

APPROPRIATE ASSESSMENT SCREENING REPORT

**Proposed Development of a New Machinery Yard and
Regional Salt Barn at Jigginstown, Newhall, Naas, Co Kildare**

Prepared for: Kilgallen & Partners Consulting Engineers



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1 SUMMARY

- 1.1 SLR Consulting Ireland (SLR) was commissioned on 30 November 2018 by Kilgallen & Partners Consulting Engineers, on behalf of Kildare County Council, to prepare an Appropriate Assessment (AA) screening report for the proposed development of a machinery yard at Jigginstown, Newhall, Naas, Co. Kildare.
- 1.2 The proposed development site (“the Site”) is within the townland of Jigginstown west of Naas Town, Co Kildare. An existing retail park is adjacent north - east of the Site and an M7 motorway on ramp borders the Site to the north-west. Lands north of the Site are commercial in nature while lands to the south are agricultural consisting of arable field and pasture land separated by hedgerows and treelines. There is a drainage ditch along the western boundary of the site which joins the road drainage network immediately downstream of the Site.
- 1.3 The Site is approximately 1.88 ha in size and has been previously infilled with soil. The proposed development will consist of the construction of an administration building, vehicle maintenance work shop and 23,000 tonne strategic salt barn with ancillary buildings and structures within the Site.
- 1.4 The aim of this report is to provide supporting information to assist the competent authority, in this case Kildare County Council, to carry out screening for likely significant effects to Natura 2000 sites arising from the proposed machinery yard.
- 1.5 The Appropriate Assessment screening report and Natura Impact Statement was prepared by SLR ecologist Owen Twomey BSc PgDip. This report was reviewed by Elaine Dromey BSc MSc MCIEEM.
- 1.6 A desk study was carried out to collate available information on Natura 2000 sites within the potential zone of influence of the proposed works. The closest Natura 2000 Sites to the proposed development site is Mouds Bog Special Area of Conservation (SAC) (002331) approximately 5.7km west of the Site. This SAC is not connected to the Site via surface water pathways or landscape features. There is no connectivity between the Site and any other Natura 2000 sites via surface water pathways or landscape features.
- 1.7 There are no pathways between the Site and Mouds Bog SAC which could result in indirect effects to the Natura 2000 Site arising from emissions to air or water during the construction and operation of the proposed machinery yard. As Mouds Bogs SAC is approximately 5.7 km from the Site it is too distant to be affected in any other way by the construction and operation of the proposed machinery yard.
- 1.8 There are no impacts and effects to Natura 2000 sites predicted to occur as a result of the proposed machinery yard and therefore no consideration of in-combination effects with other plans or projects is required as there is no scope for cumulative effects.
- 1.9 It is considered that there is no potential for effects on any Natura 2000 sites and as a result there are no likely significant effects to these Natura 2000 sites as a result of the proposed machinery yard.
- 1.10 We therefore submit that the competent authority, in this case Kildare County Council, can determine that an appropriate assessment is not required, as it can be excluded that the proposed machinery yard, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 sites.

2 INTRODUCTION

- 2.1 SLR Consulting Ireland (SLR) was commissioned on 30 November 2018 by Kilgallen & Partners Consulting Engineers, on behalf of the Kildare County Council, to prepare an Appropriate Assessment (AA) screening report for the proposed development of a machinery yard at Jigginstown, Newhall, Naas, Co. Kildare.

Background to the Commission

- 2.2 The proposed machinery yard at Jigginstown, Newhall, Naas will replace the existing facility currently located in Newbridge, Co. Kildare. The proposed Site at Jigginstown is brownfield and has previously been infilled with soils as part of the development of Newhall Retail Park. The proposed development will provide a range of services to Kildare County Council including:
- Coordination of winter maintenance,
 - Coordination of surface dressing operations,
 - Vehicle hire and purchase,
 - Salt Storage,
 - Fuel Storage,
 - Provision of vehicles for pothole repair and street sweeping,
 - Bitumen Storage,
 - Vehicle re-spray facility,
 - Plant storage,
 - Workshop,
 - Offices.

