

Comhairle Contae Chill Dara
Kildare County Council



Date: 15th May 2024.
Our Ref: ED/1121.

Meadow Way Farm Ltd.
c/o WSP Ireland Consulting Ltd.
Town Centre House,
Naas,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ardrass Upper, Straffan, Celbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 17th April 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/498701 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,


Senior Executive Officer,
Planning Department.



Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1121.

WHEREAS a question has arisen as to whether the raising and re-contouring of lands consisting of infilling them with soils, leveling and raising the site by approximately 0.8m to allow for improved soil quality and extended grazing season at Ardrass Upper, Straffan, Celbridge, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 17th April 2024

AND WHEREAS Meadow Way Farm Ltd. requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended) and
- (b) Planning and Development Regulations 2001 (as amended); and

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- (c) The details contained in the application form and the Screening for Appropriate Assessment submitted

Comhairle Contae Chill Dara
Kildare County Council



NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the development consisting of the raising and re-contouring of lands consisting of infilling them with soils, leveling and raising the site by approximately 0.8m to allow for improved soil quality and extended grazing season at Ardrass Upper, Straffan, Celbridge, Co. Kildare

IS development and IS EXEMPTED development pursuant to Section 2, 3, 4 & 5 of the Planning and Development Act as amended and Article 6, Article 8C, Article 9 of the Planning and Development Regulations as amended provided that

- The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.
- A maximum of 15 truck movements to take place per day to the site from the local road from either direction

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

15th May 2024.


Senior Executive Officer,
Planning Department.

KILDARE COUNTY COUNCIL



PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1121.

Name Of Applicant(s):	Meadow Way Farm Ltd.
Address Of Development:	Ardrass Upper, Straffan, Celbridge, Co. Kildare.
Development Description:	The raising and re-contouring of lands consisting of infilling them with soils, leveling and raising the site by approximately 0.8m to allow for improved soil quality and extended grazing season.
Due date	15/5/2024.

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the raising and recontouring of lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare is or is not exempted development.

Site Location

The subject site is located at Ardrass Upper to the east of Barberstown Castle between, Straffan and Celbridge. According to the documents submitted with the application, the site is used for agricultural purposes and there is a small pocket of scrub to the west of the lands. The site is surrounded by an existing hedgerow. The site has a stated area of c.2.2 Ha.

Description of Proposed Development

The proposed development consists of the following, as described in the submitted application form:

"The development consists of the raising and re-contouring of lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare (See Site Location Map), infilling them with soils,

levelling and raising the site by approximately 0.8 m. The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site. The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.

A maximum of 15 truck movements per day site from the local road from either direction (..)"



Fig 1: Approximate Site Location and context



Fig 2: Aerial view of subject site (Google Images)

Planning History

None at application site.

Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1)

In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the 2000 Act states that certain developments shall be "exempted development" for the purposes of the Act including (a) development consisting of the use of any land for the purposes of agriculture and development consisting of the use for that purpose of any building occupied together with land so used; (I) development consisting of the carrying out of works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.

I note that the "works" in the Land Reclamation Act 1949 refers to the following: -

- (a) *field drainage;*
- (b) *land reclamation;*
- (c) *the construction and improvement of watercourses;*
- (d) *the removal of unnecessary fences;*
- (e) *the construction of new fences and the improvement of existing ones;*
- (f) *improvement of hill grazing;*
- (g) *reclamation of estuarine marsh land and of callows;*
- (h) *any operations ancillary to the foregoing.*

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Planning and Development Regulations 2001 (as amended)

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such

development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 8(C)

Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

Article 9 (1)(a)(i)

Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—.....(15 items)

Assessment

Is or is not development

The development as set out comprises the raising and re-contouring of lands, infilling them with soils, levelling and raising the site by approximately 0.8 m. Having regard to the statutory definition of the terms 'works' and 'development', referred to above, which define works as, amongst other things, any act or 'operation of construction' or 'alteration' and development as the 'carrying out of works on land', I would consider that the creation of new surface layers and the alteration of the existing land form by importation of soils would comprise both 'works' and 'development', as defined in the Planning and Development Act, 2000 (as amended).

Is or is not exempted development

Article 8C, of the Planning and Development Regulations, 2001 (as amended) states "*Land reclamation works consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding shall be exempted development.*" I note the Applicant has stated "*soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency*", therefore Article 8C of the Regulations applies.

I consider that the proposed development, which involves the importation of soil to pasture lands which would be re-contoured to improve soil quality and extended grazing conditions on the site, would be exempted development as set out in Article 8C of the Planning and Development Regulations, 2001 (as amended).

It is further noted that a Screening for Appropriate Assessment was submitted as part of the application documents. The assessment states that "*it has been concluded that the site is potentially connected to one European designated site.*" The designated site is Poulaphouca Reservoir SPA. It is stated that "*The Site is located within the core foraging range of greylag goose, which is one of the qualifying species of the SPA. Suitable foraging habitat exists within the Site.*"

The Screening for Appropriate Assessment concludes that "the risks posed by visual/aura disturbance and by the loss of grassland habitat will not have significant effects on Poulaphouca Reservoir SPA, which was deemed to have connectivity with

the Proposed Development. This was found to be the case for the Proposed Development alone and in combination with other plans or projects.

Conclusion

Having regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- The details contained in the application form and the Screening for Appropriate Assessment submitted

It is considered that the raising and re-contouring of lands, infilling them with soils, levelling and raising the site by approximately 0.8 m and sourced from sites where the Economic Operator will process an Article 27 application process with the Environmental Protection Agency, is development and is exempted development.

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is exempted development*.

Signed: Catherine Dockery
Assistant Planner

Date: 13/05/2024

Signed:

Elaine Donohoe
A/Senior Executive Planner

15/04/2024

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the raising and re-contouring of lands consisting of infilling them with soils, levelling and raising the site by approximately 0.8m to allow for improved soil quality and extended grazing season

AS INDICATED on the plans and particulars received by the Planning Authority on 17/04/2024

AND WHEREAS Pat Barton c/o Meadow Way Farm Limited requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Planning and Development Act 2000 (as amended); and
- (b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 8C of the Planning and Development Regulations 2001 (as amended) and;
- (c) The details contained in the application form and the Screening for Appropriate Assessment submitted

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

“The development consists of the raising and re-contouring of lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare (See Site Location Map), infilling them with soils, levelling and raising the site by approximately 0.8 m. The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site. The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.

A maximum of 15 truck movements per day site from the local road from either direction (..)”

IS development and IS EXEMPTED development pursuant to Section 2, 3, 4 & 5 of the Planning and Development Act as amended and Article 6, Article 8C, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed: _____

Appendix 1: Appropriate Assessment Screening

**APPROPRIATE ASSESSMENT SCREENING REPORT
AND**



DETERMINATION

(A) Project Details

Planning File Ref	ED1121
Applicant name	Pat Barton (Company: Meadow Way Farm Limited)
Development Location	Ardrass Upper, Straffan, Celbridge, Co. Kildare.
Site size	c. 2.2 Ha
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	Rye Water Valley/Carton SAC is c. 7.2km from the subject site.

Description of the project/proposed development –

(B) Identification of Natura 2000 sites which may be impacted by the proposed development

			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	NO
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?</i>	NO

	Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake		
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	NO
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	NO

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
A Screening for AA was submitted as part of the application documents. Having regard to the scale and nature of the development and the distance to the nearest designated site, it is not considered there would be potential for any significant effects on the European sites network.		
Name:	C. Dockery	
Position:	Assistant Planner	
Date:	13/05/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL



Director of Services Order

I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO: DO52726 **Section:** Planning

SUBJECT: ED1121.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at Ardrass Upper, Straffan, Celbridge, Co. Kildare.

SUBMITTED: File Ref. ED1121 with recommendation from the A/Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is exempted development.

