

**Local Authority Own Housing Development on
Lands at Station Road, Kildare**
Appropriate Assessment Screening Report

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**Brady Shipman
Martin**

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Client:

Kildare County Council

Date:

06 December 2024

DOCUMENT CONTROL SHEET

7100_RP01_Appropriate Assessment Screening Report

Project No. 7100
Client: Kildare County Council
Project Name: Local Authority Own Housing Development on Lands at Station Road, Kildare
Report Name: Appropriate Assessment Screening Report
Document No. RP01
Issue No. 05
Date: 06/12/2024

This document has been issued and amended as follows:

Issue	Status	Date	Prepared	Checked
01	Draft	10 Jul 2024	NK	MH
02	Draft – minor updates	30 July 2024	NK	TB
03	For internal consultation	08 Aug 2024	NK	TB
04	Final for issue draft	04 Nov 2024	MH	MH
05	Final for issue	06 Dec 2024	NK	MH



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1 Introduction

1.1 Background

Kildare County Council (KCC) proposes to develop new housing at a site known as An Tríantán, Station Road, Kildare.

Kildare County Development Plan 2023-2029 contains policies and objectives relevant to Screening for Appropriate Assessment. The plan states (at Section 15.1.6) that *“All plans or projects, including the Council’s own proposals under Part 8 of the Planning and Development Regulations 2001 (as amended), unless they are directly connected with or necessary to the management of a European (Natura 2000) site, are required to be subject to screening for Appropriate Assessment, to determine if they are likely to have a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects”*.

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

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

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

1.2 Expertise and Qualifications

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

A technical review of this document has been completed by Senior Ecologist and Associate, Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is a highly experienced and qualified ecologist, with a master’s degree in Ecosystem Conservation and Landscape Management. He has over 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King’s Inns and is a member of the Irish Environmental Law Association (IELA).

1.3 Legal requirement for Appropriate Assessment

European sites make up a network of sites designated for nature conservation under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the “Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009

on the conservation of wild birds (the “Birds Directive”). The requirements for Appropriate Assessment are set out under Article 6 of the Habitats Directive, transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)¹ (the “Birds and Natural Habitats Regulations”) and the Planning and Development Act, 2000 (as amended) (the “Planning Acts”).

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

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

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

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

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Sections 177U of the Planning Acts require that the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The proposed development is not required for the management of any European Site and this AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts, the Birds and Natural Habitats Regulations and all relevant legislation.

2 Methodology

2.1 Guidelines

This report takes the following guidance documents into account:

- Chartered Institute of Ecology and Environmental Management (CIEEM). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*, September 2018, updated in September 2019 (V1.1), further updated in April 2022 (V1.2) and September 2024 (V1.3);
- Department of Environment, Heritage and Local Government (DoEHLG) (2010a). *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*;

¹ SI No. 477 of 2011

- DoEHLG (2010b). *Circular NPW 1/10 & PSSP 2/10: Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*;
- European Commission (2021). *Assessment of plans and projects in relation to Natura 2000 sites- Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*;
- European Commission (2018). *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*;
- Directorate – General for Environment (European Commission), (2021). *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*;
- National Roads Authority (NRA)² (2009). *Guidelines for Assessment of Ecological Impacts of National Road Schemes*;
- Office of the Planning Regulator (OPR) (2021). *Practice Note PN01 Appropriate Assessment Screening for Development Management*;
- National Parks and Wildlife Services (NPWS) (2021). *Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority*.

2.2 Baseline data collection and field visits

A desk-based assessment was undertaken in June and July 2024 and updated in December 2024 of the site at Station Road and in the wider area. The appraisal focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites.

An assessment of habitat suitability for species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

In order to provide comprehensive baseline information on the local ecological environment, biodiversity surveys were undertaken at the proposed development site by Brady Shipman Martin on 15 November 2023. The surveys undertaken comprised habitat, invasive species, rare and/or protected species, mammals, birds and day-time bat survey.

Dedicated bat surveys were carried out by Wildlife Surveys Ireland in August and September 2024. The bat survey report is submitted separately as part of the overall application. In addition to the bat surveys undertaken, an examination of available information from Bat Conservation Ireland (BCI), previous data from neighbouring sites was also undertaken to compile a list of most likely species in the overall area in addition to the evaluation of the habitat for bats. There are no bat species listed as Qualifying Interests in any European sites within the Zone of Influence. However, Article 12 of the Habitats Directive requires Member States to take requisite measures to establish a system of strict protection of animal species listed in Annex IV(a) in their natural range.

In addition to the ecological surveys undertaken by the authors and by the bat specialist, specialist tree survey has been carried out, by arborists Arbor Care Ltd. The Arboriculture Report is presented separately.

Overall the level of surveys undertaken provides a comprehensive biodiversity baseline for the site.

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:

² Now Transport Infrastructure Ireland (TII).

- The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage (www.NPWS.ie);
 - The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
 - BirdWatch Ireland (www.birdwatchireland.ie);
 - Bat Conservation Ireland (www.batconservationireland.org).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
 - Recent and historical OSi mapping and aerial imagery, including www.geohive.ie;
 - Photographs taken at the site;
 - Information on local watercourses from www.catchments.ie;
 - Information on water quality in the area (www.epa.ie);
 - Information on soils, geology and hydrogeology in the area (www.gsi.ie);
 - Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
 - Ireland's 4th National Biodiversity Action Plan (Department of Housing, Local Government and Heritage, 2024);
 - Kildare County Development Plan 2023 – 2029;

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken.

3 Description of the proposed development

3.1 Site Location

The subject site of approximately 0.495ha is located at Station Road (R415), Kildare town, Co. Kildare. It is located between Melitta Road (R413) to the north, Station Road (R415) to the west, Campion Crescent to the east and Dara Park Road to the south. There are existing residential development adjoining almost all sides of the proposed development. Refer to **Figure 3.1**.

At present the subject site is characterised as a vacant, unmanaged site, with an existing terrace of unoccupied single storey cottages and associated outbuildings which front along Station Road. A telecoms mast and associated shed area are also located within the site boundary. Boundary conditions vary across the site, comprising stone walls, blockwork walls, embankments, wire mesh fencing, timber fencing, planted boundaries and metal fencing.

Under the Kildare Town Local Area Plan 2023-2029, the site is zoned as '*Existing Residential/ Infill*'- *To protect and enhance the amenity of established residential communities and promote sustainable intensification*. The surrounding area is also largely zoned as residential with pockets of open space & amenity.

Figure 3.1 The site of the proposed development at Station Road, Kildare



3.2 Development Description

The proposed development consists of:

- The construction of 30 social housing units to include:
 - 5no. 3 bedroom two storey duplex apartments;
 - 1no. 3 bedroom three storey house;
 - 2no. 2 bedroom two storey houses;
 - 2no. 2 bedroom single storey apartments;
 - 4no. 2 bedroom 3 person single storey apartments;
 - 6no. 2 bedroom two storey duplex apartments;
 - 10no. 1 bedroom single storey apartments;
- The construction of ancillary structures to include:
 - ESB substation;
 - Switchroom;
 - Secure cycle storage rooms;
- Associated site works to include:
 - Demolition of 2no. existing cottages and associated ancillary structures on Station Road;
 - Erection of new boundary treatment to south, east and north boundaries;
 - New vehicular and pedestrian entrance from Station Road;
- Provision of:

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- 26no. vehicle parking spaces, of which 6no. provided with EV charging points
- 54 no. residents bicycle parking spaces of which 4no. suitable for adapted cycles / cargo bikes
- 16no. visitor bicycle parking spaces of which 4no. suitable for adapted cycles / cargo bikes

New landscaping, internal vehicular and pedestrian shared surface route, public lighting, site drainage works, ancillary site services and development works above and below ground.