General Description of the Site

- 2.3 The proposed development site (“the Site”) is centred at approximate Irish Transverse Mercator (ITM) coordinates 686530 E 718354 N (**Figure 1.**) within the townland of Jigginstown, Co Kildare ca. 2.5 km west of the centre of Naas Town. The Site is approximately 1.88 ha in size and has previously been infilled with soil. Newhall Retail Park is directly adjacent to the eastern boundary of the Site while an on ramp of the M7 motorway borders the Site to the north. Lands in the surrounding area north- west and north- east of the Site are in use for commercial development, while lands south west and south east are in agricultural use. There is a drainage ditch on the western boundary of the Site. This drain flows in a northerly direction within the site before joining a road drainage network immediately downstream of the Site. The Site has previously been in-filled using soils excavated from the development of Newhall Retail park north - east of the Site.

Brief Project Description

- 2.4 The proposed development will consist of the construction of an administration building, vehicle maintenance work shop and 23,000 tonne regional salt barn with ancillary buildings and structures. These include;
- A 4-bay vehicle maintenance workshop
 - Secure internal storage with admin space above
 - Fuel storage
 - Bitumen storage
 - Vehicle storage
 - Truck wash
 - Weighbridge
 - Secure external storage

Aim of the Report

- 2.5 The aim of this report is to provide supporting information to assist the competent authority, in this case Kildare County Council, to carry out screening for likely significant effects on Natura 2000 sites arising from the proposed machinery yard at Jigginstown, Newhall, Naas, Co. Kildare.

Objectives of Appropriate Assessment

- 2.6 The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process¹ as follows:
- Firstly, a plan / project should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.
 - Secondly, mitigation measures should be applied during the AA process to the point where no adverse impacts on the site(s) remain.
 - Thirdly a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

Evidence of Technical Competence and Experience

- 2.7 The appropriate assessment screening report was prepared by SLR ecologist Owen Twomey BSc PgDip. This report was reviewed by Elaine Dromey BSc MSc MCIEEM.
- 2.8 Owen Twomey has worked in ecological consultancy since 2016. Owen holds a BSc in Environmental Science (Zoology) and a Postgraduate Diploma in Ecological Assessment. Owen has prepared ecological reports including Appropriate Assessment (AA) screening reports and Natura Impact Statements (NIS) for a wide range of projects, including a variety of development types within Co. Kildare. Owen prepared this report.
- 2.9 Elaine Dromey holds a BSc in Earth Science from University College Cork and an MSc in Vegetation Survey and Assessment from the University of Reading, UK. She is a full member of the Chartered Institute of Ecology and Environmental Management. Elaine has prepared AA screening reports and Natura Impact Statements (NIS) for a range of different projects and plans including large wind farms, single turbine developments, power lines, pit developments, anaerobic digesters, industrial development and single small developments. Elaine carried out the technical review of this report.

¹ The objectives as outlined are based on those set out in Scott Wilson and Levett-Therivel, (2006).

3 RELEVANT LEGISLATION

European Nature Directives (Habitats and Birds)

- 3.1 The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation (SAC). Similarly, Special Protection Areas (SPA) are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation and Special Protection Areas are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.
- 3.2 Under Article 6(3) of the Habitats Directive an Appropriate Assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An Appropriate Assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.
- 3.3 Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC (“the Habitats Directive”) states that:
- “Any plan or project not directly connected with or necessary to the management of the site but likely to have a 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”.*

EC (Birds and Natural Habitats) Regulations 2011

- 3.4 Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 sets out the circumstances under which an ‘appropriate assessment’ is required. Section 42(1) requires that *‘a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.’*
- 3.5 Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives them the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows them request any additional information that is considered necessary for the purposes of undertaking a screening. A Natura Impact Statement has to include such information or data as the public authority considers necessary to enable it to ascertain if the plan or project will affect the integrity of a Natura 2000 site. Where appropriate, a Natura Impact Statement also needs to include:
- I. the alternative solutions that have been considered and the reasons why they have not been adopted,

- II. the imperative reasons of overriding public interest that are being relied upon to indicate that the plan or project should proceed notwithstanding that it may adversely affect the integrity of a European site,
 - III. the compensatory measures that are being proposed.
- 3.6 Section 42(6) requires that *'the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot 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'*.

