

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

Project Name: Proposed Development at New Road, Donabate, Co. Dublin

Ref No:

Description:

Fingal County Council proposed residential development at New Road, Donabate, Co. Dublin ('the proposed development' hereafter).

Legislative Context:

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

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

Screening Report:

Fingal County Council requested that an Appropriate Assessment Screening Statement be prepared by Enviroguide. The Report, entitled 'Proposed Development at New Road, Donabate, Co. Dublin Appropriate Assessment Screening Report,' was reviewed by Fingal Ecologist, Jessica Clarke, prior to this Screening Determination being prepared.

The Proposed Development will principally comprise the construction of 175 No. residential dwellings (123 No. houses and 52 No. apartments) and a single-storey crèche of 365 sq. m (with outdoor play area and external store). The 123 No. houses are all 2-storey and include 30 No. 2-bed units, 82 No. 3-bed units and 11 No. 4-bed units. The 52 No. apartments include 26 No. 1-bed units, 20 No. 2-bed units and 6 No. 3-bed units and are contained in a single block ranging in height from 1 No. to 4 No. storeys.

The Proposed Development will also include;

- 2 No. new multi-modal entrances/exits at New Road;
- 2 No. multi-modal connections to existing and under construction residential developments to the east and north respectively;
- cycle track and footpath along New Road;
- 139 No. car parking spaces;
- 5 No. set down bays;
- cycle parking;
- hard and soft landscaping, including public open space, communal amenity space and private amenity spaces (which include gardens, balconies and terraces facing all directions);
- boundary treatments;
- 1 No. sub-station;
- bin stores;
- lighting;
- green roofs, PV panels, lift overruns and plant atop the apartment block;

green roofs and PV panels atop the crèche building and all associated works above and below ground.

The Site, which consists mainly of scrub (WS1) and rank grassland (classified as dry meadows and grassy verges (GS1)) bounded by treeline (WL1) and hedgerows (WL2) is 4.72 hectares. It is located to the north of New Road (L2170) and 140 m west of the New Road/Donabate Distributor Road (R126) intersection. Residential properties border the east and west boundaries of the Site, with an active construction site abutting the north of the Site. The landscape to the north and west of the Site is primarily urban in nature, with agricultural lands. Donabate Golf Club is located 320 m east of the site on the far side of the Donabate Distributor Road (R126).

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

- The closest Designated Sites are Malahide Estuary SAC and SPA, located approximately 1 km south of proposed development, Rogerstown Estuary SAC and SPA, located approximately 1.8 km north of the proposed development and the North-west Irish Sea SPA located 1.8 km east of the proposed development.
- Although grassland habitat is present on site, the Screening Report indicates that habitats on site are not suitable to provide ex-situ feeding grounds for Qualifying Interests such as Brent geese due to 'the relatively small size of the site, dense areas of scrub on Site...'. These findings are supported by a Light-bellied Brent geese study commissioned by Fingal County Council that found the nearest ex-situ feeding site utilised by Brent geese during winters 2018 and 2020 were located over 460 m south-east of the site on the Corballis Links Golf Course (Handby et al., 2022¹) and another study that showed the site was not frequented by Curlew, Oystercatcher, Godwit or Redshank (Trapp, 2023)². The Trapp study (2023) indicated the nearest site utilised by ex-situ SCI was fields in Donabate Golf Club, located 320 m east of the proposed development but separated from the development by the Donabate Distributor Road. In the absence of separation distances such as this, visual or noise disturbance impacts could potentially occur to waders within 300 m of a construction site (Cutts et al., 2013).
- Foul wastewater will be directed to the **existing** public foul network within the Ballmastone housing development to the north of the site before discharging via the Portrane WWTP at Donabate. The submitted AA stated the capacity available at Portrane Wastewater Treatment Works is sufficient to accommodate the inflow arising from the proposed development and that it will therefore be possible to maintain the 'unpolluted' status of the waters of the Irish Sea at the outfall location. The Qualifying Interests of the North-west Irish Sea SPA, within which the outfall of the Portrane WWTP is located, are unlikely therefore to be significantly effected by foul water originating from the development.
- The drainage ditches on site are linked by a weak hydrological connection to the North-west Irish Sea SPA, which is located 1.8 km from the site. The risk of significant effects to the Qualifying Interests of the North-west Irish Sea SPA during the construction phase