Refer to **Figure 3.2**.

Figure 3.2 Proposed Ground Floor Plan (Source: Shay Cleary Architects, 2024)



3.3 Water Infrastructure

3.3.1 Surface Water Drainage

As per the Stage 3B Civils Basis of Design Report prepared by Cundall (2024), the proposed surface water drainage network will collect surface water runoff and convey it to the main attenuation features before discharging it through the vortex-controlled flow control device and separator arrangement.

Surface water runoff from the site's road network will be captured at source through the proposed porous paving surfacing on the carriageway with footways discharging to adjacent bio-retention zones, overflows to the main drainage network will also be provided. Porous pavement will collect surface water runoff from parking spaces as well. Surface water runoff will also be collected in tree catch pits, which will overflow into the main piped network. Surface water runoff from rooftops will be collected from green roofs and directed to the proposed surface water pipe network mainly through rainwater butts installed at downpipe locations. Rain gardens will be provided in the green areas as a form of attenuation and biodiversity.

In accordance with the Greater Dublin Regional Code of Practice for Drainage (GDSDS) it is proposed to use Sustainable Urban Drainage Systems (SUDS) and Nature Based Systems (NBS) for managing stormwater for the proposed development. It is currently proposed to provide bio-retention areas/rain gardens and tree pits wherever possible throughout the site to help achieve a suitable NBS strategy. Green roofs will also be provided above each of the units. Permeable paving is currently proposed to the parking bays and shared surface carriageway which will provide sufficient attenuation and treatment. It is currently proposed to provide bio-retention areas wherever possible within the soft landscaped areas of the site. Tree pits are proposed wherever possible on the site and will be surrounded with a root protection barrier to ensure sufficient protection is provided to the roots and other services. Pending the proposed surface water drainage design if an attenuation tank is required, it is proposed that a Stormtech attenuation tank will be provided. The proposed surface water drainage network will collect surface water runoff and convey it to the main attenuation features before discharging it through the vortex-controlled flow control device and separator arrangement.

Attenuation volumes have been calculated based on an allowable outflow/greenfield runoff rate of 2.0 l/sec/ha.

3.3.2 Foul Water Drainage

As per the Stage 3B Civils Basis of Design Report prepared by Cundall (2024), the proposed foul drainage network for the site will comprise a series of 150mm and 225mm pipes where applicable. Each residential unit is to be serviced by individual 100mm diameter connections. A Confirmation of Feasibility (CoF) (CDS23008235) was received (December 2023), and it was noted that the foul sewer connection is feasible once approximately 90m of the existing 150mm gravity sewer in Station Road is upgraded to a 225mm pipe.

The estimated wastewater discharge from the proposed development was calculated following the UÉ Code of Practice for Water Infrastructure with an average daily domestic demand of 0.14 l/sec, average day/peak week demand of 0.18 l/sec, and a peak hour water demand of 0.88 l/sec.

The foul and water drainage network for the proposed development has been designed in accordance with the following guidance documents, UE Code of Practice for Wastewater and Water Infrastructure, Department of the Environment's Recommendations for Site Development Works for Housing Areas, Department of the Environment's Building Regulations "Technical Guidance Document Part H Drainage and Waste Water Disposal", BS EN 752: 2008 Drain and Sewer Systems Outside Buildings, IS EN 12056: Part 2 (2000) Gravity Drainage Systems Inside Buildings.

3.3.3 Water Supply

As per the Stage 3B Civils Basis of Design Report prepared by Cundall (May 2024), the proposed water drainage network will consist of a 100mm diameter looped water main, generally along the site's pathways. The proposed water main layout and connections to existing public water mains will be designed in accordance with the UÉ Code of Practice for Water Infrastructure and Standard Details. Sluice Valves will be arranged in accordance with STD-W-02

Individual houses will have their own connections (25mm O.D. PE pipe) to distribution water mains via service connections and meter/boundary boxes. Individual connections are to be installed in accordance with Irish Water Standard Detail STD-W-03. The proposed water main layout will be arranged such that all buildings are a maximum of 46.0m from a hydrant in accordance with the Department of the Environment's Building Regulations "*Technical Guidance Document Part B Fire Safety*". Hydrants shall comply with the requirements of BS 750:2012 and shall be installed in accordance with Irish Water's Code of Practice and Standard Details. Individual houses will provide water storage in header tanks (in accordance with the requirements of Irish Water's Code of Practice) and include provision of water conservation measures such as dual flush water cisterns and low flow taps.

As per the CoF, it was determined that the water connection is feasible without any infrastructure upgrade work. It is proposed to connect up to the existing 6" (150mm) water main running along Station Road outside the proposed housing development.

3.3.4 Site Specific Flood Risk Assessment

A Site-Specific Flood Risk Assessment (SSFRA) Report has been prepared by Cundall (December 2023) as per the requirements of "The Planning System and Flood Risk Management Guidelines for Planning Authorities".

Following the flood risk assessment stages, it was determined that the Site is within Flood Zone C for Fluvial, Coastal, and Groundwater flooding as defined by the Guidelines. The housing development proposed is appropriate for the Site's flood zone category and land zoning.

To mitigate against pluvial flood risk the proposed drainage design will account for the 1 in 100-year event, plus 30% climate change and 10% urban creep factors, with suitable attenuation provisions provided on-site to ensure runoff is restricted to QBar or 2.0 l/sec/ha. In addition to this, finished floor levels throughout the site will be set a minimum of 500mm above the top water level of any attenuation structure and ground levels will fall away from the surrounding units to ensure during exceedance events there is no risk to any internal property flooding. Sustainable Drainage Systems and Nature Based Solutions will also be provided wherever possible throughout the site.

4 Screening for Appropriate Assessment

4.1 Background

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

In accordance with sections 177U of the Planning Acts, screening for appropriate assessment must be carried out:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

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

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

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

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

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

4.2 Potential Zone of Influence

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

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

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

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

1. Any Natura 2000 sites within or adjacent to the plan or project area
2. Any Natura 2000 sites within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al.,

2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects

3. *Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the cases of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment."*

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

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

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

4.2.1 European Sites

The site of the proposed development is not under any designation for nature conservation. There are no European sites within the immediate vicinity of the proposed development site in Kildare.

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

- **Special Areas of Conservation (SAC)**
 - Pollardstown Fen SAC (site code 000396), c. 4.8km to the north-east;
 - Mouds Bog SAC (site code 002331), c. 7.2km to the north-east;
 - River Barrow and River Nore SAC (site code 002162), c. 10.5km to the south-west;
 - Ballynafagh Lake SAC (site code 001387), c. 15km to the north-east;
 - Ballynafagh Bog SAC (site code 000391), c. 16.4km to the north-east;
 - The Long Derries, Edenderry SAC (site code 000925), c. 18.1km to the north-west;
 - Mountmellick SAC (site code 002141), c. 23.8km to the south-west;
 - Ballyprior Grassland SAC (site code 002256), c. 23.8km to the south-west;
 - Slaney River Valley SAC (site code 000781), c. 24.2km to the south-east;
 - Red Bog, Kildare SAC (site code 000397), c. 25km to the north-east.
- **Special Protection Areas (SPA)**
 - Poulaphouca Reservoir SPA (site code 004063), c. 22.2km to the south-east.