MADE THIS 16th DAY

SIGNED: Alan Dunney

OF May YEAR 2024

DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended



Incomplete application forms will
be deemed invalid and returned

All responses must be in block
letters

Section 1

Details of Applicants

1. Name of Applicant(s) A. Surname: BARTON
Phone No : [REDACTED]

Forenames: PAT

2. Address
Ardrass Upper
Straffan,
Celbridge
County Kildare

Section 2

Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname KASSIE - SHEERAN Forenames RAB
Phone No 087 434 5749..... Fax

2. Address... WSP IRELAND CONSULTING LTD, TOWN CENTRE HOUSE, NAAS, CO.
KILDARE.....

Section 3

Company Details (if applicable)

1. Name of Company... MEADOW WAY FARM LIMITED.....
Phone No...+353 87 255 3722..... Fax No...N/A.....

2. Company Reg. No... ..235261.....

3. Address..... STRAFFAN ROAD, MAYNOOTH, KILDARE.....

Section 4

Details of Site

1. Planning History of Site
Agricultural land, - not developed.....

2. Location of Proposed Development...
Ardrass Upper, Straffan, Celbridge, Co. Kildare

3. Ordnance Survey Sheet No. 3323-A, B, C & D (refer Site Location & Layout Plans).....
4. Please state the Applicants interest in the site - OWNER.....
5. Please state the extent of the proposed development... The project area is c. 2.2 ha.
6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*)...

The Planning and Development Regulations 2001 (as amended) outline in Article 8C that 'Land reclamation works (other than reclamation of wetlands) consisting of recontouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development'.

7. Please give a detailed description of the Proposed Development (*Use separate page if necessary*).....

The development consists of the raising and re-contouring of lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare (See Site Location Map), infilling them with soils, leveling and raising the site by approximately 0.8 m. The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site. The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency.

A maximum of 15 truck movements per day site from the local road from either direction (refer to the Site Location map provided).

Section 5	The following must be submitted for a valid application
------------------	--

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	√
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	√
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	N/A
4.	All drawings to differentiate between the original building, all extensions and proposed development	N/A
5.	Fee of 80 Euro	√

Section 6	Declaration
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I, Rab Kassie-Sheeran certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.



Signature: _____

Date: 17/04/2024



Comhairle Contae Chill Dara

Kildare County Council

Data Protection Act 2018

PRIVACY STATEMENT

Who are we?

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest.

Why do we have a Privacy Statement?

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us, to enable us to provide services, is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy at

<http://kildare.ie/CountyCouncil/DataProtection/> or you can request a hard copy at 045 980 200.

What is the activity referred to in this Privacy Statement?

Kildare County Council performs the role of Planning Authority for the County. The planning application process is a statutory requirement which allows for the relevant parties and public to participate in the proper development of the lands in the County.



Comhairle Contae Chill Dara

Kildare County Council

What is the basis for making the processing of this personal data lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is the Planning & Development Acts 2000- 2017 and the Planning and Development Regulations 2001 - 2017. In addition there are also certain delegated functions under the local Government Reform Act 2014.

We require contact details

In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details may also be used to verify your identity.

What other types of personal data do we need to undertake this activity?

(a) Data subject - Name, address, contact number, copy of payment receipt, local needs information & supporting documentation which may include documents such as birth certificate, baptismal certificate, credit union details, copy of driving licence, copy of passport, school documentation etc.

(b) Third parties related to the land - name, address, land ownership

(c) Third parties - information related to submissions made to the Planning Authority (Elected Representatives)

Medical records and potentially other sensitive data can be processed under the rural housing local need aspect of this activity. This information is not requested; however it may be voluntarily submitted as part of the application.

What will happen if the personal data is not provided?

All information requested as part of the application process, (excluding the **rural housing** local need information) is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed. If the local need information is not submitted, the planner may refuse or request further information on the file in order to satisfy the Planning Authority that the applicant is compliant with the Rural Housing policy of the Kildare County Development Plan 2017-2023

Am I the only source of this personal data?

In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This **may apply** to this activity.



Comhairle Contae Chill Dara

Kildare County Council

Data may be sourced during the planning application process from public sources such as the Property Registration Authority and other publically available information that Kildare County Council may hold.

Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

As part of this process, the planning application data which is publicly available may be forwarded to external agencies/consultees such as ESB, Irish Rail, etc. to review and make a submission if they wish. If an application is to be appealed Kildare County Council are required under the Planning and Development Acts to give all details submitted as part of the planning application to An Bord Pleanála, who then become the joint data controller for the information they hold.

Data **IS NOT** transferred to another country.

Data is transferred to (if there are no countries listed, it is not intended to transfer the personal data abroad)

How long is my data kept for?

The Council has a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. A copy of Record Retention Policy can be accessed via the following link:

http://www.lgma.ie/sites/default/files/2002_national_retention_policy_for_local_authority_records_2.pdf

Do you need to update your records?

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.

In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this.

If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:



Comhairle Contae Chill Dara

Kildare County Council

Writing to us at: Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

Emailing us at customercare@kildarecoco.ie

When making a request to update your record please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc.

Your rights:

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.

If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

To exercise these rights logon to <http://kildare.ie/CountyCouncil/DataProtection/> , use one of the forms at our Counter or contact us.

Kildare County Council - Access to Information Officer

Phone	045 982 200
E-mail	dataprotection@kildarecoco.ie or customercare@kildarecoco.ie
Postal Address	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:



Comhairle Contae Chill Dara

Kildare County Council

Lo Call Number	1890 252 231
E-mail	info@dataprotection.ie
Postal Address	Data Protection Commissioner Canal House Station Road Portarlinton, Co. Laois. R32 AP23.

Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

Last Updated 25 May 2018.



Planning Department
Kildare County Council
Áras Chill Dara, Devoy Park
Naas
Co Kildare
W91 X77F

Our Ref: 40000195
15 April 2024

SECTION 5 EXEMPT DEVELOPMENT DECLARATION

Dear Sir/Madam,

Meadow Way Farm Limited is a landowner operating from his lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare and are seeking a Declaration of Exempt Development in accordance with Article 8C, Part 2 of Schedule 1 of the Planning and Development Regulations 2001 as amended for the development of raising and re-contouring an agriculture field on their lands at Ardrass Upper. Article 8C is described as follows:

'Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development'.

This Pack contains:

- Kildare County Council Declaration of Exempt Development under Section 5 form;
- Drawing 101 – Site Location Plan;
- Drawing 102 – Site Layout Plan - Existing Conditions;
- Drawing 103 – Site Layout Plan – Proposed Conditions;
- Drawing 104 – Cross Sections;
- Appropriate Assessment Screening Report;
- Fee of €80.

The development meets the conditions and limitations associated with Article 8C.



Please do not hesitate to contact the undersigned if you require any further information.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'RKS' followed by a large, sweeping circular flourish.

Rab Kassie-Sheeran
Environmental Scientist

RKS



OSI Licence No.
CYAL50192220

OSI MAP DETAILS
Projection / Spatial Reference:
=====

Projection= IRENET95_JTM

Centre Point Coordinates:

X,Y= 695595.89 / 73067.51m

Reference Index:

Map Series | Map Sheets

12.500 | 3323-C

12.500 | 3323-B

12.500 | 3323-D

12.500 | 3323-A

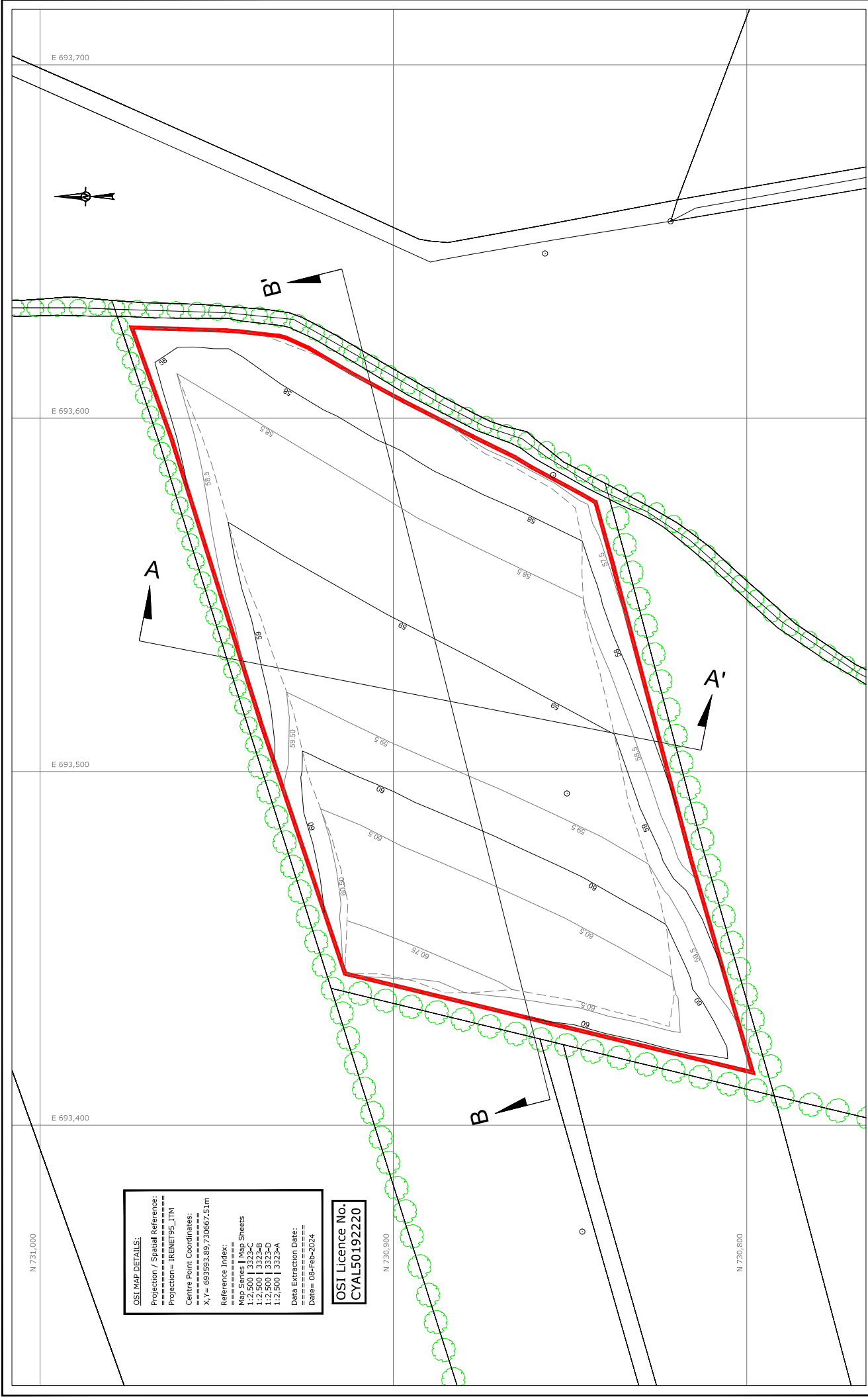
Date= 07-Feb-2024



LEGEND:
APPLICATION SITE BOUNDARY

NOTES:
GRID REFERENCES ARE IN METRES
& TO ITM COORDINATES.
LEVELS ARE IN METRES
& TO O.S. DATUM.
DIMENSIONS ARE IN METRES.

CLIENT		PROJECT	
Meadow Way Farm Limited		Exempt Development Application - Land Reclamation	
CONSULTANT		TITLE	
wsp		SITE LOCATION PLAN	
YYYYMM-DD	2024-Feb-08	PREPARED	POB
DESIGN	POB	REVIEW	RT
APPROVED	RT	PROJECT No.	40000195
		DRAWING No.	101
		Rev.	A
		SCALE	1:2,500 A3



OSI MAP DETAILS:
Projection / Spatial Reference:
Projection= IRENET95_ITM
Centre Point Coordinates:
X,Y= 693593.85/730667.151m
Reference Index:
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1:2,500 | 3323-C
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GRID REFERENCES ARE IN METRES
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LEGEND:

- APPLICATION SITE BOUNDARY
- PROPOSED GROUND CONTOUR (mOD)
- MATURE HEDGEROWS



CLIENT

Meadow Way Farm Limited

CONSULTANT

2024-Feb-08

PREPARED POB

DESIGN POB

REVIEW RT

APPROVED RT

PROJECT

Exempt Development Application - Land Reclamation
Adraass Upper, Celbridge, Naas, Co. Kildare

TITLE

PROPOSED SITE CONDITIONS

PROJECT No. 40000195

DRAWING No. 103

Rev. A

SCALE 1:500 A1



Exempted Development Application

SCREENING FOR APPROPRIATE ASSESSMENT

Ardross Upper, Straffan, Celbridge, Co. Kildare





Exempted Development Application

SCREENING FOR APPROPRIATE ASSESSMENT

Ardrass Upper, Straffan, Celbridge, Co. Kildare

TYPE OF DOCUMENT (VERSION) CONFIDENTIAL

PROJECT NO. 40000195

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Exempted Development Application

SCREENING FOR APPROPRIATE ASSESSMENT

Ardrass Upper, Straffan, Celbridge, Co. Kildare

WSP

Town Centre House
Dublin Road
Naas
Co Kildare

WSP.com



QUALITY CONTROL

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1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1. WSP Consulting Ireland Ltd (WSP) has been commissioned by Meadow Way Farm Limited (the Applicant) to carry out a screening for Appropriate Assessment (AA) to support an exempted development application to Kildare County Council (KCC - the 'Competent Authority') for the raising and re-contouring of lands at Ardrass Upper, Straffan, Celbridge, Co. Kildare; hereafter referred to as the 'Proposed Development'.
- 1.1.2. The Proposed Development includes the raising and recontouring of agricultural land, infilling with soil, levelling, and raising the land by approximately 0.8 metre (m). The purpose of this development is to improve soil quality and extend the grazing season for beef cattle operations. Presently, the lands are low-lying and soft in nature for much of the year and recontouring will improve grazing. The Proposed Development is situated at Irish Ordnance Survey Grid Reference: N 93580 30866; hereafter referred to as the 'Site', as illustrated below in **Figure 1-1**.