Planning and Development Regulations 2001 to 2018

- 3.7 Section 250 of the Planning and Development Regulations 2001 to 2015 sets out the circumstances under which an 'appropriate assessment' is required for projects or plans proposed by local authorities.
- 3.8 Section 250 (1) requires that *'In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.'*
- 3.9 Section 250 (2) states that *"If on the basis of a screening under sub- article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development and shall submit the proposed development to the Board for approval under section 177AE of the Act."*
- 3.10 Section 250 (3) (a) requires that *"The Board shall, where it considers that an application for development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, require the local authority to prepare, or cause to be prepared, an NIS in respect thereof."*
- 3.11 Section 250 (b) requires that *"Where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect and the Board shall make a determination on the matter as soon as possible."*
- 3.12 Section 250 (c) requires that *"An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site."*
- 3.13 Section 250 (d) requires that *"Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall require the local authority to prepare, or cause to be prepared, an NIS in respect thereof."*
- 3.14 Section 250 (e) states that *"For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to development proposed to be carried out by the local authority."*

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- 3.15 Section 250 (4) requires that *“Where an NIS is prepared, or caused to be prepared, by a local authority under sub-article (3), the authority concerned shall apply to the Board for approval.”*
- 3.16 Section 250 (5) requires that *“An application for approval under sub-article (4) shall be deemed to be an application for approval under section 177AE of the Act and the provisions of that section shall apply to the application.”*
- 3.17 Section 250 (6) states that *“Where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.”*

4 METHODS

Desk Study

- 4.1 A desk study was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the proposed development. The Site and the surrounding area were viewed remotely using satellite imagery². Kildare County Council planning portal³ was accessed for information on other planning applications within the Site and the immediate area. The National Parks and Wildlife Service (NPWS) website⁴ was accessed for information on Natura 2000 sites. Environmental Protection Agency (EPA) Maps⁵ was accessed for other environmental information relevant to preparation of this report.
- 4.2 Design drawings and the project description of the proposed machinery yard, as prepared by Kilgallen & Partners Consulting Engineers Ltd., were also reviewed during the desk study.

Scope of the Report

- 4.3 The approach taken in preparing the AA screening report is based on standard methods and best practice guidance, as listed in the references section of this report. The scope and approach to preparing the AA screening report is summarised as follows:
 - Identify Natura 2000 sites within the potential zone of influence of the development / works.
 - Identify the features of interest of the Natura 2000 sites and review their conservation objectives.
 - Review whether there is potential for the features of interest to be affected by the proposed development based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the nature and scale of the works associated with the proposed works.
 - Consider the likelihood of potential impacts occurring based on the information collated and professional judgement.
 - Consider the likelihood of cumulative impacts arising from the proposed works in combination with other plans and projects.
 - Identify the likelihood of significant effects on Natura 2000 sites occurring because of the proposed works.

Potential Zone of Influence

- 4.4 The '*zone of influence*' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).

² <https://www.google.ie/maps> & <http://www.bing.com/maps/> (last accessed 13 December 2018)

³ <http://www.kildare.ie/CountyCouncil/OnlineServices/OnlinePlanningEnquiries/#> (last accessed 13 December 2018)

⁴ <https://www.npws.ie/protected-sites> (last accessed 13 December 2018)

⁵ <http://gis.epa.ie/> (last accessed 13 Dec 2018)

- 4.5 A distance of 15 km is currently recommended in the case of plans, as a potential zone of influence, and this distance is derived from UK guidance (Scott Wilson *et al*, 2006). For projects, the distance could be much less than 15 km, and in some cases less than 100 m. National Parks and Wildlife Service guidance (NPWS, 2009) advises that this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects.
- 4.6 The zone of influence of the proposed machinery yard at Jigginstown, Newhall, Naas, Co. Kildare is discussed in paragraphs 6.2 – 6.5 of this report.

