

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

Project Name: Residential Development at Mayeston, Poppintree, Dublin 11

Ref No:

Description:

Fingal County Council intend to apply for planning permission for a proposed residential development at Mayeston, Poppintree, Dublin 11. The proposed development consists of the construction of 119 no. apartments and associated infrastructure.

Legislative Context:

This determination has considered the relevant legislative context and guidance as set out in Section 1.3 'Legal Requirement for Appropriate Assessment' and Section 2.1 'Guidelines' Sections of the submitted AA.

Screening Report:

Fingal County Council requested that an Appropriate Assessment Screening Statement be prepared by Brady Shipman Matin. The Report, entitled 'Appropriate Assessment Screening Report', was reviewed by Fingal Ecologist, Jessica Clarke, prior to this Screening Determination being prepared.

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

- The nearest European sites are Malahide Estuary SAC & SPA (8.4 km direct distance).
- There is no direct pathway for noise, dust, visual or hydrological impacts to affect any European Sites.
- Foul wastewater will be directed to an existing public foul network and treated therein before discharging via the Ringsend WWTP, which has capacity for the connection.
- Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard. It is noted the SuDS measures proposed do not require any in-stream works or additional mitigation measures during their construction for the protection of downstream SACs or SPAs.
- While the surface water network will ultimately discharge to North Dublin Bay SAC and North Bull Island SPA, the likelihood of significant inputs of silt or contaminants reaching downstream SACs or SPAs is considered low. The surface water connection is to an existing network of pipes. As no in-stream works are required to make this connection, the risk of contaminating the culverted surface water network with volumes of silt, dirty water or hydrocarbons necessary to cause significant effects to the Qualifying Interests of downstream Designated Sites during construction or operational phase is considered unlikely. In addition, as described in the AA Screening Report, even in the event of a pollution incident (such as a fuel or cement spill) of significant scale 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 Bay and would not be perceptible in North Dublin Bay SAC, due to the very small volumes and distance from the site to the SAC (approximately 9 km hydrological distance). The assumption of dilution is supported in the literature¹.

- The habitats on site are not suitable to provide ex-situ feeding grounds to Qualifying Interests such as Light-bellied Brent geese. This assumption is supported by a Light-bellied Brent geese study commissioned by Fingal County Council that did not find that any GPS tagged birds utilised lands within or adjacent to the development site (Handby et al., 2022²). The nearest greenfield site utilised by Brent geese during winters 2018 and 2019 was within fields near Darndale Park, over 5 km east of the proposed development (Handby et al., 2022^{Error! Bookmark not defined.}).

The report by Brady Shipman Martin concludes “In view of best scientific knowledge, this report concludes that the proposed residential development at Mayeston, Poppintree, Dublin 11; individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.”

Screening Determination:

Fingal County Council have examined, analysed and evaluated the content of the proposed Residential Development at Mayeston, Poppintree, Dublin 11, including the information and assessments presented in the screening for appropriate assessment report, and are in agreement with the conclusion of the screening for appropriate assessment report with respect to the potential for the proposed project to have a likely significant effect on any European sites.

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

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 29th November 2023

¹ [The effect of dilution on the fate and behaviour of chemicals in the environment \(marinebiodiversity.org\)](https://www.marinebiodiversity.org/)

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

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

Project Name: Residential Development at Mayeston, Poppintree, Dublin 11

Ref No:

Description:

Fingal County Council intend to apply for planning permission for a proposed residential development at Mayeston, Poppintree, Dublin 11. The proposed development consists of the construction of 119 no. apartments and associated infrastructure.

Legislative Context:

This determination has considered the relevant legislative context and guidance which are set out in the following Sections of the EIA Screening Report;

Section 2 Background and Methodology

Section 3.2 Requirement for EIA or for Screening for 'Sub-threshold EIA'

Section 4 'Preliminary Examination/ Screening for requirement for Sub-threshold EIA.

Screening Report:

Fingal County Council requested that an Environmental Impact Screening Statement be prepared by Brady Shipman Martin. The Report, entitled "EIA Screening Report in accordance with, inter alia, the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001 (as amended)", was reviewed and evaluated by, Fingal Ecologist, Jessica Clarke.

The development site is an area of 1.35 ha, located in a residential area in Dublin. The habitats on site consist of hard standing (concrete pads and an asphalt road) and spoil mounds and recolonising bare ground (gravel and soil). There are no indications the site is utilised by rare or protected flora or fauna and no third schedule invasive plant species were noted on site. No surface water features are present onsite. Overall, the site is considered to be of Low ecological value.

Foul and surface water will connect to the existing foul and surface water network via works within the road network outside of the boundary of the construction site. The risk of contaminating the culverted surface water network with volumes of silt, dirty water or hydrocarbons necessary to cause significant effects to the Qualifying Interests of downstream Designated Sites during construction or operational phase is therefore considered unlikely. The nearest downstream Designated Sites are North Dublin Bay SAC and North Bull Island SPA, located over 9 km away hydrologically.