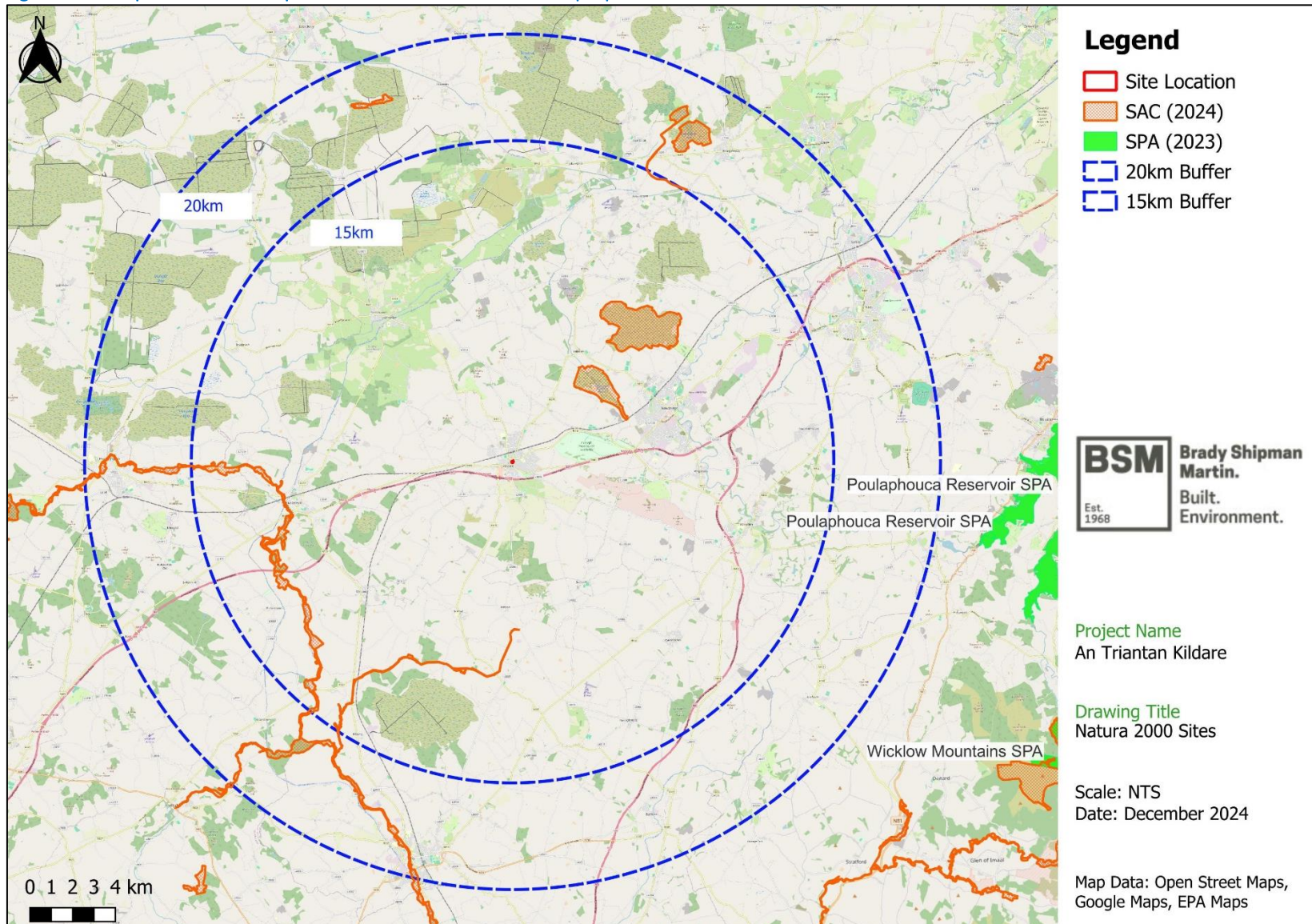
Note that the above-listed distances are linear (i.e. 'as the crow flies').

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

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Figure 4.1 European sites within potential zone of influence of the proposed site. A 15km and 20km radius is shown for scale.



4.2.2 Other designated areas (other than European sites)

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

- **Natural Heritage Areas (NHA)**
 - Hodgestown Bog NHA (site code 001393), c. 17.8km to the north-east
- **Proposed Natural Heritage Areas (pNHA)**
 - Curragh (Kildare) pNHA (site code 000392), c. 1.3km to the north-east;
 - Pollardstown Fen pNHA (site code 000396), c. 4.4km to the north-east;
 - Mouds Bog pNHA (site code 000395), c. 7.2km to the north-east;
 - Grand Canal pNHA (site code 002104), c. 8.9km to the west;
 - Liffey Bank Above Athgarvan pNHA (site code 001396), c. 9.4km to the east;
 - Derryvullagh Island pNHA (site code 001390), c. 12.5km to the south-west;
 - Dunlavin Marshes pNHA (site code 001772), c. 14.5km to the south-east;
 - Ballynafagh Lake pNHA (site code 001387), c. 15km to the north-east;
 - Derries Wood pNHA (site code 000416), c. 15.8km to the south-west;
 - Liffey at Osberstown pNHA (site code 001395), c. 16km to the north-east;
 - Ballynafagh Bogh pNHA (site code 000391), c. 16.4km to the north-east;
 - Liffey Valley Meander Belt pNHA (site code 000393), c. 18km to the south-east;
 - The Long Derries, Edenderry Long Derries, Edenderry (site code 000925), c. 18km to the north-west;
 - Emo Court pNHA (site code 000865), c. 19.4km to the south-west;
 - Ballycore Rath pNHA (site code 001751), c. 20km to the south-east;
 - Stradbally Hill pNHA (site code 001800), c. 20km to the south-west;
 - Newtown Marshes pNHA (site code 001759), c. 20km to the south-east.
 - Poulaphouca Reservoir pNHA (site code 000731), c. 21.4km to the south-east;