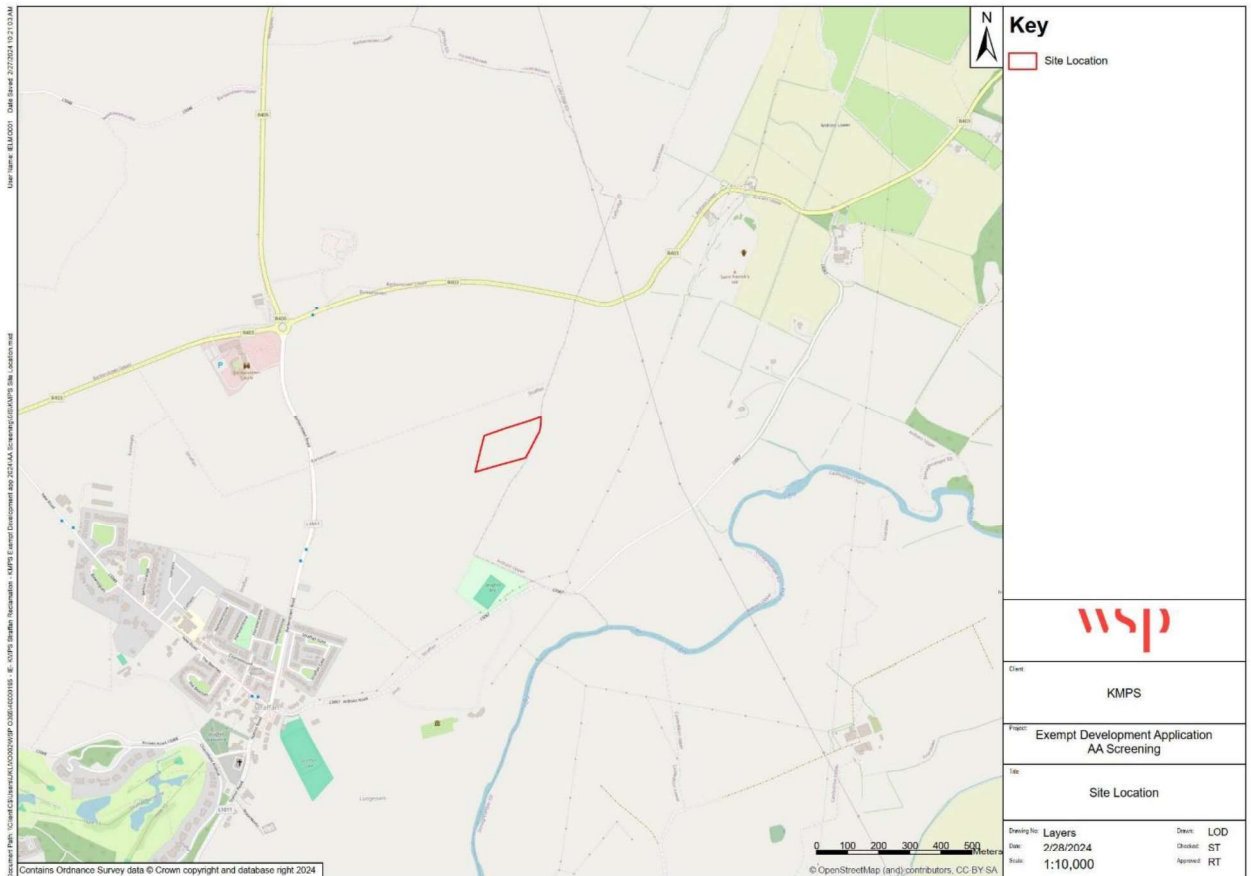


Figure 1-1 - Site Location

1.2 THE HABITATS DIRECTIVE

- 1.2.1. Having regard to the requirements of European Council Directive 92/43/EEC of 21 May 1992 (as amended) on the conservation of natural habitats and of wild flora and fauna (the 'Habitats Directive'¹), the Competent Authority are required to undertake a Screening for AA, to determine whether the Proposed Development may have likely significant effects (LSEs) upon European sites, i.e. those that may be present within the Proposed Development's Ecological Zone of Influence (EZol)², either alone, or in combination with other plans or projects.
- 1.2.2. European sites consist of Special Areas of Conservation (SACs) designated for habitats and species of community importance, and Special Protection Areas (SPAs) designated for birds and bird habitats. The process of completing the designation of SACs and SPAs is ongoing in Ireland. Until such time as this process is completed, candidate SACs (cSACs) and proposed SPAs (pSPAs) have the same protection as SACs and SPAs. For projects requiring planning permission, AA Screening (and AA if required) is transposed into Irish law through Part XAB of the Planning and Development Act 2000 (as amended) ('The Planning Acts'), and the Planning and Development Regulations 2001 (as amended).

1.3 LEGISLATIVE CONTEXT

- 1.3.1. Section 177U(1) of The Planning Acts places a duty upon 'Competent Authorities' (in this case KCC) to determine LSEs of proposed developments upon European sites prior to granting consent. The Competent Authorities' AA Screening determination will be informed by this report.
- 1.3.2. Should AA Screening identify LSEs (or should it not be possible to exclude such effects based on objective evidence and in view of best scientific knowledge) it will be necessary for the Competent Authorities to carry out an AA to determine if the Proposed Development may have adverse effect on the integrity of a European Site, either alone or in combination with other plans or projects. In line with Section 177V of the Planning Acts, AA determination would be informed by a Natura Impact Statement (NIS) which would determine whether those LSEs are likely to have an adverse effect on the integrity of any European Site, in light of their Conservation Objectives.
- 1.3.3. In support of this exempted development application, WSP have produced an AA Screening report.

1.4 REPORT PURPOSE

- 1.4.1. The objectives of this report include:
- Introduce the Proposed Development and provide ecological context within the existing landscape;
 - Identify the potential environmental impacts associated with the Proposed Development;
 - Identify European sites which lie within the EZol² of the Proposed Development; and

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

² The CIEEM EclA Guidelines define the EZol as the area over which important ecological features may be subject to significant effects resulting from the Development; this may extend beyond the footprint of the Development. The EZol may vary for each ecological feature due to the varying mobility range of the feature being assessed. For example, the EZol for otter (which are mobile) will be greater than the EZol for habitats (which are sedentary).

- Identify whether any of the impacts associated with the Proposed Development, both alone and in combination with other plans or projects, could have LSEs on any of the European sites identified, and hence indicate whether further assessment of those impacts is required or not (i.e., through an AA).

1.5 CONTRIBUTORS TO THIS REPORT

- 1.5.1. Assessment and reporting were designed and carried out by WSP ecologists Lisa O'Dowd (Consultant Ecologist) and Steven Tooher (Principal Ecologist) who have 3 years' and 8 years' experience respectively of similar work. They are members of the Chartered Institute of Ecology and Environmental Management (CIEEM) and are at least at a 'Capable' standard for AA, in accordance with the competency framework from the Chartered Institute of Ecology and Environmental Management (CIEEM) (2021).

1.6 PROPOSED DEVELOPMENT

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development is an application for a Declaration of Exempted Development in accordance with Section 5 of the Planning and Development Act 2000 for improvement works to an agricultural field. The development consists of the raising and re-contouring of lands within a farm holding at Ardrass Upper, Straffan, Celbridge, Co. Kildare (**Figure 1-1**), infilling with inert soils, levelling and raising the site by approximately 0.8 m.

- 1.6.1. The proposed objective of soil placing, is to allow for improved soil quality and extended grazing season beef cattle operations on these lands. The lands in this area are low lying and soft in nature for much of the agricultural season. Recontouring, through the infilling of soils will improve grazing at the site.
- 1.6.1. The soils are to be sourced from sites where the Economic Operator will prepare and submit an Article 27 notification to the Environmental Protection Agency. A maximum of ten truck movements per day will enter the site from the local road.

DESCRIPTION OF THE SITE

The Site is located at Ardrass Upper, Straffan, Celbridge, Co. Kildare and is situated at Irish Ordnance Survey Grid Reference: N 93580 30866. An aerial study of the Site using Google Earth suggests the Site is an improved grassland field used for agriculture with a small pocket of scrub to the west of the field. The Site is surrounded by a hedgerow, with which there are no proposals to interact. All hedgerows are to be retained. Access is through an existing gap in the hedgerow.

2 APPROPRIATE ASSESSMENT (AA) CONTEXT

2.1 STAGES OF AA

- 2.1.1. An AA is a multi-stage process as described below. This report covers Stage 1 of the AA process, which involves screening for LSEs on European sites (Stage 1). Stage 2 (AA) involves the assessment of those LSEs to determine if they will adversely affect the integrity of any European sites. Appropriate Assessment is carried out by the Competent Authority and is informed by the information contained in the Natura Impact Assessment (NIS). A brief description of the legislative context is also provided in this section.
- 2.1.2. Guidance on Article 6 of the Habitats Directive (European Commission, EC 2018 and EC 2021) sets out the step wise approach which should be followed to enable Competent Authorities to discharge their duties under the Habitats Directive and provides further clarity on the interpretation of Articles 6 (3) and 6 (4). The process used is usually summarised in four distinct stages of assessment.
- 2.1.3. **Stage 1 (AA Screening)** - The purpose of the screening stage is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a European site in view of the site's conservation objectives. There is no necessity to establish such an effect; it is merely necessary for the Competent Authority to determine that there may be such an effect. The need to apply the precautionary principle in making any key decisions in relation to the tests of AA has been confirmed by the case law of the Court of Justice of the European Union (CJEU). Plans or projects that have no appreciable effect on a European site may be excluded. The threshold at this first stage is a very low one and operates as a trigger to determine whether a Stage Two AA must be undertaken by the Competent Authority on the implications of the proposed development for the conservation objectives of a European site. Therefore, where significant effects are likely, uncertain or unknown at screening stage, a second stage AA will be required.
- 2.1.4. **Stage 2 (NIS to inform AA)** - A Stage Two AA is a focused and detailed examination, analysis and evaluation carried out by the Competent Authority of the implications of the plan or project, alone and in-combination with other plans and projects, on the integrity of a European sites in view of that site's conservation objectives. Case law has established that such an AA, to be lawfully conducted, in summary:
- must identify, in the light of the best scientific knowledge in the field, all aspects of the proposed development which can, by itself or in-combination with other plans or projects, affect the conservation objectives of the European site;
 - must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps; and
 - may only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where the Competent Authority decides (on the basis of complete, precise and definitive findings and conclusions) that no reasonable scientific doubt remains as to the absence of the identified potential effects. If adverse impacts can be satisfactorily avoided or successfully mitigated at this stage, so that no reasonable doubt remains as to the absence of the identified potential effects, then the process is complete. If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded, then the process must proceed to stage three and, if necessary, stage four.