5 DETAILED DESCRIPTION OF THE DEVELOPMENT

- 5.1 The two main structures proposed to be constructed on the site are:
- An administration building & 4-bay workshop. The administration building will consist of offices on the first floor (350sq.m) over storage & ancillary accommodation on the ground floor (320sq.m). The 630sq.m 4-bay workshop is attached to the administration building.
 - A 23,000 tonne (3,480sq.m) regional salt barn for use by Kildare County Council and the Department of Transport. There is an open fronted lean-to (415sq.m) proposed to the side of the salt barn for the storage of snow ploughs, gritters and other equipment associated with the salt barn. A small welfare building (52sq.m) is proposed for the use of night time gritter drivers.
- 5.2 The ancillary structures and associated works proposed to be developed on the Site are;
- 30,000 litre raised bitumen tank with access stairs and platform
 - 2no. 10m x10m aggregate storage bays
 - site entrance
 - brine storage tank
 - fuel storage and pumps
 - site entrance1no. covered 10m x 10m covered ancillary storage bay
 - covered truck wash area with raised platform
 - weighbridges
 - perimeter fences/walls
 - internal fencing to secure storage areas
 - parking areas
- 5.3 The collection and discharge of surface water run-off will comply with the requirements of the Greater Dublin Strategic Drainage Study. Surface water run-off will discharge to an existing drain that adjoins the southwestern boundary of the Site. This drain flows in a northerly direction within the site before joining a road drainage network immediately downstream of the Site.
- 5.4 The permeability of sub-soils is relatively low and so it will not be possible to infiltrate run-off from heavier rainfall events to ground. However, measures will be incorporated into the surface water drainage network to maximise treatment of the 'first-flush' run-off from rainfall events. These will include the use of catchpit manholes with sumps to trap silts and the use of infiltration beds below the underground storage that is required for attenuated surface water. Hydrocarbon separators with integrated silt chambers will be installed immediately upstream of outfalls to the receiving drain. These separators will be designed in accordance with IS EN 858.
- 5.5 Run-off from the truck wash-down will be segregated from surface water run-off. Water used in the wash-down will be recycled; the recycling tank will be supplemented by mains water. Surplus run-off will go to foul water network
- 5.6 Fuel storage tanks will be bunded. The design, inspection and certification of the bunds shall comply with the document 'Guidance Note on Storage and Transfer of Materials for Scheduled Activities' published by the EPA. The bunds will provide a storage capacity equivalent to 110% of the capacity of the tank it protects.
- 5.7 Wastewater from the development will discharge to a network of sealed sewer pipes which will in turn discharge to an existing Irish Water Sewer. Run off from the salt barn aprons and associated areas will go to foul water network in winter when salt is being handled and to the surface water network during summer.
- 5.8 Surplus excavated material will be disposed of to a licensed waste facility and in accordance with waste management regulations.

6 APPROPRIATE ASSESSMENT SCREENING

- 6.1 This section of the report identifies the potential zone of influence of the proposed development, provides information on the Natura 2000 sites within the potential zone of influence and sets out the potential impacts and effects and the likelihood of significant effects.