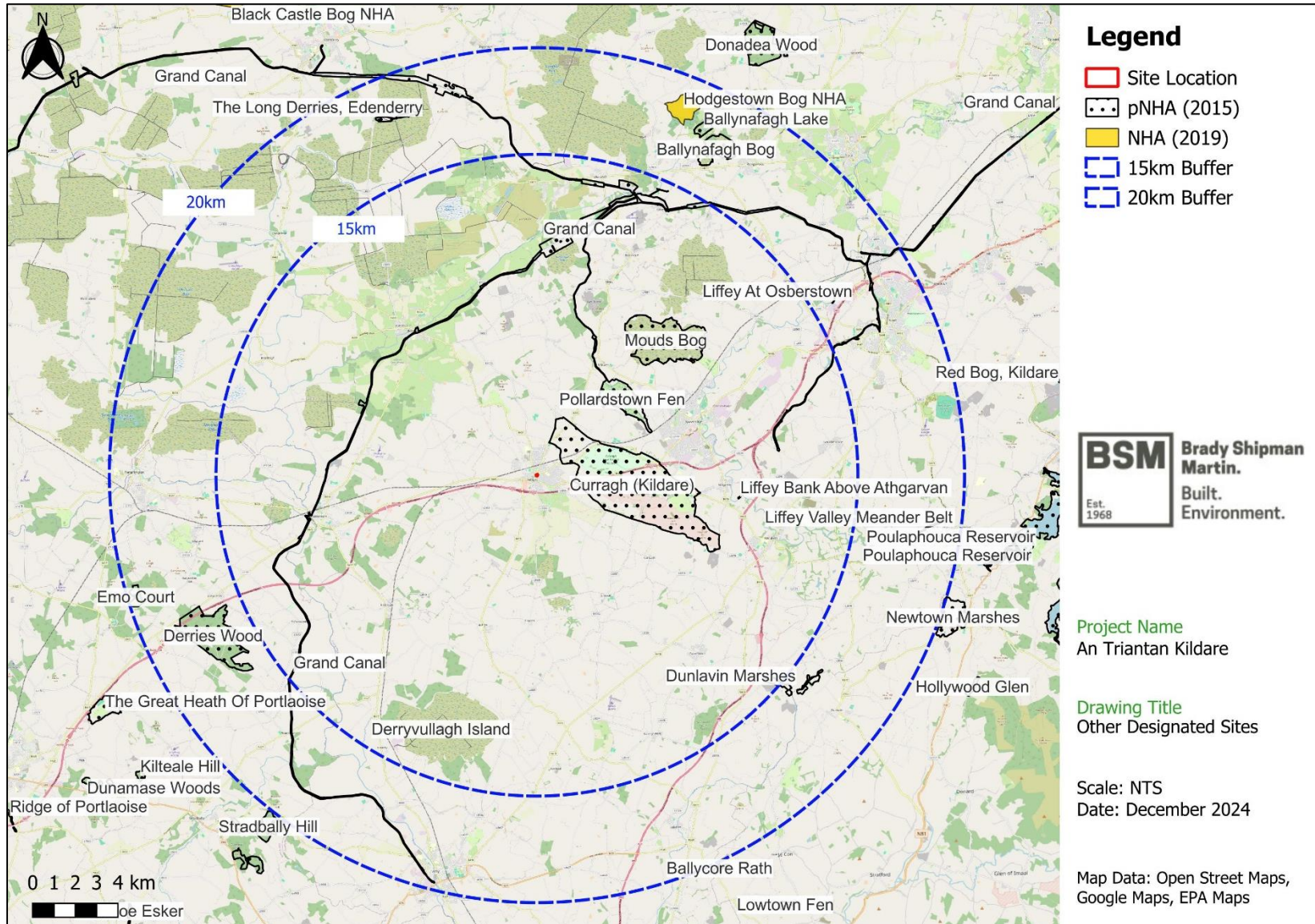
Note that above distances are as crow flies (i.e. linear distances). No impacts are expected on any pNHA in the zone of influence.

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

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Figure 4.2 NHA and pNHA sites within potential zone of influence of the proposed site. A 15km and 20km radius is shown for scale.

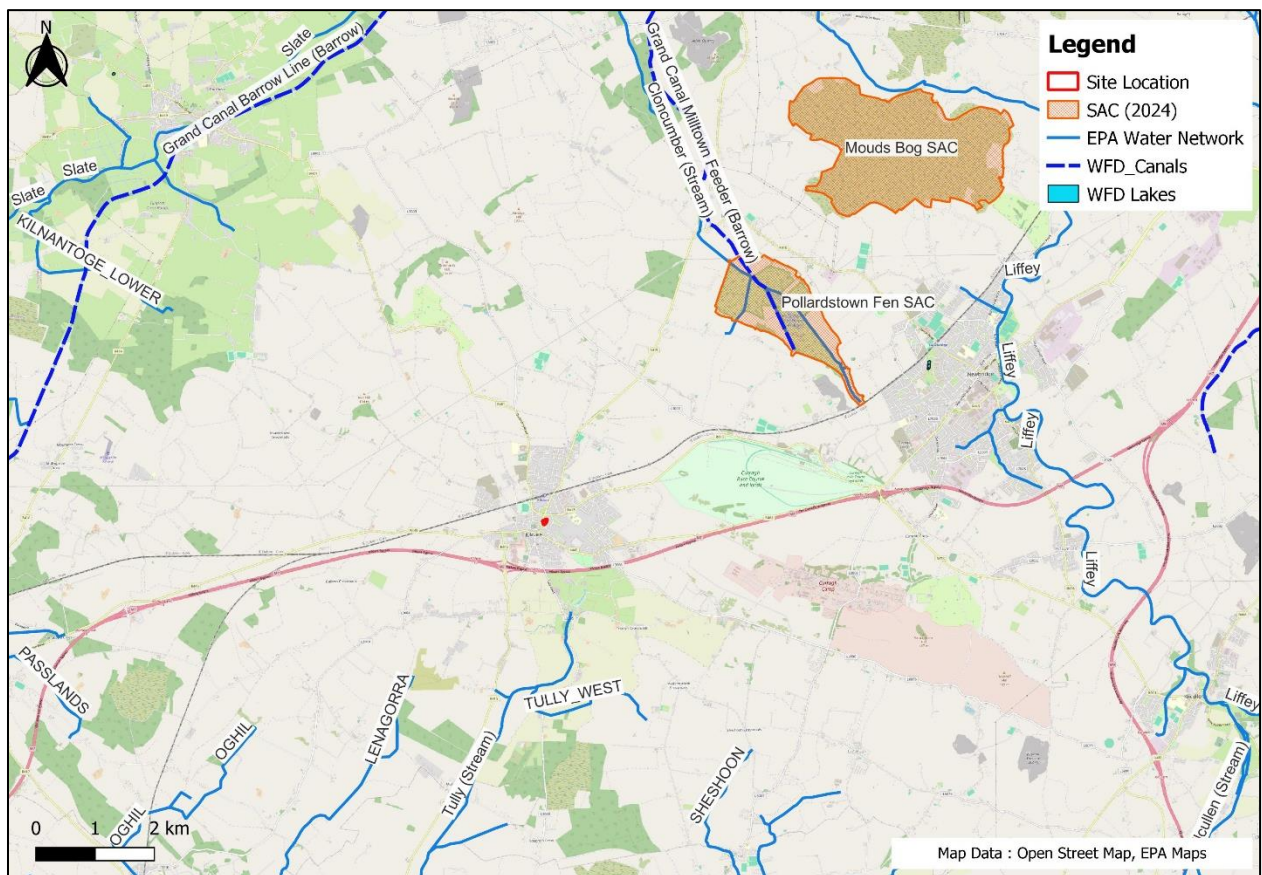


4.2.3 Watercourses, and pathways to European sites

A review of the Environmental Protection Agency (EPA) web-tool (confirmed on site) indicates that there are no surface water features present on the site or in the immediate vicinity. The nearest mapped watercourse is the Tully stream c. 1.5km (linear distance) to the south on the other side of the M7 motorway. There is no surface water pathway to the Tully stream from the subject site. The Cloncumber stream flows c. 4.4km to the north-east and the Grand Canal Milltown Feeder is c. 5.2km to the north-east. There is no pathway to either of these water features from the subject site. Refer to **Figure 4.3**.

The proposed development site is located within the Barrow catchment (14), Barrow_SC_060 (14_18) sub-catchments and Tully Stream_010 river sub-basins. As per the WFD 2016-2021 status, the Tully Stream (IE_EA_14T020200) is of 'Poor' status and are 'At risk' for river waterbodies risk. As per the WFD 2016-2021 status, the Cloncumber stream (IE_SE_14C170200) is 'moderate' and the risk status is 'At risk'.

