no significant effects on the SPA 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 sea and would not be perceptible in the North-West Irish Sea SPA, due to the very small volumes.</p> <p>In any case, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters.</p> <p>There is a potential indirect hydrological pathway between the proposed development and European Sites in Irish Sea via the municipal wastewater drainage network and the Swords WWTP. However, as detailed above, considering the capacity available at Swords WWTP, and the substantial dilution factor in the sea, there is no possibility of significant impacts on this or any other European site arising as a result of the proposed development via this pathway. 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>Baldoyle Bay SPA (site code 004016), c. 8.6km to the south-east</p>	<ul style="list-style-type: none"> <li>■ A046 Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A048 Shelduck (<i>Tadorna tadorna</i>)</li> <li>■ A137 Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>■ A140 Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>■ A141 Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>■ A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> </ul>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 9km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<ul style="list-style-type: none"> <li>■ A999 Wetlands</li> </ul> <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>North Bull Island SPA (site code 004006), c. 11.2km to the south-east</p>	<ul style="list-style-type: none"> <li>■ A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A048 Shelduck (<i>Tadorna tadorna</i>)</li> <li>■ A052 Teal (<i>Anas crecca</i>)</li> <li>■ A054 Pintail (<i>Anas acuta</i>)</li> <li>■ A056 Shoveler (<i>Anas clypeata</i>)</li> <li>■ A130 Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>■ A140 Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>■ A141 Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>■ A143 Knot (<i>Calidris canutus</i>)</li> <li>■ A144 Sanderling (<i>Calidris alba</i>)</li> <li>■ A149 Dunlin (<i>Calidris alpina</i>)</li> <li>■ A156 Black-tailed Godwit (<i>Limosa limosa</i>)</li> <li>■ A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>■ A160 Curlew (<i>Numenius arquata</i>)</li> <li>■ A162 Redshank (<i>Tringa totanus</i>)</li> <li>■ A169 Turnstone (<i>Arenaria interpres</i>)</li> <li>■ A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>■ A999] Wetland</li> </ul> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of</p>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is over 11km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<p>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>Ireland's Eye SPA (site code 004117), c. 12.8km to the south-east</p>	<ul style="list-style-type: none"> <li>■ A017 Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>■ A184 Herring Gull (<i>Larus argentatus</i>)</li> <li>■ A188 Kittiwake (<i>Rissa tridactyla</i>)</li> <li>■ A199 Guillemot (<i>Uria aalge</i>)</li> <li>■ A200 Razorbill (<i>Alca torda</i>)</li> </ul> <p>According to this SPA's First Order Site Specific Conservation Objectives document (Version 1.0, dated 12 October 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>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 13km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>
<p>Lambay Island SPA (site code 004069), c. 13.8km to the north-east</p>	<ul style="list-style-type: none"> <li>■ A043 Greylag Goose (<i>Anser anser</i>)</li> <li>■ A200 Razorbill (<i>Alca torda</i>)</li> <li>■ A184 Herring Gull (<i>Larus argentatus</i>)</li> <li>■ A009 Fulmar (<i>Fulmarus glacialis</i>)</li> <li>■ A204 Puffin (<i>Fratercula arctica</i>)</li> <li>■ A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)</li> <li>■ A188 Kittiwake (<i>Rissa tridactyla</i>)</li> <li>■ A199 Guillemot (<i>Uria aalge</i>)</li> <li>■ A018 Shag (<i>Phalacrocorax aristotelis</i>)</li> <li>■ A017 Cormorant (<i>Phalacrocorax carbo</i>)</li> </ul> <p>According to this SPA's First Order Site Specific Conservation Objectives document (Version 1.0, dated 12 October 2022), for each of the listed SCIs, the Conservation Objective is to maintain or restore the</p>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 14km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>



Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<p>favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>		
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c. 14.8km to the south-east</p>	<ul style="list-style-type: none"> <li>■ A144 Sanderling (<i>Calidris alba</i>)</li> <li>■ A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>■ A149 Dunlin (<i>Calidris alpina</i>)</li> <li>■ A162 Redshank (<i>Tringa totanus</i>)</li> <li>■ A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>■ A143 Knot (<i>Calidris canutus</i>)</li> <li>■ A192 Roseate Tern (<i>Sterna dougallii</i>)</li> <li>■ A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A141 Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>■ A130 Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>■ A194 Arctic Tern (<i>Sterna paradisaea</i>)</li> <li>■ A193 Common Tern (<i>Sterna hirundo</i>)</li> <li>■ A137 Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>■ A999 Wetlands</li> </ul> <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 direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is almost 15km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>
<p>Howth Head Coast SPA (site code 004113), c. 15.0km to the south-east</p>	<ul style="list-style-type: none"> <li>■ A188 Kittiwake (<i>Rissa tridactyla</i>)</li> </ul> <p>According to this SPA's First Order Site Specific Conservation Objectives document (Version 1.0, dated 12 October 2022), for the listed SCI, the Conservation Objective is to maintain or restore the favourable</p>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is approximately 15km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>

Local Authority Own Housing Development for Lands at Mooretown, Swords, Co. Dublin