- 2.1.5. **Stage 3** - This stage of the potential process arises where adverse effects on the integrity of a European site cannot be excluded and examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European site.
- 2.1.6. **Stage 4** - Assessment where no alternative solutions exist and where adverse effects remain: an assessment of whether the development is necessary for imperative reasons of overriding public interest and, if so, of the compensatory measures needed to maintain the overall coherence of the network of European sites.

LEGISLATIVE CONTEXT

EUROPEAN UNION Habitats Directive

- 2.1.7. Article 6(3) of the Habitats Directive sets out the need for AA of plans or projects which adversely affect the integrity of a European site (SPAs, SACs and candidate SACs (cSACs)) based on their proximity, or connectivity to the Proposed Development:
- 2.1.8. Any plan or project not directly connected with or necessary to the management of a European site, but which is likely to have a significant effect upon such a site, either individually or in combination with other plans or projects, shall undergo an AA to determine its implications for the site. The competent authorities can only agree to the plan or project after having ascertained that it will not adversely affect the integrity of the site concerned (Article 6.3).

Planning and Development Act

- 2.1.9. The Habitats Directive was transposed into Irish law in a planning context, through Part XAB of the Planning and Development Act 2000 (as amended). This sets out the circumstances under which an AA is required, the stages of that assessment which must be undertaken, as summarised above, and the responsibilities of the Competent Authority in considering whether to approve consent for proposed plans or projects.

Section 177U(1) of the Act states that:

- 2.1.10. *A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.*
- 2.1.11. Section 177(4) of the Act states that:
- 2.1.12. *The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.*
- 2.1.13. Where likely significant effects upon a European site are predicted, or cannot be ruled out, it is the responsibility of the Competent Authority to undertake an AA under Article 6(3) of the Habitats Directive, informed through an NIS, to determine whether the proposed plan in combination with any other plan or project would adversely affect the integrity of a European site in light of its Conservation Objectives.
- 2.1.14. Where an AA concludes there will be adverse effects on the integrity of a European site, the Competent Authority may only agree to the plan or project if:

- It is evidenced that there are no alternative solutions (Stage 3); and,
- There are imperative reasons of overriding public interest for the advancement of the project (Stage 4), and appropriate compensation measures have been identified.

GUIDANCE

2.1.15. This AA Screening report and NIS has been informed by the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government (DoEHLG). Dublin. (DoEHLG, (2009)
- Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (European Commission, 2002) Communication from the Commission on the Precautionary Principle
- CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2, Winchester
- European Commission (2002) Assessment of plans and projects significantly affecting European sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission & D.G. Environment (2013) Interpretation Manual of European Union Habitats EUR28.Nature ENV B.
- European Commission (2019) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC
- National Roads Authority (NRA) (2009) Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes.
- NPWS (2019). The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS Report. Edited by Deirdre Lynn and Fionnuala O'Neill.
- Office of the Planning Regulator (OPR) (2021) Practice Note PN01: AA Screening for Development Management.
- Scottish Natural Heritage (SNH) (2016). Assessing connectivity with Special Protection Areas (SPAs). Version 3 - June 2016.

A Note on Mitigation

2.1.16. It should be noted that this report has taken account of the 2017 European Court of Justice (CJEU) ruling (C-323/17 - People Over Wind and Peter Sweetman v Coillte): "Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an AA of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."

3 IDENTIFICATION OF RELEVANT DESIGNATED SITES

3.1.1. The OPR (2021) recommend that the scope of AA Screening should consider the following:

- Any European sites within or adjacent to the plan or project area;
- Any European sites within the likely zone of influence of the plan or project. 15 km is currently the 'default' zone of influence, as recommended by DoEHLG (2009), however, the range for projects could be much less, in some cases less than 100 m, but this must be evaluated on a case-by-case basis considering the nature, size and location of the project, as well as the sensitivities of the ecological receptors, and the potential for in combination effects; and
- European sites that are more than 15 km 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 (European Commission 2021). In the case 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.
- For this AA Screening, European sites with the potential to be affected by the Proposed Development were identified based on their proximity, as well as their potential to be connected, either directly (e.g., via watercourses) or indirectly (e.g., whereby associated qualifying species use habitats within, or their proximity to the existing development for foraging or roosting habitat (termed 'functionally connected' habitat³)). The EZoL² was initially 15 km, extended to 20 km for SPAs based on the upper-range commuting distance of pink-footed *Anser brachyrhynchus* and greylag geese *Anser anser* (Scottish Natural Heritage, 2016).

3.1.2. **Table 3-1** provides details of the Qualifying Interests (QIs)⁴ of each of the European sites identified within the EZoL of the Proposed Development, the approximate distance and direction of each European site, and if there is potential connectivity⁵. The locations of these European sites in relation to the Site are shown in **Figure 3-1** Table 3-1.

3.1.3. It should be noted that there are no watercourses within the Site boundary, although the 'Posseckstown' watercourse (EPA River Waterbody Code: IE_EA_09L011700) flows south along the eastern boundary.

3.1.4. On the basis that the proposed works do not involve any substantial excavation, and therefore no interaction with the groundwater table, the potential for groundwater connectivity was only considered in the event that the Proposed Development is within 100 m of a European site⁶.

³ In the context of this report, the term 'functional connectivity' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'connected' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status.

⁴ The specific named bird species for which a SPA is selected is called the 'Special Conservation Interests' (SCIs). However, in practice, the common terminology of Qualifying Interests (QI) applies also to SCI (and is used in this document for simplicity) as per OPR, 2021.

⁵ Information on designated sites was obtained from freely downloadable datasets from National Park and Wildlife Service (NPWS).

Available at: <https://www.npws.ie/fag/site-designation>

⁶ Newell and Connor (1998), in a study of over 600 groundwater contamination sites (by petroleum hydrocarbons), reported that the median length of a groundwater plume was 132 feet (~40 metres). The 90th percentile distance was 319 feet (~97 metres).

Table 3-1 - European Sites within the EZol²

Site Name and Code	Distance to Proposed Development	Connectivity	Qualifying Interests [Habitats/Birds Directive Code]
Rye Water Valley/Carton SAC [001398]	Direct: 7 km northwest Fluvial: 12.5 km	<p>The easternmost boundary of this SAC stops just short of the confluence of Rye Water and the River Liffey. The Proposed Development is hydrologically connected to the River Liffey, but as the SAC is located upstream of the confluence as described, there is no hydrological connectivity.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>This SAC is designated for two species of freshwater snails, which disperse by transportation in the water column (Killeen, 2003). As there is no hydrological connectivity with the SAC there is no functional connectivity for these species.</p>	<ul style="list-style-type: none"> ■ Petrifying springs with tufa formation (Cratoneurion) [7220] ■ Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1014] ■ Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> [1016]
Ballynafagh Bog SAC [000391]	11.5 km west	<p>There is no hydrological connectivity between this SAC and the Site.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>This SAC is designated for habitats only. Therefore, there is no functional connectivity.</p>	<ul style="list-style-type: none"> ■ Active raised bogs [7110] ■ Degraded raised bogs still capable of natural regeneration [7120] ■ Depressions on peat substrates of the Rhynchosporion [7150]
Ballynafagh lake SAC [001387]	12.2 km west	<p>There is no hydrological connectivity between this SAC and the Site.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>As there is no hydrological connectivity with the SAC there is no functional connectivity for Desmoulin's whorl snail.</p> <p>Marsh fritillary is a mobile species however, adults rarely fly more than 100m from where they hatch (Phelan, et al., 2021). Therefore, due to the distance of this SAC to the Site, there is no functional connectivity for marsh fritillary.</p>	<ul style="list-style-type: none"> ■ Alkaline fens [7230] ■ Desmoulin's Whorl Snail [1016] ■ Marsh Fritillary <i>Euphydryas aurinia</i> [1065]
Red Bog, Kildare SAC [000397]	14 km south	<p>There is no hydrological connectivity between this SAC and the Site.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>This SAC is designated for habitats only. Therefore, there is no functional connectivity.</p>	<ul style="list-style-type: none"> ■ Transition mires [7140]