Figure 4.3 EPA waterbodies in the vicinity of the proposed development site



5 Potential impacts from the proposed works including in-combination effects

5.1 European sites and habitats with links to European sites

The proposed development site is dominated by scrub and unmanaged grassland with some trees present along the perimeter, including a short row of Leyland cypress (*Cupressus x leylandii*) along the northern boundary, and sycamore (*Acer pseudoplatanus*) along the eastern boundary, in notably poor condition. There is also a short line of sycamore and hawthorn (*Crataegus monogyna*) in the centre of the site. On the western side of the site, close to the station road, a stand (c.700m²) of Japanese knotweed (*Reynoutria japonica*) has been recorded. This has been subject to a formal treatment regime since the autumn of 2022. The treatment will continue until it is certain that the plant has been entirely eradicated from the site.

The proposed development site is not under any wildlife or conservation designation. The NPWS and NBDC databases were consulted with regard to rare species (Curtis & McGough, 1988) and species protected under the Flora Protection Order (2022). There are no records of any protected species protected under the *Flora Protection Order* (2022) within the 2km grid square that covers the site. The 2 km grid square takes in a significantly wider area than the subject site, and the presence of a species in the grid square is not necessarily indicative of its presence on the subject site. The third schedule invasive species noted within the 2km grid square includes fringed water-lily (*Nymphoides peltata*) which is not present on or near the site, and Japanese Knotweed (discussed above).

No rare habitats or habitats of any ecological value (i.e. International, National or County Importance, or Local Importance) are present, and there are no Key Ecological Receptors at the proposed development site.

The bat surveys undertaken in 2024 concluded that *the site is of importance to bat feeding, However, bats are not using the site for roosting despite the moderate to high bat roost potential of some of the trees onsite.*

Limited evidence of foxes was noted and no evidence of any protected species such as badger, otter (like bats, otters are protected under Article 12 of the Habitats Directive), amphibians or reptiles, or rare or protected plants was recorded during the survey carried out, and the habitats present are not suitable for such species. The site, in its current state, is of some local value for nesting birds.

There is no habitat on the site suitable for use, even on a very occasional basis, by any overwintering birds, such as pale-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European site within the Zone of Influence.

None of the habitats or features present on the site are Qualifying Interests/Special Conservation Interests in any European site within the Zone of Influence and none of these Qualifying Interests/Special Conservation Interests (see column 2 in Table 5.1 in Section 5.1.2) are present on the site. No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

Overall the site of the proposed development is of no more than **Local (lower Value) importance**, as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes* (NRA/TII, 2009 (Rev. 2)).

5.1.1 Potential impacts during the construction phase

The proposed development comprises a local authority infill residential development project. There is no possibility of any of the QIs or SCIs of the European Sites in the potential Zone of Influence ever occurring at the proposed development site.

All site clearance and construction activities pose a potential risk to water as surface / ground water arising at the site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete / cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network during construction.

Considering the significant distance to the nearest mapped watercourse (c.1.5km to the Tully stream), and the lack of a realistic pathway, polluted surface water will not be emitted directly to any surface water body. There is a possibility that contaminated surface water from the site could enter the municipal surface water drainage network and be indirectly discharged to surface waters (e.g. during extreme rainfall events and / or high tides), thereby creating an indirect hydrological pathway linking the proposed development site with European Sites downstream. Even in the event of such an emission, considering the high dilution factor and the potential receiving watercourses, and the distances to the nearest European Sites, it is not remotely likely that perceptible ecological effects could arise in this way.

Despite the presence of indirect pathways, the risk of contamination of any watercourses or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality on the site, it is reasonable to assume that **this would not be perceptible in any European sites**, for the following reasons:

- There is a significant distance between the site of the proposed development and the nearest European sites and there is no direct pathway between the proposed development site and the European site, other than potentially via the surface water drainage network;
- Any pollution from site clearance and construction works would be minimal in quantity and if it entered local drainage network it would be so diluted as to be undetectable by the time the water enters any watercourse. A significant level of dilution and mixing of surface water would occur in any event and the pollutants would be even further diluted and dissipated by the receiving waters;
- In addition, the construction of the proposed development will take place over a comparatively short period. There is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development and its location in the centre of a busy town away from the European sites.

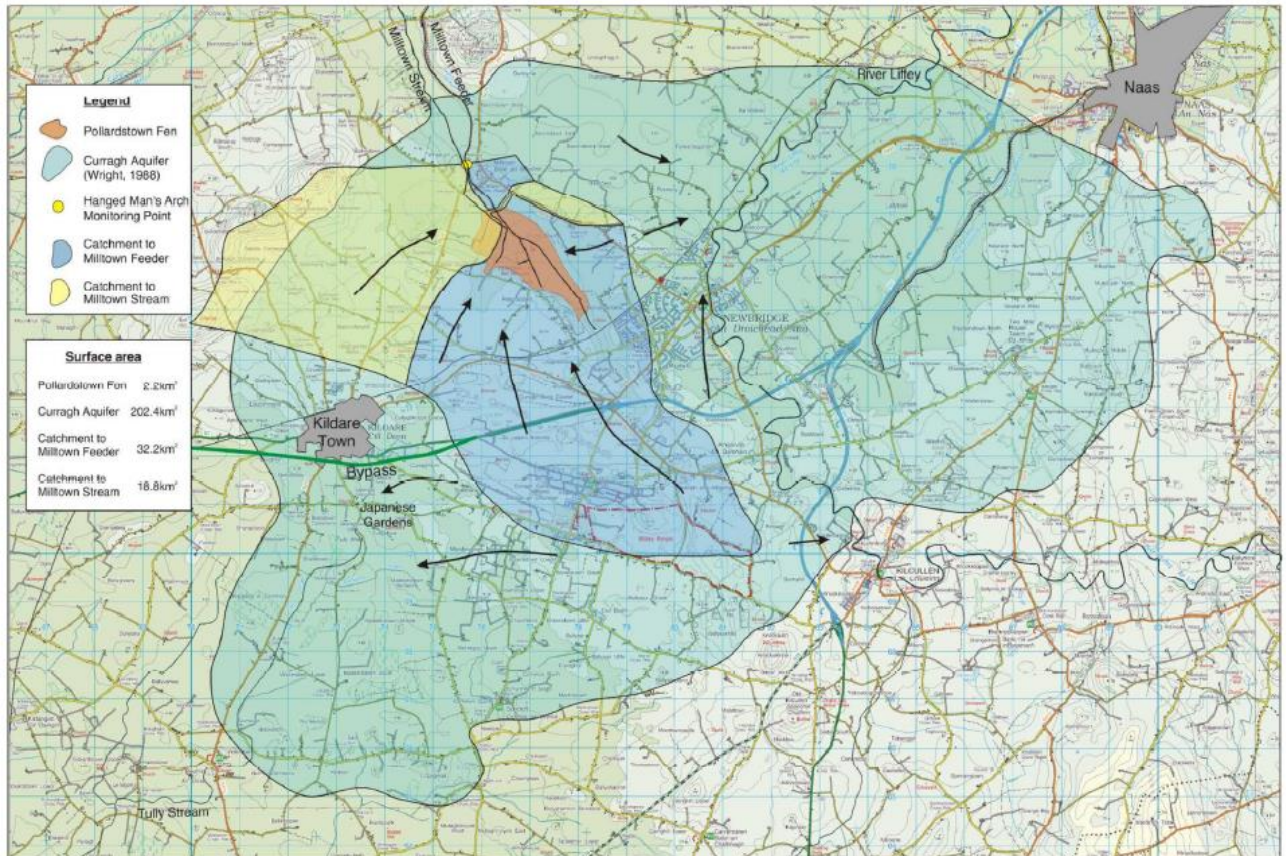
The proposed site clearance and construction works may be expected to involve noisy activities, dust-generating activities, construction traffic and machinery, and the generation of waste material for off-site disposal. Typical environmental effects are predicted, including elevated levels of noise,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

Pollardstown Fen SAC (c. 4.8km to the north-east), a groundwater-dependant feature, is potentially sensitive to any changes in groundwater levels and water quality, including those caused by development at a distance. About 40 springs provide a continuous supply of water to the Fen, rising chiefly at its margins, along distinct seepage areas of mineral ground above the Fen level. The continual inflow of calcium-rich water from the south of the Fen, primarily from the Curragh, and from the limestone ground to the north, creates waterlogged conditions which lead to peat formation. There are layers of calcareous marl in this peat, reflecting inundation by calcium-rich water. However, the regional groundwater flow direction immediately south of Pollardstown

Fen to be generally in a north-easterly direction towards the Fen³. Refer to **Figure 5.1**. The proposed development site is located within Kildare town where the groundwater flow is to the south-west.