Appropriate Assessment Screening Report

Site	Reasons for designation (information correct as of February 2024) (*denotes a priority habitat)	Discussion of Source-Pathway-Receptor Link	Likely Significant Effect?
	<p>conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>		
<p>Skerries Island SPA (site code 004122), c. 15.2km to the north-east</p>	<ul style="list-style-type: none"> <li>■ A017 Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>■ A018 Shag (<i>Phalacrocorax aristotelis</i>)</li> <li>■ A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>■ A148 Purple Sandpiper (<i>Calidris maritima</i>)</li> <li>■ A169 Turnstone (<i>Arenaria interpres</i>)</li> <li>■ A184 Herring Gull (<i>Larus argentatus</i>)</li> </ul> <p>According to this SPA's First Order Site Specific Conservation Objectives document (Version 1.0, dated 12 October 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>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is over 15km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>
<p>Rockabill SPA (site code 004014), c. 16.4km to the north-east</p>	<ul style="list-style-type: none"> <li>■ A148 Purple Sandpiper (<i>Calidris maritima</i>)</li> <li>■ A192 Roseate Tern (<i>Sterna dougallii</i>)</li> <li>■ A193 Common Tern (<i>Sterna hirundo</i>)</li> <li>■ A194 Arctic Tern (<i>Sterna paradisaea</i>)</li> </ul> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 08 May 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>There is no direct hydrological link or any other pathway between the proposed residential development at Mooretown, Swords and this SPA. It is over 16km distant and is unconnected via any pathway.</p> <p>Furthermore there will be no loss of species, fragmentation or disturbance to the SCI's of this SPA as a result of the proposed development.</p>	<p>No</p>

## 5.2 Summary of potential impacts of the proposed development

There will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction or operation 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.

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

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

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

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

## 6 Mitigation specific to European sites

This screening assessment is consistent with the judgment of the European Court in Case C-323/17, *People Over Wind & Sweetman v Coillte* (Judgment of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including *Heather Hill Management Company CLG v An Bord Pleanála* [2019] IEHC 450 and *Sweetman v An Bord Pleanála* [2020] IEHC 39.

It is also consistent with the judgment in *Eco Advocacy CLG v An Bord Pleanála* [2021] IEHC 265. In that case, Humphreys J confirmed the core legal principle, being that regard should not be had to mitigation measures at AA screening stage. Humphreys J decided in that case that clarification was required from the CJEU on the matter (as it related to the consideration of SUDs and whether these represented mitigation measures).

The CJEU, in its ruling on this case dated 15 June 2023 clarified issues defining mitigation in the context of European sites<sup>5</sup>. It confirmed that Article 6(3) of Directive 92/43 *must be interpreted as meaning that, in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project for a site, account may be taken of the features of that plan or project which involve the removal of contaminants and which therefore may have the effect of reducing the harmful effects of the plan or project on that site, where those features have been incorporated into that plan or project as standard features, inherent in such a plan or project, irrespective of any effect on the site.*

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

In relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development. SuDS measures will be incorporated into the design of the proposed development as standard features. SuDS features are highly effective and are required to be included in developments where appropriate (as noted in Section 3.2.1 SuDS are a requirement of Fingal County Council under the GSDS and the Greater Dublin Regional Code of Practice for Drainage Works). These standard measures are considered best practice in construction and, therefore reasonable scientific doubt concerning their effectiveness can be ruled out.

As set out in this report, it is certain that likely significant effects on European sites as a result of both the construction and operation of the proposed development can be excluded. Even if no SuDS measures were to be incorporated into the design there could be no impacts on European sites.

No mitigation is necessary or proposed for the protection of European sites.

## 7 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but uncompleted, or proposed (but not yet approved).<sup>6</sup> If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered ‘in-combination’ with the effects arising from other plans and projects.

The following sources were consulted to identify relevant other plans or projects:

- Fingal Development Plan 2023-2029 (FCC, 2023);
- The National Planning Application database ([www.myplan.ie](http://www.myplan.ie) - accessed April 2024);
- An Board Pleanála database ([www.pleanala.ie](http://www.pleanala.ie) – accessed April 2024); and
- EIA Portal ([www.housinggovie.maps.arcgis.com](http://www.housinggovie.maps.arcgis.com) – accessed April 2024).

Permitted and proposed projects in the immediate vicinity of the site were considered in terms of the potential for in-combination effects. There are no developments planned, permitted or under construction that will give rise to any significant effects on European sites in combination with the proposed development.

Considering the nature and scale of the proposed development, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, and the nature of existing, permitted and proposed development in its environs, it is considered that significant in combination effects on European sites are not likely to occur.

The Fingal County Development Plan 2023-2029 has a series of objectives intended to protect and enhance the natural environment. For example the plan 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.

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<sup>6</sup> *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, September 2021)*

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:

- The National Planning Framework (Project Ireland 2040);
- The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2031 (The Eastern and Midland Regional Assembly);
- The Greater Dublin Strategic Drainage Study;
- Greater Dublin Area Transport Strategy 2022-2042;
- Climate Action Plan 2024(Government of Ireland);
- Fingal County Council Fingal Climate Action Plan 2024 – 2029;
- National Biodiversity Action Plan 2023 – 2030.

It is considered that significant in-combination effects on European sites are not likely to occur as a result of the proposed development in combination with other plans or projects.

## 8 Screening conclusion

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.

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 in light of their conservation objectives.

## 9 References

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## Appendix I: Background

The European<sup>7</sup> network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

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

(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Union (Birds and Natural Habitats) Regulations 2011-2021* (hereafter referred to as the *Birds and Habitats Regulations*)<sup>8</sup> and by the *Planning and Development Act 2000*, as amended.

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

### Stages in the assessment

European Commission guidance (2021)<sup>9</sup> 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:

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<sup>7</sup> 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”

<sup>8</sup> SI No. 477 of 2011 and subsequent amendments

<sup>9</sup> *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

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

**Stage 2: Appropriate Assessment** is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

**Stage 3: Assessment of alternative solutions** is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.** At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.



## Appendix II Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Guidance from the European Commission<sup>10</sup> 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.

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<sup>10</sup> Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission November 2018)

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