Site Name and Code	Distance to Proposed Development	Connectivity	Qualifying Interests [Habitats/Birds Directive Code]
Glenasmole Valley SAC [001209]	16.2km southeast	<p>There is no hydrological connectivity between this SAC and the Site.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>This SAC is designated for habitats only. Therefore, there is no functional connectivity.</p>	<ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
Poulaphouca Reservoir SPA [004063]	16.7 km southeast	<p>There is no hydrological connectivity between this SPA and the Site.</p> <p>The SPA is designated for its greylag goose population and wintering lesser black-backed gull <i>Larus fuscus</i>. The SPA provides a main roost for the geese with feeding occurring on the improved grassland outside the SPA (NPWS, 2014). Such improved grassland dominates the Proposed Development Site.</p> <p>The Department of Agriculture, Food and the Marine (DAFM) (2020) advises that projects more than 1 km from an SPA can be screened out for impacts on foraging lesser black-backed gulls on the grounds that it is beyond its core foraging range. As per SNH (2016), the core foraging range for greylag geese is accepted as being 20 km.</p> <p>Given that the Development is within the core foraging range of greylag geese and given the presence of suitable foraging habitat at the Site, there is functional connectivity with this SPA. There is no functional connectivity for lesser black-backed gull.</p>	<ul style="list-style-type: none"> Greylag Goose [A043] Lesser Black-backed Gull <i>Larus fuscus</i> [A183]
Mouds Bog SAC [002331]	<p>Direct: 17 km southwest</p> <p>Fluvial: c. 26 km</p>	<p>The SAC Is located approximately 26 km upstream from the Proposed Development. Therefore, there is no hydrological connectivity between the Site and the SAC.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>This SAC is designated for habitats only. Therefore, there is no functional connectivity.</p>	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]

Site Name and Code	Distance to Proposed Development	Connectivity	Qualifying Interests [Habitats/Birds Directive Code]
Wicklow Mountains SAC [002122]	Direct: 17.3 km southwest Fluvial: c. 64 km	<p>The SAC Is located approximately 26 km upstream from the Proposed Development. Therefore, there is no hydrological connectivity between the Site and this SAC.</p> <p>Due to the nature of the proposed works and the distances involved, there is no groundwater connectivity.</p> <p>Otter is the only qualifying mobile species and it therefore should be assessed for functional connectivity. It is estimated that female otters in Ireland have a home range of 9 km and males a home range of 18.5 km (Reid, et al., 2013). Considering the 64 km fluvial distance from the Site, it is therefore concluded that there is no functional connectivity for otter.</p>	<ul style="list-style-type: none"> ■ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] ■ Natural dystrophic lakes and ponds [3160] ■ Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] ■ European dry heaths [4030] ■ Alpine and Boreal heaths [4060] ■ Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] ■ Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] ■ Blanket bogs (* if active bog) [7130] ■ Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] ■ Calcareous rocky slopes with chasmophytic vegetation [8210] ■ Siliceous rocky slopes with chasmophytic vegetation [8220] ■ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] ■ Otter <i>Lutra lutra</i> [1355]

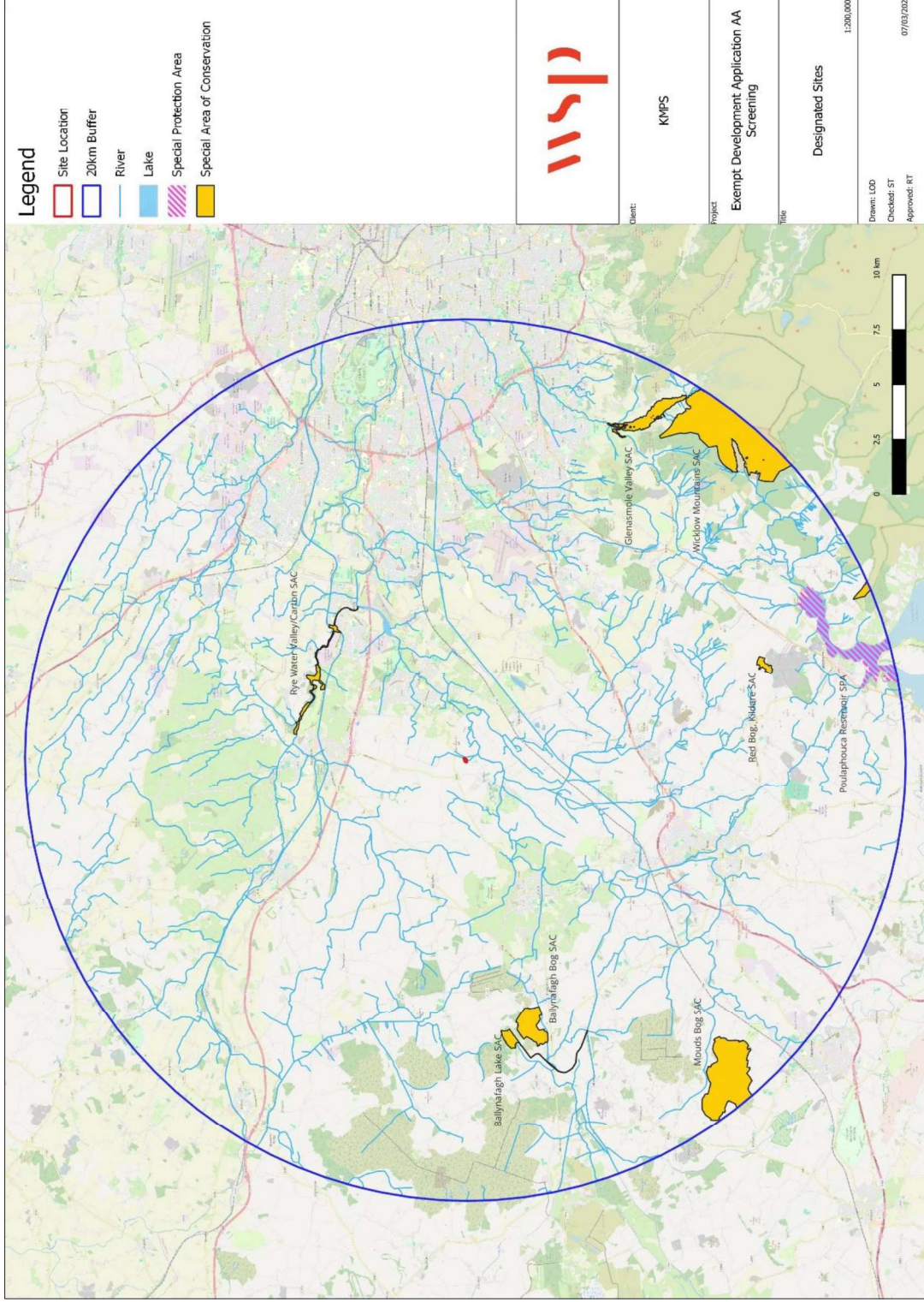


Figure 3-1 - European Designated Sites

- 3.1.5. Based on the information presented in **Table 3-1**, it has been concluded that the Site is potentially connected to one European designated site - as summarised in **Table 3-2**.

Table 3-2 - Designated Sites with Connectivity to the Proposed Development

Designated Site	Type of Connectivity	Reason for Connectivity
Poulaphouca Reservoir SPA	Functional	The Site is located within the core foraging range of greylag goose, which is one of the qualifying species of the SPA. Suitable foraging habitat exists within the Site.

- 3.1.6. The Site is not hydrologically, functionally, or otherwise connected to any other European designated site.

4 AA SCREENING

- 4.1.1. This section identifies whether the impacts associated with the Proposed Development are likely to give rise to significant effects upon any of the European sites identified in the previous section.
- 4.1.2. Details of the Proposed Development used to inform the assessment of LSEs are provided in Section 1. As noted in Section 2.1.16, any measures intended to avoid or reduce adverse effects of the Proposed Development on European sites (i.e. “mitigation measures”) have not been considered during the Screening stage.
- 4.1.3. For each of the European sites identified above in **Table 3-1**, a screening exercise has been undertaken whereby each site has been considered in relation to potential impacts from the Proposed Development. A screening conclusion is then presented for each European site, and LSEs are identified as appropriate. The screening exercise is presented in **Table 4-1**.

ARTICLE 6(3) STATEMENT

- 4.1.4. Considering the nature of the activities concerned, and location of the Site, it is determined that it is not directly connected with or necessary to the management of a European site and is therefore **not** exempt from the requirements of the AA process.