In terms of groundwater, hydrology and ecology, there are no SACs or groundwater dependent terrestrial ecosystems (GWDTE) receptors, including Pollardstown Fen, downgradient or in close proximity to the site. Therefore, without an environmental receptor being present, the risk is considered to be low. As detailed previously, the site is not located within the groundwater catchment of Pollardstown fen and therefore does not pose a risk to this highly sensitive groundwater dependent terrestrial ecosystem.

Figure 5.1 Groundwater Flow Direction from Curragh Aquifer to Pollardstown Fen GWBs⁴



There are no designated sites – national or European – at the site of the proposed development or in the immediate vicinity. Considering the distance of the proposed development from the nearest European Sites in the potential Zone of Influence, and the absence of any associated QIs or SCIs, there is no likelihood of direct effects on any European Site arising as a result of the proposed development.

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

³ Misstear, B.D.R., BROWN, L. AND DALY, D. (2008a) A methodology for making initial estimates of groundwater recharge from groundwater vulnerability mapping, *Hydrogeology Journal*

⁴ Misstear, B.D.R., BROWN, L. AND JOHNSTON, P.M. (2008b) Estimation of groundwater recharge in a major sand and gravel aquifer in Ireland using multiple approaches

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the proposed works, no predicted impact on *ex-situ* species and no interference with the key relationships that define the structure or function of any European site.

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

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

5.1.2 Potential impacts during the operational phase

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

As per the Stage 3B Engineering Report prepared by Cundall (2024), Sustainable Urban Drainage Systems (SUDS) and Nature Based Systems (NBS) for managing stormwater for the proposed development will be in accordance with the Greater Dublin Regional Code of Practice for Drainage (GDSDS). The proposed surface water drainage network will collect surface water runoff and convey it to the main attenuation features before discharging it through the vortex-controlled flow control device and separator arrangement. It is currently proposed to provide bio-retention areas/rain gardens and tree pits wherever possible throughout the site to help achieve a suitable NBS strategy. Green roofs will also be provided above each of the units.

Even in the total absence of any SuDS measures there would be no impacts on any European sites. The significant distances to European sites and the natural characteristics of the receiving waters ensure rapid mixing of water such that there is no possibility of any appreciable effect on water quality in European sites in any event.

According to the Site-Specific Flood Risk Assessment for the proposed development, prepared by Cundall (2024), in accordance with the requirements of the OPW 2009 publication "*The Planning System and Flood Risk Management Guidelines for Planning Authorities*" the site is located in Flood Zone C. Therefore, a residential development on the subject site is appropriate for the site's flood zone category.

Significant effects related to surface water management or flooding, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

As per the Stage 3B Engineering Report prepared by Cundall (2024), the proposed foul drainage network for the site will comprise a series of 150mm and 225mm pipes where applicable. A Confirmation of Feasibility (CoF) (CDS23008235) was received, and it was noted that the foul sewer connection is feasible once approximately 90m of the existing 150mm gravity sewer in Station Road is upgraded to a 225mm pipe.

The foul and water drainage network for the proposed development has been designed in accordance with the following guidance documents, UE Code of Practice for Wastewater and Water Infrastructure, Department of the Environment's Recommendations for Site Development Works for Housing Areas, Department of the Environment's Building Regulations "Technical Guidance Document Part H Drainage and Waste Water Disposal", BS EN 752: 2008 Drain and Sewer Systems Outside Buildings, IS EN 12056: Part 2 (2000) Gravity Drainage Systems Inside Buildings.

Significant effects related to foul water management, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

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

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

Full details of the potential impacts of the proposed works on European sites are presented in **Table 5.1**.

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

European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
Special Areas of Conservation (SAC)			
Pollardstown Fen SAC (site code 000396), c. 4.8km to the north-east	<ul style="list-style-type: none"> ■ 1013 Geyer's Whorl Snail (<i>Vertigo geyeri</i>) ■ 1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) ■ 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) ■ 7210 Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae* ■ 7220 Petrifying springs with tufa formation (Cratoneurion)* ■ 7230 Alkaline fens <p>According to this SAC's site Conservation Objectives document (Version 1, dated 14 January 2022), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>	<p>A review of the hydrogeological regime at the site (as discussed in Section 5.1.1 above) and its regional environs concluded that the site is not located within the groundwater catchment of Pollardstown fen and the interpreted groundwater flow in the area is in the opposite direction. The proposed development therefore does not pose a risk to this highly sensitive groundwater dependent terrestrial ecosystem. Further, there are no surface water pathways between the SAC and the proposed development site.</p> <p>There are therefore no potential links between the proposed development site and Pollardstown Fen SAC. No impacts are predicted, either on surface water quality or via any other pathway (such as air quality, habitat loss and/or fragmentation, impacts to habitat structure, disturbance to species of conservation concern, mortality to species or noise pollution).</p> <p>The SAC is at a sufficient distance from the proposed development site to ensure that, given the scale of the development and the construction methodology proposed, which will not impact in any way upon the sub-surface geology, there will be no impacts on any of its Qualifying Interests as a result of any potential changes to the local hydrogeological regime.</p>	No
Mouds Bog SAC (site code 002331), c. 7.2km to the north-east	<ul style="list-style-type: none"> ■ 7110 Active raised bogs* ■ 7120 Degraded raised bogs still capable of natural regeneration ■ 7150 Depressions on peat substrates of the Rhynchosporion <p>According to this SAC's site Conservation Objectives document (Version 1, dated 20 November 2015), for each of the listed QIs,</p>	<p>There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 7.2 km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	No

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European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
	<p>the Conservation Objective is to restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>		
<p>River Barrow and River Nore SAC (site code 002162), c. 10.5km to the south-west</p>	<ul style="list-style-type: none"> ■ 1016 Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>) ■ 1029 Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) ■ 1092 White-clawed crayfish (<i>Austropotamobius pallipes</i>) ■ 1095 Sea lamprey (<i>Petromyzon marinus</i>) ■ 1096 Brook lamprey (<i>Lampetra planeri</i>) ■ 1099 River lamprey (<i>Lampetra fluviatilis</i>) ■ 1103 Twaite shad (<i>Alosa fallax</i>) ■ 1106 Atlantic salmon (<i>Salmo salar</i>) (only in fresh water) ■ 1130 Estuaries ■ 1140 Mudflats and sandflats not covered by seawater at low tide ■ 1310 Salicornia and other annuals colonizing mud and sand ■ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) ■ 1355 Otter (<i>Lutra lutra</i>) ■ 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) ■ 1421 Killarney fern (<i>Trichomanes speciosum</i>) 	<p>There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 10.5km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
	<ul style="list-style-type: none"> ■ 1990 Nore freshwater pearl mussel (<i>Margaritifera durrovensis</i>) ■ 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation ■ 4030 European dry heaths ■ 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels ■ 7220 * Petrifying springs with tufa formation (<i>Cratoneurion</i>) ■ 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles ■ 91E0 * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 19 July 2011), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>		
Ballynafagh Lake SAC (site code 001387), c. 15km to the north-east	<ul style="list-style-type: none"> ■ 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) ■ 1065 Marsh Fritillary (<i>Euphydryas aurinia</i>) ■ 7230 Alkaline fens 	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 15km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No