Identification of Potential Zone of Influence

- 6.2 The first step in identification of Natura 2000 sites is to determine the potential zone of influence of the project. When the potential zone of influence of the project has been determined Natura 2000 sites within this area can be identified and the information on each collated.
- 6.3 The potential zone of influence for proposed developments of this scale and nature, that do not result in emissions to air or water or where such emissions are so low that any effect would not be appreciable⁶, would be limited a maximum distance of 2 km and is likely to be much less than this.
- 6.4 Even if a precautionary approach is applied and a zone of influence of 5 km is applied there is no Natura 2000 site that could be affected by the proposed development. The closest Natura 2000 site to the Site is Mouds Bog SAC (002331) ca 5.7 km⁷ to the west. In the absence of Natura 2000 Sites within the potential zone of influence of 5 km for the proposed machinery yard at Jigginstown, Newhall, Jigginstown, Co. Kildare, the closest Natura 2000, Mouds Bog SAC, will be considered further within this report.
- 6.5 There is no connectivity between the Site and any other Natura 2000 sites (other than those identified already) via surface water pathways or landscape features.

Natura 2000 Sites

- 6.6 The description of the Mouds Bog SAC has been prepared and summarised using the supporting information available on the NPWS website⁸.

Mouds Bog SAC 002331

"Mouds Bog is a large raised bog complex located 3 km north-west of Newbridge, Co. Kildare. The bog occurs as two basins separated by a central mineral ridge. Approximately half the site comprises uncut high bog though this is predominantly degraded bog. Much of the western end of the site is affected by industrial extraction of peat. Old cutover surrounds the remainder of the high bog though some of this has been reclaimed for pasture grassland. Part of the cutover has been invaded by Betula pubescens scrub.

Mouds Bog is the largest relatively intact raised bog in Co. Kildare and thus is the most easterly site remaining in the country. Although there is extensive industrial peat extraction in the west of the site, there is still a fairly large area of wet bog surface present including some active

⁶ Kelly & Ors. v An Bord Pleanála (25 July 2014) Paragraph 48 "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." [emphasis added]

⁷ When measured in a straight line

⁸ <https://www.npws.ie/protected-sites> (last accessed 13 December 2018).

raised bog with a small soak system. The degraded bog is typical of the habitat but displays some diversity by way of a number of dry flushes. Rhynchosporion vegetation is well represented in the wetter areas and includes Drosera anglica, a relatively scarce species in Co. Kildare. The site contains one of the few Irish populations of the introduced insectivorous plant species, Sarracenia purpurea. Laqopus laqopus, a Red listed species in Ireland, has been recorded.

Features of Interest and Conservation Objectives

6.7 The features of interest and conservation objectives for the Natura 2000 sites identified within the potential zone of influence of the proposed development are listed within Table 1 below. This information was obtained from the resources available on the NPWS website.

Table 1 Features of Interest and Conservation Objectives for Natura 2000 sites

Natura 2000 Site	⁹ Distance	Features of Interests	Conservation objectives
Mouds Bog SAC 002331	ca. 5.7km west	<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] <p>*Denotes a priority habitat</p>	To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected:

Identification of potential impacts on Natura 2000 sites

6.8 The potential impacts of the proposed development on the habitats listed as features of interest for the Natura 2000 site identified are discussed in this section. This report is prepared following the Cause – Pathway – Effect model¹⁰. The potential impacts are summarised into the following categories for screening purposes.

- Direct impacts refer to habitat loss or fragmentation arising from land-take requirements for development or agricultural purposes. Direct impacts can be as a result of a change in land use or management, such as the removal of agricultural practices that prevent scrub encroachment. The LAP objectives and strategies do not include activities or development within Natura 2000 sites that could result in the loss or fragmentation of the habitats listed as features of interest.
- Indirect and secondary impacts do not have a straight-line route between cause and effect. It is potentially more challenging to ensure that all the possible indirect impacts of the plan – in combination with other plans and projects - have been established. These can arise, for example, when a development alters the hydrology of a catchment area, which in turn affects the movement of groundwater to a site and the qualifying interests that rely on the maintenance of water levels.

⁹ When measured in a straight line over the shortest distance between the Site and Natura 2000 site

¹⁰ The approach is broadly based on information contained in Cooper, L. M. (2004)

- Deterioration in water quality can occur as an indirect consequence of development, which in turn changes the aquatic environment and reduces its capacity to support certain plants and animals.
- The introduction of invasive species can also be defined as an indirect impact.
- Disturbance to fauna can arise directly through the loss of habitat (e.g. bat roosts) or indirectly through noise, vibration and increased activity associated with developments and other human activities.