4.2 CONSIDERATION OF POTENTIAL EFFECTS - RATIONALE

- 4.2.1. The screening assessment is based on the rationale set out below, in relation to the potential effects resulting from the Proposed Development on Poulaphouca Reservoir SPA. Considering the nature of the proposed works and the type of connectivity that exists with the SPA (see **Table 3-2**), this assessment needs to consider the effects of:
 - Habitat loss – temporary removal of grassland during site operations;
 - Visual and aural disturbance of foraging greylag geese during site operations; and
 - Accidental introduction of invasive species of flora – via transport of seeds and/or viable tissue in the soil.

PRESENCE OF GREYLAG GEESE

- 4.2.2. It should be noted that the authors of this report have taken a precautionary approach to the presence of greylag geese at the Site. In the absence of confirmatory surveys, greylag geese are assumed to forage at the site occasionally, and the assessment of likely significant effects is carried out based on this being a ‘worst-case’ scenario.
- 4.2.3. For additional context, published literature indicates the marked decline of greylag geese at Poulaphouca Reservoir SPA. Annual peak counts in 2017, 2018 and 2019 reported 96, 73 and 8 geese respectively (Burke, et al., 2022). Records held by the National Biodiversity Data Centre (NBDC) indicate that no records of greylag geese have ever been submitted in the 10 km square⁷ in which the Proposed Development is located. This context is important because low numbers

⁷ 10 km grid square N93 - <https://maps.biodiversityireland.ie/Map> (accessed 13.03.24).

associated with the SPA reduce the likelihood of SPA populations interacting with the Proposed Development.

HABITAT LOSS

- 4.2.4. The Proposed Development will result in the temporary loss of ca. 2 hectares of grassland while earthworks are ongoing.
- 4.2.5. The area of available foraging resource for greylag geese from Poulaphouca Reservoir SPA was estimated to be 74,820 ha⁸. The Site (~2 ha) therefore constitutes ~0.003% of available foraging habitat for the species.

NOISE AND VISUAL DISTURBANCE

- 4.2.6. Noise emissions and from the Proposed Development will arise from the delivery and deposition of infill material by HGVs, as well as from plant machinery used for contouring and compacting the material. Upon completion of the works, machinery will withdraw from the Site and noise emissions will revert to existing levels. Substantial noise emissions (e.g. from pile driving, rock breaking or blasting) are not part of the Proposed Development and will not occur. The existing landscape is agricultural in nature and is already subject to occasional noise emissions from farm machinery and traffic on nearby regional roads. In this context the deviation from baseline noise levels is expected to be slight.
- 4.2.7. In terms of visual disturbance, Goodship and Furness (2022) suggest that greylag geese are sensitive to up a maximum of 600 m, beyond which they will not be disturbed by the presence of personnel, vehicles or machinery onsite.

INVASIVE SPECIES

- 4.2.8. Greylag geese are not sensitive to the spread of invasive flora, except in the context of habitat loss, whereby grassland is lost over time to the spread of invasive flora (Japanese knotweed scrub for example). A substantial period of time would need to elapse before such an effect became appreciable. This effect also needs to be considered in the context of the available foraging resource for SPA populations, as described in Section 4.2.5 above.

⁸ The area was estimated by using aerial imagery and GIS to calculate the area of all areas resembling green fields within 20km of Poulaphouca Reservoir SPA (in accordance with the core foraging range of greylag geese).

4.3 EFFECTS IN ISOLATION

Table 4-1 – Screening Assessment for the Likelihood of Significant Effects

Site Activity	Potential Impacts	Screening Assessment	Likely Significant Effects
Poulaphouca Reservoir SPA [004063]			
Infilling and recontouring of land with inert materials. Presence of machinery/vehicles on site.	Habitat loss: <ul style="list-style-type: none"> Reduction of foraging habitat for greylag geese. 	Considering: <ul style="list-style-type: none"> the magnitude of habitat loss in relation to the total available foraging resource for greylag geese; the temporary nature of the Proposed Development; and the declining numbers of greylag geese recorded at Poulaphouca Reservoir; the temporary loss of 2 ha of grassland habitat will have no appreciable effect on SPA populations of greylag goose. No LSE	None
	Invasive Species <ul style="list-style-type: none"> Spread of invasive species, resulting in the decrease of available foraging habitat for greylag geese. 	Considering: <ul style="list-style-type: none"> the magnitude of potential habitat loss in relation to the total available foraging resource for greylag geese; the declining numbers of greylag geese recorded at Poulaphouca Reservoir; and the substantial amount of time that would need to elapse before any appreciable effect would arise, habitat loss arising from the spread of invasive species will have no appreciable effect on SPA populations of greylag goose. No LSE	None



	<p>Disturbance:</p> <ul style="list-style-type: none">■ To foraging greylag geese in fields within and adjacent to the Proposed Development.	<p>In the event the Proposed Development results in the discouragement of foraging by greylag geese in adjacent fields, individuals will most likely disperse temporarily into the wider environment where abundant alternative foraging resource exists.</p> <p>Considering:</p> <ul style="list-style-type: none">■ the size of the affected area in relation to the total available foraging resource for greylag geese;■ the declining numbers of greylag geese recorded at Poulaphouca Reservoir; and■ the relative low intensity of the proposed works, such that noise emissions will be restricted to that of vehicles and machinery, <p>Visual/aural disturbance resulting from the Proposed Development will have no appreciable effect on SPA populations of greylag goose.</p> <p>No LSE</p>	None
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CONCLUSION – EFFECTS IN ISOLATION

- 4.3.1. When considered in isolation, the Proposed development was found to have no potential to result significant effects on Poulaphouca Reservoir SPA.

4.4 EFFECTS IN COMBINATION

- 4.4.1. As well as considering the potential for LSEs from the Site in isolation, the AA must also consider these effects in combination with those associated with other plans or projects. Whilst a project in isolation may not result in significant effects to European sites, non-significant effects from one project could act in combination with non-significant effects of another project, resulting in significant effects overall.
- 4.4.2. In this context, an important distinction to make is whether a project in isolation may result in effects that are not significant, or whether they will not result in any effects at all (see **De minimis Effects** below). Potential impacts which have been assessed to have no effect are excluded from further in-combination assessment. Potential impacts which will result in an insignificant effect are carried forward to in-combination assessment.

De minimis Effects

- 4.4.3. The term *de minimis* is referenced in the opinion of the Advocate General in relation to CJEU case C-258/11 (Sweetman v. An Bord Pleanála) as follows:
- “The requirement that the effect in question be ‘significant’ exists in order to lay down a *de minimis* threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”
- 4.4.4. *De minimis*, as defined by the Merriam Webster dictionary⁹, means “lacking significance or importance - so minor as to be disregarded”.

EFFECTS IN COMBINATION – CONCLUSION

- 4.4.5. With reference to the conclusions presented in **Table 4-1**, in which the Proposed Development was found to have **no appreciable effects** on Poulaphouca Reservoir SPA in isolation, it is considered that the *de minimis* threshold has been satisfied for foraging greylag geese.
- 4.4.6. As such, it has been concluded in the first instance that the Proposed Development will not act in combination with any other plan or project so as to result in significant effects to Poulaphouca Reservoir SPA.

⁹ “De minimis.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/de%20minimis>. Accessed 13 Mar. 2024.

5 CONCLUDING STATEMENT

- 5.1.1. The Screening exercise was completed in compliance with the relevant European Commission and national guidelines. Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011 states that: “The public authority shall determine that an Appropriate Assessment of a plan or project is not required [...] if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.”
- 5.1.2. The potential impacts of the Proposed Development have been considered in the context of the European sites potentially affected. It has been concluded that the risks posed by visual/aural disturbance and by the loss of grassland habitat will not have significant effects on Poulaphouca Reservoir SPA, which was deemed to have connectivity with the Proposed Development. This was found to be the case for the Proposed Development alone and in combination with other plans or projects.
- 5.1.3. As significant effects on European sites by virtue of the Proposed Development have been deemed unlikely, it is therefore determined that Appropriate Assessment is not required.