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European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
	<p>According to this SAC's site Conservation Objectives document (Version 1, dated 10 December 2021), for the listed QI, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>		
<p>Ballynafagh Bog SAC (site code 000391), c. 16.4km to the north-east</p>	<ul style="list-style-type: none"> ■ 7110 Active raised bogs* ■ 7120 Degraded raised bogs still capable of natural regeneration ■ 7150 Depressions on peat substrates of the Rhynchosporion <p>According to this SAC's site Conservation Objectives document (Version 1, dated 10 November 2015), for each of the listed QIs, the Conservation Objective is to restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately 16.4km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	<p>No</p>
<p>The Long Derries, Edenderry SAC (site code 000925), c. 18.1km to the north-west</p>	<ul style="list-style-type: none"> ■ 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 11 November 2021), for the listed QIs, the Conservation Objective is to restore the favourable conservation condition of the</p>	<p>There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately c. 18.1km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
	Annex I habitat(s) and Annex II species for which the SAC has been selected.		
Mountmellick SAC (site code 002141), c. 23.8km to the south-west	<ul style="list-style-type: none"> ■ 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 05 March 2021), for the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and Annex II species for which the SAC has been selected.</p>	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately c. 23.8km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No
Ballyprior Grassland SAC (site code 002256), c. 23.8km to the south-west	<ul style="list-style-type: none"> ■ 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 11 November 2021), for the listed QIs, the Conservation Objective is to restore the favourable conservation condition of the Annex I habitat(s) and Annex II species for which the SAC has been selected.</p>	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately c. 23.8km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No
Slaney River Valley SAC (site code 000781), c. 24.2km to the south-east	<ul style="list-style-type: none"> ■ 1029 Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) ■ 1095 Sea Lamprey (<i>Petromyzon marinus</i>) ■ 1096 Brook Lamprey (<i>Lampetra planeri</i>) 	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately c. 24.2km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	No

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European Site	Reasons for designation (information correct as of December 2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
	<ul style="list-style-type: none"> ■ 1099 River Lamprey (<i>Lampetra fluviatilis</i>) ■ 1103 Twaite Shad (<i>Alosa fallax</i>) ■ 1106 Atlantic Salmon (<i>Salmo salar</i>) (only in fresh water) ■ 1130 Estuaries ■ 1140 Mudflats and sandflats not covered by seawater at low tide ■ 1355 Otter (<i>Lutra lutra</i>) ■ 1365 Harbour Seal (<i>Phoca vitulina</i>) ■ 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation ■ 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles ■ 91E0 *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) <p>According to this SAC's site Conservation Objectives document (Version 1, dated 21 October 2011), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and Annex II species for which the SAC has been selected.</p>		
Red Bog, Kildare SAC (site code)	<ul style="list-style-type: none"> ■ 7140 Transition mires and quaking bogs 	There is no hydrological link or any other pathway between the proposed development site and this SAC. It is approximately c. 25km distant and is completely	No

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European Site	Reasons for designation (information correct as of December2024) (*denotes a priority habitat)	Discussion of Source – Pathway – Receptor link	Likely significant effect?
000397), c. 25km to the north-east	According to this SAC’s site Conservation Objectives document (Version 1, dated 17 July 2019), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and Annex II species for which the SAC has been selected.	unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	
Special Protection Areas (SPA)			
Poulaphouca Reservoir SPA (site code 004063), c. 22.2km to the south-east	<ul style="list-style-type: none"> ■ A043 Greylag Goose (<i>Anser anser</i>) ■ A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) <p>According to this SPA’s Site-Specific Conservation Objectives document (Version 1, dated 11 June 2024), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	There is no hydrological link or any other pathway between the proposed development site and this SPA. It is approximately 22.2km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.	No

5.2 Summary of potential impacts of the proposed development

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

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction or operation of the proposed development, no predicted impact on *ex-situ* species and no interference with the key relationships that define the structure or function of any European site.

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

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

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

6 Mitigation specific to European sites

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

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

The CJEU, in its ruling on this case dated 15 June 2023 clarified issues defining mitigation in the context of European sites⁵. It confirmed that Article 6(3) of Directive 92/43 *must be interpreted as meaning that, in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project for a site, account may be taken of the features of that plan or project which involve the removal of contaminants and which therefore may have the effect of reducing the harmful effects of the plan or project on that site, where those features have been incorporated into that plan or project as standard features, inherent in such a plan or project, irrespective of any effect on the site.*

In relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development. SuDS measures will be incorporated into the design of the proposed

⁵<https://curia.europa.eu/juris/document/document.jsf?text=&docid=274644&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=21723482>

development as standard features. SuDS features are highly effective and are required to be included in developments where appropriate. These standard measures are considered best practice in construction and, therefore reasonable scientific doubt concerning their effectiveness can be ruled out.

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

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

7 In-combination effects

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

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

- Kildare Town Local Area Plan 2023 – 2029 (Kildare County Council);
- Kildare County Development Plan 2023 – 2029;
- The National Planning Application database (www.myplan.ie - accessed December 2024);
- An Board Pleanála database (www.pleanala.ie – accessed December 2024); and
- EIA Portal (www.housinggovie.maps.arcgis.com – accessed December 2024).

Permitted and proposed projects in the immediate vicinity of the site were considered in terms of the potential for in-combination effects. There are no developments planned, permitted or under construction that will give rise to any significant effects on European sites in combination with the proposed development. This includes projects that are currently under construction, have recently been granted planning permission or are awaiting a decision, such as:

- KCC 181394, Lands at Nurney Road (R415), Greyabbey (townland), Kildare, Co. Kildare - Permission has been granted in June 2024 on the relative planning application. The development consists of the construction of 2 no. light industrial buildings of c.61,472 sq. m (for the purpose of timber frame/light gauge steel manufacturing) A) All site clearance and enabling works required to facilitate the development; B) Building A (Factory unit A); C) Building B (Factory unit B); D) Provision of yards and recycling areas, along with loading bays, waste compactor and gated access points, and 2 no. ESB substations, and the provision of 2 no. single storey security guard houses; E) Access to the unit will be provided via a revised entrance onto the R415 and the provision of 622 no. car parking spaces, parking for 80 trucks/trailers, and 622 no. bicycle spaces; F) The development includes landscaping, boundary treatments, photovoltaic panels at roof level, entrance barriers, site lighting, and all associated site development works, including underground foul and storm water drainage services and attenuation areas, internal drainage diversions, culverts and all ancillary works; G) The development also consists of the reprofiling of the subject site to include an increase of ground levels at the site by up to circa 3m.