The habitats on site are not likely to provide ex-situ feeding grounds for Qualifying Interests such as Brent geese. This assumption is 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 2019 was within fields near Darndale Park, over 5 km east of the proposed development (Handby et al., 2022³).

As the site and nearby grasslands are not utilised as ex-situ feeding grounds, there are no surface water features present onsite and the nearest designated sites are located over 8 km away, significant effects to the Qualifying Interests of Designated Sites are considered unlikely.

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

“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 does not conform to any of the classes of development and is not a ‘project’ as set out in Part 1 of Schedule 5 of PDR 2001. Therefore, there is no requirement for mandatory EIA under this provision.”

The author then goes on to say;

“With reference to Part 2 of Schedule 5 of the PDR 2001, the proposal can be considered a ‘project’ within a class / type of development...It can be concluded that the proposed development is significantly below the thresholds at which there is a mandatory requirement for an EIA. In this regard, the proposed development represents c.24% of the 500-unit threshold under class 10(b)(i) for residential development and c.13.5% of the 10 hectares threshold under class 10(b)(iv) for urban development.”

“While below the thresholds, the proposed development is of a type in respect of development classes 10(b)(i) and 10(b)(iv) as listed in Part 2 of Schedule 5 of the PDR 2001, and therefore, in accordance with Art.81A(5)(c) of the PDR 2001, is screened for the requirement for a ‘sub-threshold EIA’ having regard to the requirements of Schedules 7 and 7A of the PDR 2001.”

Following consideration of the proposal in accordance with Schedule 7 and Article 81A.(5)(c)(ii) of the Planning and Development Regulations 2001-2023 the EIA Screening Report concludes;

“It is considered that the proposed development would not be likely to have significant effects on the environment. The main reasons for this conclusion are as follows:

- The nature and scale of the site and the of the proposed development are significantly below the stated thresholds of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2023 at or above which there is a mandatory requirement for EIA;
- The location of the proposed development on a previously disturbed site which is not particularly sensitive to the environmental effects of development of this nature

³ Handby, Bearhop and Colhoun (2022) Understanding patterns of urban habitat use in overwintering light-bellied Brent geese in Dublin, Ireland (Unpublished Project Report in collaboration with Irish Brent Goose Research Project)

and scale. There are no designated sites or surface water bodies on the site or in the immediate vicinity. The receiving environment is well populated, with residential receptors situated in close proximity; however, appropriate mitigation measures have been incorporated into the proposal in order to avoid/ minimise impacts insofar as possible;

- The development is to be located on lands zoned for such land uses in the Fingal Development Plan 2023-2029, which itself has been the subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA);
- The nature of the proposed development is not unusual in the context of the receiving environment. The proposed operational use of the proposed development is to provide 119 muchneeded residential units and will comprise an improvement relative to the baseline in terms of residential amenity;
- The site clearance and construction phase is expected to give rise to minor, localised environmental effects that are typical of urban redevelopment projects of this nature;
- The scale of the proposed development is consistent with the prevailing skyline/ building height profile in the receiving environment;
- The availability of surface water services to serve the proposed scheme;
- According to the confirmation of feasibility letter included at Appendix A of Infrastructure Design Report a connection to the Uisce Éireann’s foul network can be facilitated subject to site specific comments;
- The location of the proposed scheme 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 identified under Section 4.2.15 Environmental Protection Measures of this EIA Screening Report;
- The likelihood of no significant environment effects arising as noted under Schedule 5, Part 2, paragraph 10(b)(i) and 10(b)(iv) of the Planning and Development Regulations 2001-2023;
- 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.”

Therefore, it is recommended that, having regard to the information set out above, the Competent Authority (Fingal County Council) may reach a screening determination that there is no real likelihood of significant effects arising as a result of the proposed development; and, therefore, that environmental impact assessment and the preparation of an environmental impact assessment report is not required.

Screening Determination:

Having regard to the forgoing, the proposed Residential Development at Mayeston, Poppintree, Dublin 11 does not trigger a mandatory EIA under the EIA Directive or the 2001 Regulations. Furthermore, having reviewed the EIA Screening Report presented by Brady Shipman Martin and supporting documents (Appropriate Assessment Screening Report,

CEMP, IAPS Report and Traffic Impact Assessment), and in light of best scientific knowledge, the proposed development is not likely to have significant effects on the environment due to the nature, scale or location of the proposed development relevant to areas of environmental sensitivity and the potential for impacts to occur. Fingal County Council therefore accepts the conclusions of the EIA Screening Report.

Signed: Jessica Clarke

Role/ Department: Ecologist, Planning and Strategic Infrastructure

Date: 29th November 2023