Mouds Bog SAC 002331

- 6.9 There is no potential for direct habitat loss within the SAC as a result of the proposed development as Mouds Bog SAC is ca. 5.7km west of the Site. Direct effects of the proposed development on the bog and peatland habitats listed as features of interest of the SAC can therefore be excluded from further consideration.
- 6.10 There are no pathways between the Site and Mouds Bog SAC which could result in indirect effects to the Natura 2000 Site arising from emissions to air or water during the construction and operation of the proposed machinery yard. As Mouds Bogs SAC is approximately 5.7 km from the Site it is too distant to be affected in any other way by the construction and operation of the proposed machinery yard.
- 6.11 Direct or indirect effects on Mouds Bog SAC and the peatland habitats listed as features of interest, as a result of the proposed development are not considered likely.

Cumulative Impacts

- 6.12 Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects are particularly important in EclA as ecological features may be already exposed to background levels of threat or pressure and may be close to critical thresholds where further impact could cause irreversible decline. Cumulative effects can also make habitats and species more vulnerable or sensitive to change. (CIEEM, 2018).
- 6.13 There are no impacts and effects to Natura 2000 sites predicted to occur as a result of the proposed machinery yard and therefore no consideration of in-combination effects with other plans or projects is required as there is no scope for cumulative effects.

Likelihood of Significant Effects on Natura 2000 Sites

- 6.14 NPWS (2010) guidance for planning authorities states *“If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.”* This approach is adopted in this report to appraising likely significant effects of the proposed development.

- 6.15 A significant effect is defined in paragraph 49 of the [Waddenzee Case C-127/02](#)¹¹ as follows “..... pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.”
- 6.16 It is considered that there is no potential for effects on any Natura 2000 sites and as a result there are no likely significant effects to these Natura 2000 sites as a result of the proposed machinery yard.

Consideration of Findings

- 6.17 This screening report, based on the best available scientific information and project details provided by the consulting engineers, demonstrates that the proposed development does not pose a risk of likely significant effects on Mouds Bogs SAC 002331 or any other Natura 2000 site.
- 6.18 It is considered that the proposed development does not require progression to second stage Appropriate Assessment.
- 6.19 We therefore submit that the competent authority, in this case Kildare County Council, can determine that an appropriate assessment is not required, as it can be excluded that the proposed machinery yard, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 sites.