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

- KCC 181394, Loughlion, Kildare, Co. Kildare. Permission has been granted in September 2023 on the relative planning application. The development consists of (a) Demolition of the existing dilapidated and disused single storey building. (b) Relocation of the existing entrance. (c) Erection of 6 no. office based industry, business, science and technology buildings, erection of 1 no. part office based industry, business, science and technology building - part amenity, leisure, and conference facility, all with associated signage. (d) Sloping roof feature with photovoltaic panels, having an overall height of approx. 14.5m on the south elevation of all buildings. (e) Provision for new road network throughout the site. (f) Provision for 200 carparking spaces. (g) Proposed landscaping, planting, and all associated site works. (h) New entrance with 1.8m high feature stone wall with associated wall mounted signage. (i) A new 1.8m wrought iron boundary fence with associated hedging to the north west boundary of the site (along the local roadside), a new 2m security fence to the eastern boundary of the site with associated planting, and additional planting to supplement the existing trees and shrubs along the southern boundary of the site, Bounded by the M7. (J) Erection of a signage structure at the main entrance.
- KCC 23102, Nurney Road and Monasterevin Road, Kildare Town, Co. Kildare. Whitelands East, Kildare Town, Co. Kildare; Permission has been granted in February 2024 on a proposed infrastructural development application. The development comprises of the construction of a section of the Outer Relief Road contained in the Kildare Town Local Area Plan that connects Monasterevin Road (R445) with Kildare Outlet Village Roundabout (KOV Roundabout) on the Nurney Road (R415), designed to tie into the road infrastructure permitted in Ref. 17/1261, with associated footpath and cycle paths; Road Connections north-south along the new Outer Relief Road to access future development land, with a new junction on the Monasterevin Road (R445) and associated improvements to public realm along frontage to accommodate sight lines, with boundary treatments and landscaping; Raised ground level within the defined site to facilitate gravity drainage; Provision of associated water supply and drainage services and ducting under roads, public lighting, landscaping and boundary treatments to all road perimeters.
- KCC 23895, Kildare Tourist Outlet Village, Nurney Road, Kildare Town, Co. Kildare; Permission and retention permission has been granted in February 2024 on the relative planning application. The development consists of retention permission for 6 no. existing food and beverage kiosk zones (434sqm gross area) including kiosks (total 49.7sqm gross floor area) with signage, adjacent seating and circulation areas. Planning permission is also sought for 2 no. additional food and beverage kiosk zones, including kiosks with signage, adjacent seating and circulation areas; resulting in a total of 8 no. kiosk zones of which only 6 no. zones will be operational at any one time.
- ABP 305007, Former McGee Barracks Site, Hospital Street, Kildare Town, Co. Kildare: Permission has been granted in October 2019 on a proposed Strategic Housing Development application. The development consists of the demolition of 17 no. existing buildings (including a range of former Barracks buildings, the Officers' Mess building and Water Tower Structure) and the construction of a development comprising of 375 no. residential units, a neighbourhood centre comprising of 3 no. single-storey retail units, a café (including gallery / exhibition area at mezzanine level), a two-storey childcare facility and associated play area, all internal roads, car parking, pedestrian and cycle paths, public open space, and all associated site and infrastructural works on an application site of c. 11.35 ha.
- ABP 318401, Southgreen Road & Old Road, Kildare Town, Co. Kildare: Decision is awaited from the Bord on a proposed Large Scale Residential Development Application. The development consists of the construction of a new residential development of 168 no. units in a mixture of houses, apartments and duplex units ranging in height from 2 to 3 storeys together with a childcare facility of approx. 343.91 sqm. Each residential unit will be afforded with private open space in the form of a balcony in the case of the apartment & duplex

units and a rear garden in the case of the housing units. Public open space is proposed in the form of large central play areas, outdoor seating and planting. A total of 203 no. car parking spaces (183 no. for residents, 11 no. for visitors and 9 no. for creche set down/drop off) are provided at surface level, including 3 no. accessible spaces, 2 no. bicycle/bin storage buildings (both single storey / 2.5m in height) are proposed to accommodate (a) 165 no. bicycle spaces (128 no. for residents 24 no. for visitors and 13 no. for creche staff and children) in the form of 3 no. bicycle storage areas (approx.. 66 sqm); and (b) 2 no. bin storage areas (approx. 17.9sqm). The development shall be served via a new vehicular access point from the Southgreen Road. New pedestrian and cyclist access points will be provided on to Southgreen Road, Old Road and the Southern Link Road from the site. A double-lane cycle track and footpath are also proposed along Southgreen Road adjacent to the proposed scheme. The associated site and infrastructural works include provision for water services; foul and surface drainage connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; electrical services and all associated site development works.

- ABP 304932, St Brigid's Park, Old Road, Kildare Town, County Kildare; Decision is awaited from the Bord on the relative planning application. The development comprises of; construction of 19m wide by 5m high precast concrete skills wall including a total of 800m² artificial playing surface, associated 2.4m high mesh fencing and 4 no. 12m high flood lighting columns, located to the south of the overall site. Construction of detached single storey steel frame/cladded gym building to the northern side of the existing clubhouse. Installation of 2 no. 28m wide by 13m high ball stops to existing training pitch which is located to the west of the overall site. Installation of lighting to the existing walking route around the perimeter of St. Brigid's Park, and all ancillary site works.

The Kildare County Development Plan 2023 – 2029 has a series of objectives intended to protect and enhance the natural environment. For example the Plan contains significant objectives to protect and enhance green infrastructure within the county. It also includes policies for to protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, within the County from inappropriate development.

Furthermore, the zoning, policies and objectives set out in the Kildare County Development Plan 2023 – 2029 are intended to protect the environment while encouraging development in appropriate areas. The proposed development complies with these objectives in the context of nature conservation.

The proposed development will not impact on the flow of water through the area, nor increase potential flood impacts. It is in compliance with all of the relevant Plan objectives.

A number of other plans were considered when assessing in-combination effects, but it was determined that there would be no in-combination effects with these:

- The National Planning Framework (Project Ireland 2040);
- The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2031 (The Eastern and Midland Regional Assembly);
- Climate Action Plan 2024(Government of Ireland);
- 4th National Biodiversity Action Plan 2023 – 2030.

None of these plans grant development consent so do not in themselves generate a specific adverse effect that can be assessed along with the proposed development for the purposes of the in-combination assessment.

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

8 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed residential development at Station Road, Kildare town, Co. Kildare (An Triantán) individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (Kildare County Council) to carry out an AA Screening under Section 177U of the Planning Acts, and reach a determination that the proposed development will not have any likely significant effects on European sites under in light of their conservation objectives.

9 References

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⁷ Now Transport Infrastructure Ireland (TII).

Appendix I: Background

The European⁸ network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

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

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

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

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

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

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

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Union (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*)⁹ and by the *Planning and Development Act 2000*, as amended.

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

Stages in the assessment

European Commission guidance (2021)¹⁰ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

⁸ The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title Natura 2000”

⁹ SI No. 477 of 2011 and subsequent amendments

¹⁰ *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

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

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

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

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

Appendix II Conservation Objectives of European sites

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

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

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

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

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

Guidance from the European Commission¹¹ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;

Assess the likely significance of any effects on European sites.

¹¹ Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission November 2018)

Brady Shipman Martin

DUBLIN

Mountpleasant Business Centre
Ranelagh
Dublin 6

CORK

Penrose Wharf Business Centre
Penrose Wharf
Cork

+353 01 208 1900

mail@bradyshipmanmartin.com
www.bradyshipmanmartin.com