¹ Handby, Bearhop and Colhoun (2022) Understanding patterns of urban habitat use in overwintering light-bellied Brent geese in Dublin, Ireland (Unpublished Project Report in collaboration with Irish Brent Goose Research Project)

² Trapp (2023) The importance of urban habitats to the shorebirds of Dublin Bay (Unpublished Annual Project Report by Steph Trapp and the University of Exeter).

is considered unlikely. This is because in describing the current surface water drainage on site, the submitted AA states that the drainage ditch to the north of the site has been largely infilled, the drainage ditch to the west of the site, which once flowed to the ditch to the north, has been severed and that works were required and proposed to improve connectivity of onsite ditches to the ditch to the northeast of the site that is linked to the Irish Sea and the North-west Irish Sea SPA. All drainage ditches on site were either described as 'stagnant' or 'dry' during the site visit in January 2024. On average, the period of October to January are the wettest months in Ireland, and there was average rainfall in January 2024³. It is considered that the potential flows in the drainage ditches surrounding the site are poor and as such the potential for silt or pollutants to be transported 1.8 km downstream and in sufficient volumes to effect the Conservation Objectives of the diving and pelagic bird species which form the Qualifying interests of the North-west Irish Sea SPA is considered unlikely due to a lack of velocity in the ditch to carry pollutants or sediments and the dilution effect within the Irish Sea. In general, the greater the flow, the more sediment that will be conveyed⁴ and the assumption of dilution is supported in the literature⁵.

- Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard and no operational stage effects are therefore likely to occur to any Qualifying Interests as a result of the surface water connection to the North-west Irish Sea SPA. It is noted the SuDS measures proposed will require works to create a new ditch along the northern boundary and join that to an existing ditch in the northeast of the site. Due to small scale of the works to join these two ditches at one location and the poor flow in the ditches in the area it is considered that none of the mitigation measures for the protection of water quality in the immediate area are required during these construction works for the protection of downstream SACs or SPAs but will instead protect the stagnant ditches that are potential amphibian habitat.
- The submitted AA screening report has provided evidence that due to the scale of the project, distance to the designated sites there is no direct pathway for water, noise or dust emissions or visual disturbances to significantly effect the Qualifying Interests of any Designated Sites.
- There are no projects or plans identified that will have an in-combination effect with the proposal.

The report by Enviroguide concludes "On the basis of the screening exercise carried out above, it can be concluded, on the basis of the best scientific knowledge available and objective information, that the possibility of any significant effects on the above listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the above listed European sites' Conservation Objectives. Thus, there is requirement to proceed to Stage 2 of the Appropriate Assessment process; and the preparation of a NIS is not required.

Screening Determination:

Fingal County Council have examined, analysed and evaluated the content of the proposed residential development at New Road, Donabate, Co. Dublin, including the information and assessments presented in the screening for appropriate assessment report, and are in

³ (Long Term Average for January is 62.6 mm rainfall in January 2024 in Dublin Airport was 61.3 [Monthly Data - Met Éireann - The Irish Meteorological Service](#)).

⁴ [Sediment Transport and Deposition - Environmental Measurement Systems \(fondriest.com\)](#)

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

agreement with the conclusion of the screening for appropriate assessment report with respect to the potential for the proposed project to have a likely significant effect on any European sites.

Fingal County Council have determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the project, and in the absence of any measures intended to avoid or reduce any harmful effects on European sites, that the project is not likely to have a significant effect on the Qualifying Interests of any European sites in light of their Conservation Objectives, either alone or in combination with other plans or projects. In reaching this determination, consideration has been given to the scale of the works, the distance and weak hydrological links to any Designated Sites, the use of existing surface water and foul water network for the offsite disposal of water and considering the evidence that the site or nearby (300 m) sites are not utilised by SCI that may be significantly effected by the proposal.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 4th April 2024

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

Project Name: Proposed Development at New Road, Donabate, Co. Dublin

Ref No:

Description:

Fingal County Council proposed residential development at New Road, Donabate, Co. Dublin ('the proposed development' hereafter).