¹¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127>

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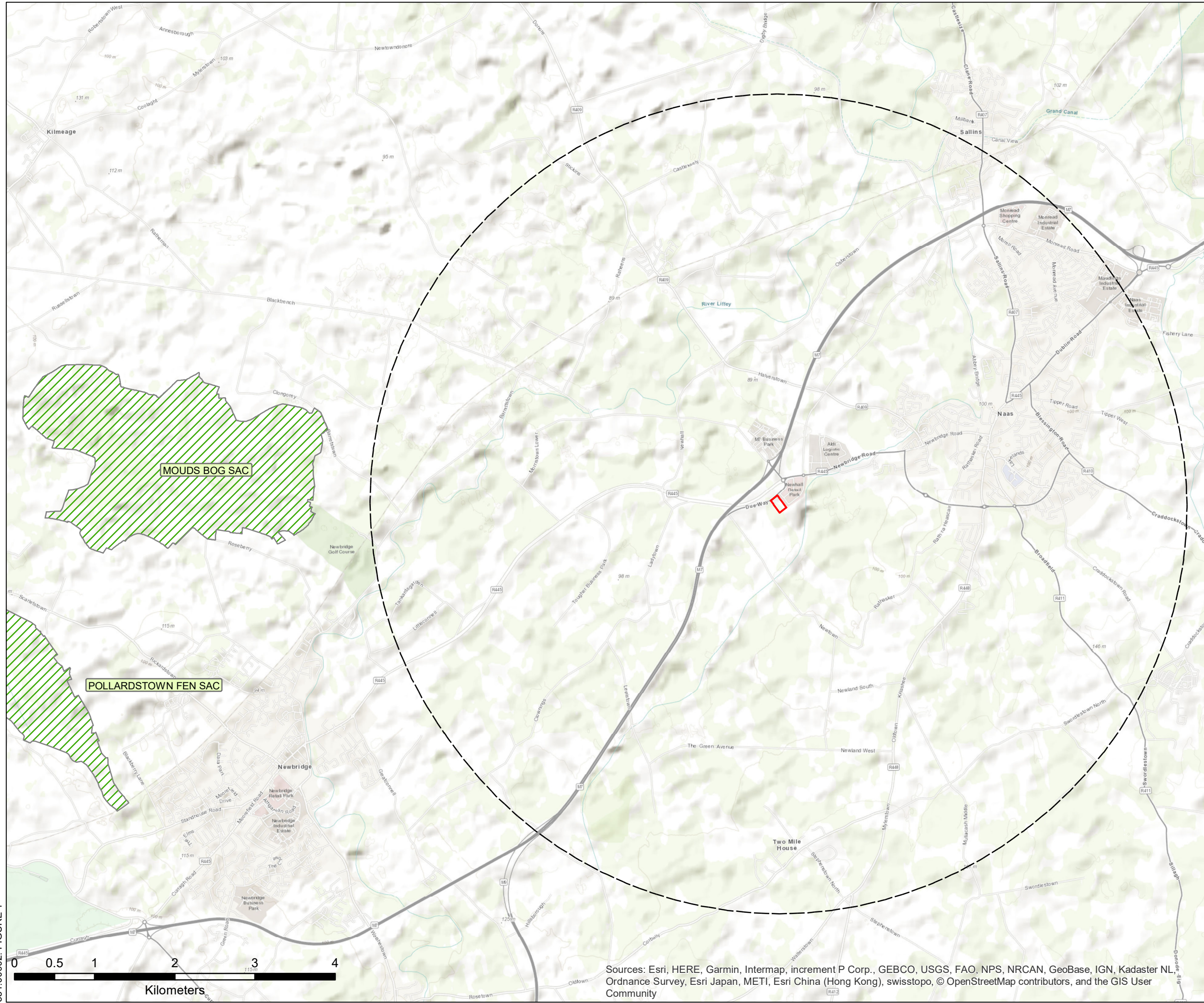
Kildare County Council Planning System

<http://www.kildare.ie/CountyCouncil/OnlineServices/OnlinePlanningEnquiries/>




National Parks and Wildlife Services Protected Sites <https://www.npws.ie/protected-sites>

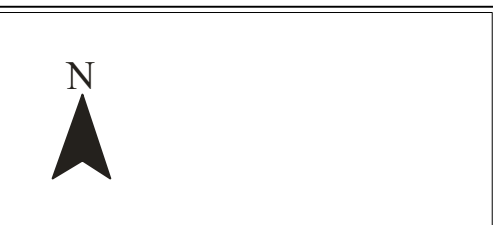
FIGURES

FIGURE 1LOCATION OF PROJECT AND NATURA 2000 SITES



LEGEND

-  SITE BOUNDARY
-  5 KM RADIUS
-  SPECIAL AREA OF CONSERVATION



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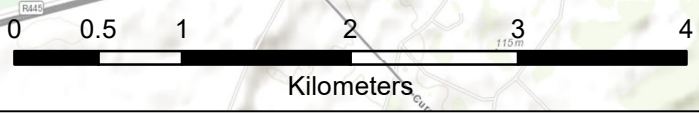
**KILGALLAN & PARTNERS
CONSULTING ENGINEERS**

**KCC ROAD MAINTENANCE DEPOT
LOCATION OF PROJECT AND
NATURA 2000 SITES**

FIGURE 1

Scale 1:45,000 @ A3 Date DECEMBER 2018

551.00002. FIGURE 1



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

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