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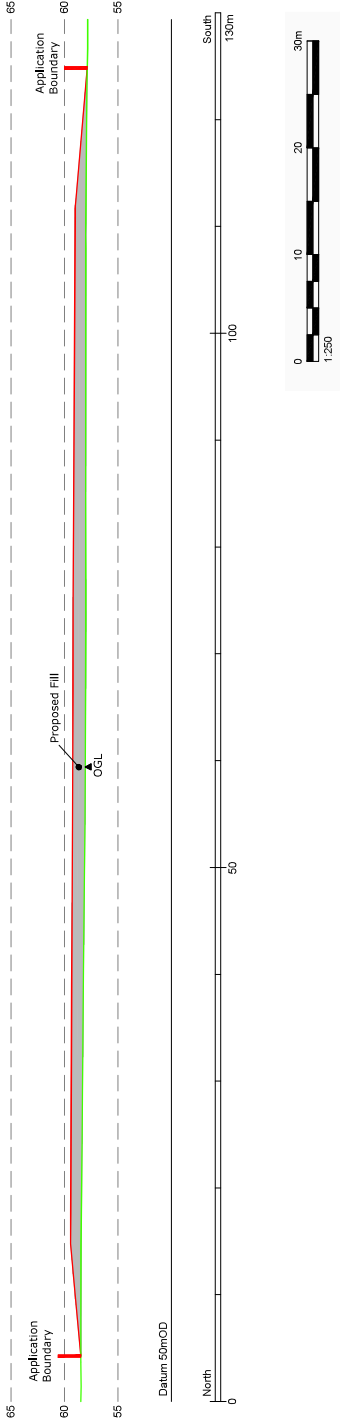


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Co Kildare

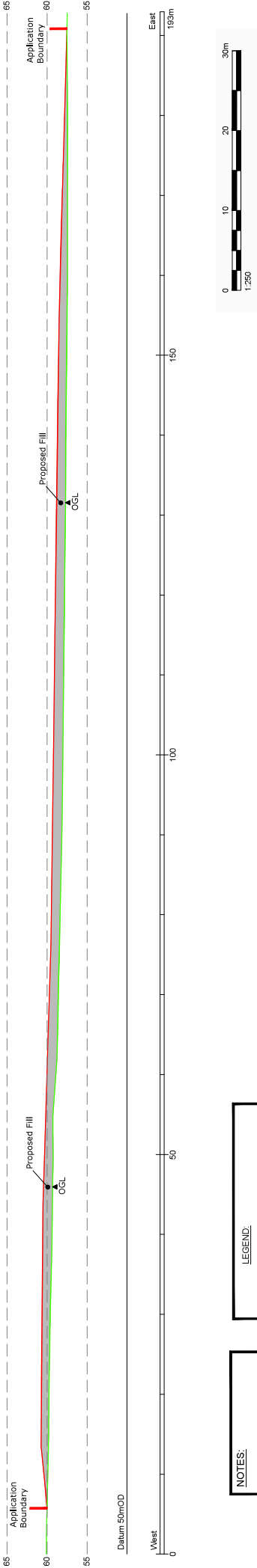
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Section A-A' - North South - Scale: 1/250 A1



Section B-B' - West East - Scale: 1/250 A1



LEGEND:

- EXISTING GROUND LEVEL (mOD)
- PROPOSED FINISHED LEVEL (mOD)

NOTES:

LEVELS ARE IN METRES
& TO O.S. DATUM.

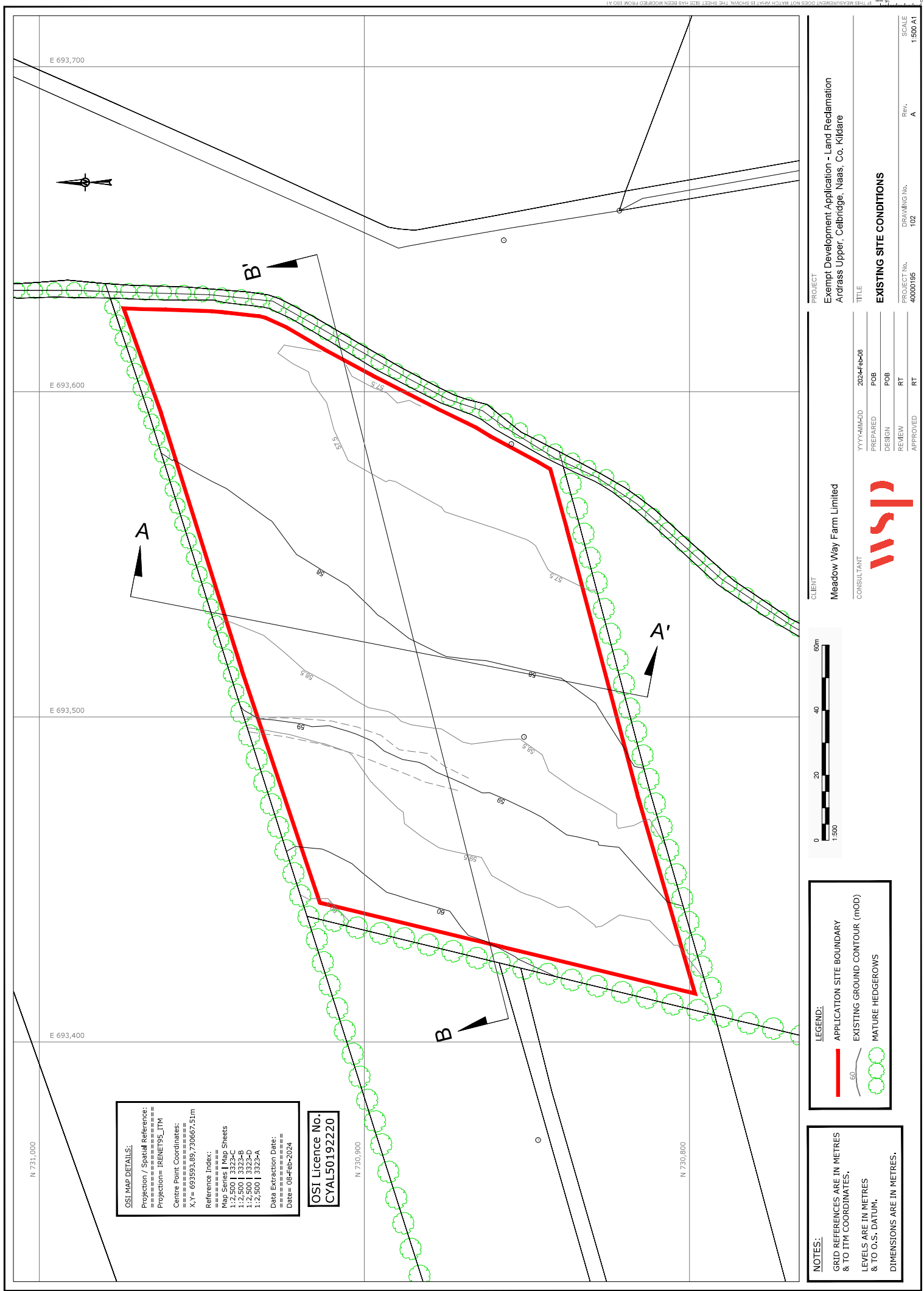
DIMENSIONS ARE IN METRES.

CLIENT
Meadow Way Farm Limited

PROJECT
Exempt Development Application - Land Reclamation
Address Upper, Celbridge, Naas, Co. Kildare

CONSULTANT	YYYYMM-DD	2024-Feb-08
PREPARED	POB	
DESIGN	POB	
REVIEW	RT	
APPROVED	RT	

TITLE	PROJECT No.	DRAWING No.	Rev.	SCALE
CROSS SECTION DETAILS	40000195	104	A	1:250 A1





FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
17/04/2024 11:51:07

Receipt No. : FIN1/0/498701

Meadow way Farms Ltd

KILDARE CO. COUNCIL
Finance Department
W91X77F

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TERMINAL ID: *****5917
DATE: 17/04/2024 TIME: 11:50
BATCH: 000124-013 INVOICE: 058196
FRN: 410810178340 AUTH NO.: 405174
Visa Debit SALE
*****9014 *

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the above final amount
According to the card/merchants issuer
agreement

CUSTOMER COPY

PLANNING EXEMPT DEVELOP FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00
VD
**9014
0000

Change : 0.00

Issued By : Sally Pallister Finance Section
From : Financial Lodgement Area
Vat reg No.0440571C