Legislative Context:

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

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

Screening Report:

Fingal County Council requested that an Environmental Impact Screening Statement be prepared by Enviroguide. The Report, entitled "Proposed Housing Development at New Road, Donabate, Co. Dublin Environmental Impact Assessment (EIA) Screening Report" was reviewed and evaluated by, Fingal Ecologist, Jessica Clarke.

The Proposed Development will principally comprise the construction of 175 No. residential dwellings (123 No. houses and 52 No. apartments) and a single-storey crèche of 365 sq. m (with outdoor play area and external store). The 123 No. houses are all 2-storey and include 30 No. 2-bed units, 82 No. 3-bed units and 11 No. 4-bed units. The 52 No. apartments include 26 No. 1-bed units, 20 No. 2-bed units and 6 No. 3-bed units and are contained in a single block ranging in height from 1 No. to 4 No. storeys.

The Proposed Development will also include;

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2 No. multi-modal connections to existing and under construction residential developments to the east and north respectively;

cycle track and footpath along New Road;

139 No. car parking spaces;

5 No. set down bays;

cycle parking;

hard and soft landscaping, including public open space, communal amenity space and private amenity spaces (which include gardens, balconies and terraces facing all directions);

boundary treatments;

1 No. sub-station;

bin stores;

lighting;

green roofs, PV panels, lift overruns and plant atop the apartment block;
green roofs and PV panels atop the crèche building and all associated works above and below ground.

The Site, which consists mainly of scrub (WS1) and rank grassland (classified as dry meadows and grassy verges (GS1)) bounded by treeline (WL1) and hedgerows (WL2) is 4.72 hectares. It is located to the north of New Road (L2170) and 140 m west of the New Road/Donabate Distributor Road (R126) intersection. Residential properties border the east and west boundaries of the Site, with an active construction site abutting the north of the Site. The landscape to the north and west of the Site is primarily urban in nature, with agricultural lands. Donabate Golf Club is located 320 m east of the site on the far side of the Donabate Distributor Road (R126).

The site is largely of local importance (higher value). Mitigation measures are included in the EclA to ensure no rare or protected will be impacted by the proposed development. And no issues with invasive species shall arise.

Foul wastewater will be directed to the existing public foul network within the Ballmastone housing development to the north of the site before discharging via the Portrane WWTP at Donabate. The capacity available at Portrane Wastewater Treatment Works is sufficient to accommodate the inflow arising from the proposed development and that it will therefore be possible to maintain the 'unpolluted' status of the waters of the Irish Sea at the outfall location. development.

The drainage ditches on site are linked by a weak hydrological connection to the Irish Sea, which is located 1.8 km from the site. The risk of significant impacts to the Irish Sea during the construction phase is considered unlikely. This is because in describing the current surface water drainage on site, the submitted reports state that the drainage ditch to the north of the site has been largely infilled, the drainage ditch to the west of the site, which once flowed to the ditch to the north, has been severed and that works were required and proposed to improve connectivity of onsite ditches to the ditch to the northeast of the site that is linked to the Irish Sea. All drainage ditches on site were described as either 'stagnant' or 'dry' during the site visit in January 2024. On average, the period of October to January are the wettest months in Ireland, and there was average rainfall in January 2024⁶. It is considered that the potential flows in the drainage ditches surrounding the site are poor and as such the potential for silt or pollutants to be transported 1.8 km downstream and in sufficient volumes to impact the water quality of the Irish Sea (or Portrane Shore pNHA) is considered unlikely due to a lack of velocity in the ditch to carry pollutants or sediments and the dilution effect within the Irish Sea. In general, the greater the flow, the more sediment that will be conveyed⁷ and the assumption of dilution is supported in the literature⁸. Water quality in the immediate environs of the site will be protected by best practice mitigation measures outlined in the CEMP and EIA Screening. These mitigation measures are welcome as the submitted documents stated the stagnant ditches surrounding the site have potential to support amphibians which are protected species.

⁶ (Long Term Average for January is 62.6 mm rainfall in January 2024 in Dublin Airport was 61.3 [Monthly Data - Met Éireann - The Irish Meteorological Service](#)).

⁷ [Sediment Transport and Deposition - Environmental Measurement Systems \(fondriest.com\)](#)

⁸ [The effect of dilution on the fate and behaviour of chemicals in the environment \(marinebiodiversity.org\)](#)

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

The Screening Report indicates that habitats on site were not found to provide ex-situ feeding grounds for Qualifying Interests such as Brent geese during recent ecological surveys for another development. These findings are supported by a Light-bellied Brent geese study commissioned by Fingal County Council that found the nearest greenfield site utilised by Brent geese during winters 2018 and 2020 was skerries rugby club located over 1 km to the south (Handby et al., 2022⁹) and another study that showed the area was not frequented by Curlew, Oystercatcher, Godwit or Redshank (Trapp, 2023)¹⁰. The Trapp study (2023) indicated the nearest site utilised by ex-situ SCI was fields in Donabate Golf Club, located 320 m east of the proposed development but separated from the development by the Donabate Distributor Road. In the absence of separation distances such as this, visual or noise disturbance impacts could potentially occur to waders within 300 m of a construction site (Cutts et al., 2013).

The AA Screening Report (Enviroguide, 2024) for the proposed development has arrived at the following conclusion: "On the basis of the screening exercise carried out above, it can be concluded, on the basis of the best scientific knowledge available and objective information, that the possibility of any significant effects on the above listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the above listed European sites' Conservation Objectives. Thus, there is requirement to proceed to Stage 2 of the Appropriate Assessment process; and the preparation of a NIS is not required".

With regard to Mandatory EIA, the Screening Report indicates;

Classes of development listed in Part 1 of Schedule 5 of the PDR 2001 relate to major industrial and infrastructural projects (e.g. power stations, refineries, metal works, major pipelines and powerlines, and mines). The proposed development, which is a residential development, does not correspond to any class of development prescribed within Part 1 of Schedule 5, and so it is necessary to consider whether it corresponds to any class prescribed within Part 2 of Schedule 5.

With reference to Part 2 of Schedule 5 of the PDR 2001, proposed development can be considered corresponding to, but below the scale threshold of, project type 10(b)(i) and (iv) as listed in Part 2 of Schedule 5" of the Planning and Development Regulations 2001.

Schedule 5 part 2 (15) states: "Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7." Following consideration of the proposal in accordance with Schedule 7, the EIA Screening Report concludes;

⁹ Handby, Bearhop and Colhoun (2022) Understanding patterns of urban habitat use in overwintering light-bellied Brent geese in Dublin, Ireland (Unpublished Project Report in collaboration with Irish Brent Goose Research Project)

¹⁰ Trapp (2023) The importance of urban habitats to the shorebirds of Dublin Bay (Unpublished Annual Project Report by Steph Trapp and the University of Exeter).

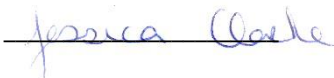
"It is considered that the proposed development would not be likely to have significant negative effects on the environment."

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

- The nature and scale of the site and the proposed scheme, which are significantly below the stated thresholds of class 10(b)(i) and class 10(b) (iv) in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) at or above which there would be a mandatory requirement for an EIA;
- The location of the proposed scheme adjacent to the developed urban area of Donabate;
- The construction phase of the proposed scheme is expected to give rise to minor, localised and temporary environmental effects that are typical of urban construction projects of this nature;
- Foul wastewater will be directed to the **existing** public foul network within the Ballmastone housing development to the north of the site before discharging via the Portrane WWTP at Donabate. The submitted AA stated the capacity available at Portrane Wastewater Treatment Works is sufficient to accommodate the inflow arising from the proposed development and it will therefore be possible to maintain the 'unpolluted' status of the waters of the Irish Sea at the outfall location.
- Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard.
- The location of the proposed scheme is outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended);
- The features and measures proposed to avoid and prevent what otherwise might be potentially significant effects on the environment, including the measures to mitigate dust, noise or surface water impacts in the immediate area.
- The information on the proposed scheme provided in accordance with Schedule 7A of the Planning and Development Regulations 2001-2023; and
- Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2023

Screening Determination:

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

Signed: 

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 4th April 2024