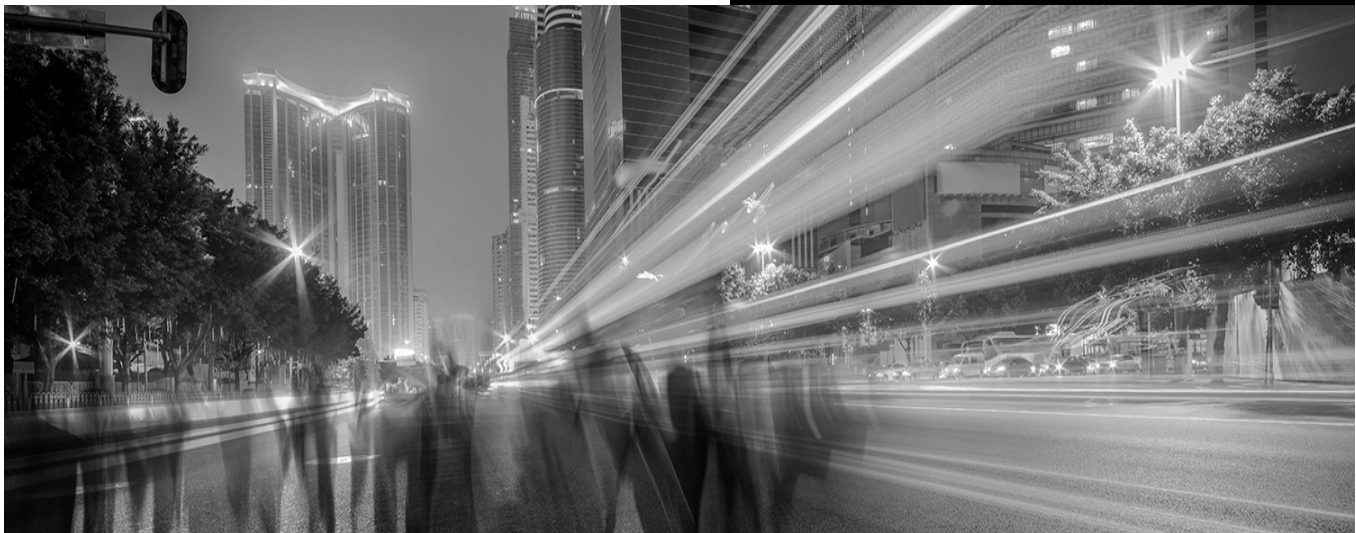


2023

Appropriate Assessment Screening Report



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Appropriate Assessment Screening Report

Clúid Housing, Former ESB Site, Mill Lane, Leixlip, Co. Kildare

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1 Introduction

1.1 Background

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential significant effects upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential significant effects of a proposed 36-unit residential development at the former ESB site, Leixlip, Co. Kildare on certain designated sites was carried out in April 2023 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This report will allow the competent authority, in this case Kildare County Council, to undertake an Appropriate Assessment determination as required under the Article 6(3) of the EU Habitats Directive.

The location of the proposed development is within 15km of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely. This exercise will also determine the appropriateness of the proposed project, in the context of the conservation status of the designated sites.

1.2 Regulatory Context

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs). This is explained in greater detail in the following section.

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative

areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

1.3 Appropriate Assessment and the Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. **Article 6(3)** establishes the requirement for Appropriate Assessment:

“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.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

“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 a social or economic nature, the member states 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.”

1.4 The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site’s conservation objectives.

The ‘Appropriate Assessment’ itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U (1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

- (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.
- (2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—
 - a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or
 - b) consent for a proposed development is given.’

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

2 Methodology

2.1 Appropriate Assessment

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site.
- There will be no adverse effects on the integrity of a Natura 2000 site.
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four-stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant.

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in **Articles 6(3)** and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project.
- Identification of the Natura 2000 sites close to the proposed development.
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project.
- Assessment of the significance of the impacts identified above on-site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

2.2 Statement of Competency

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over 17 years. Noreen has over 18 years' experience as a professional ecologist in Ireland.

2.3 Desk Studies & Consultation

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area.
- Myplan.ie – Mapped based information.
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area.
- Bing maps & Google Street View – High quality aerials and street images.
- Plus Architecture – Plans and information pertaining to the development.
- Kildare County Council - Information on planning history in the area for the assessment of cumulative impacts.

2.4 Assessment Methodology

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zol) of the proposed development was defined. Based on the potential impacts and their Zol, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as “to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected”, and for SPAs “to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”.

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is 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.

The favourable conservation status of a species is achieved when:

- The 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.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.

3 Screening

3.1 Planning Description

The development will consist of the demolition of the former ESB premises building and its associated shed at the back and the construction of 36 No. apartments.

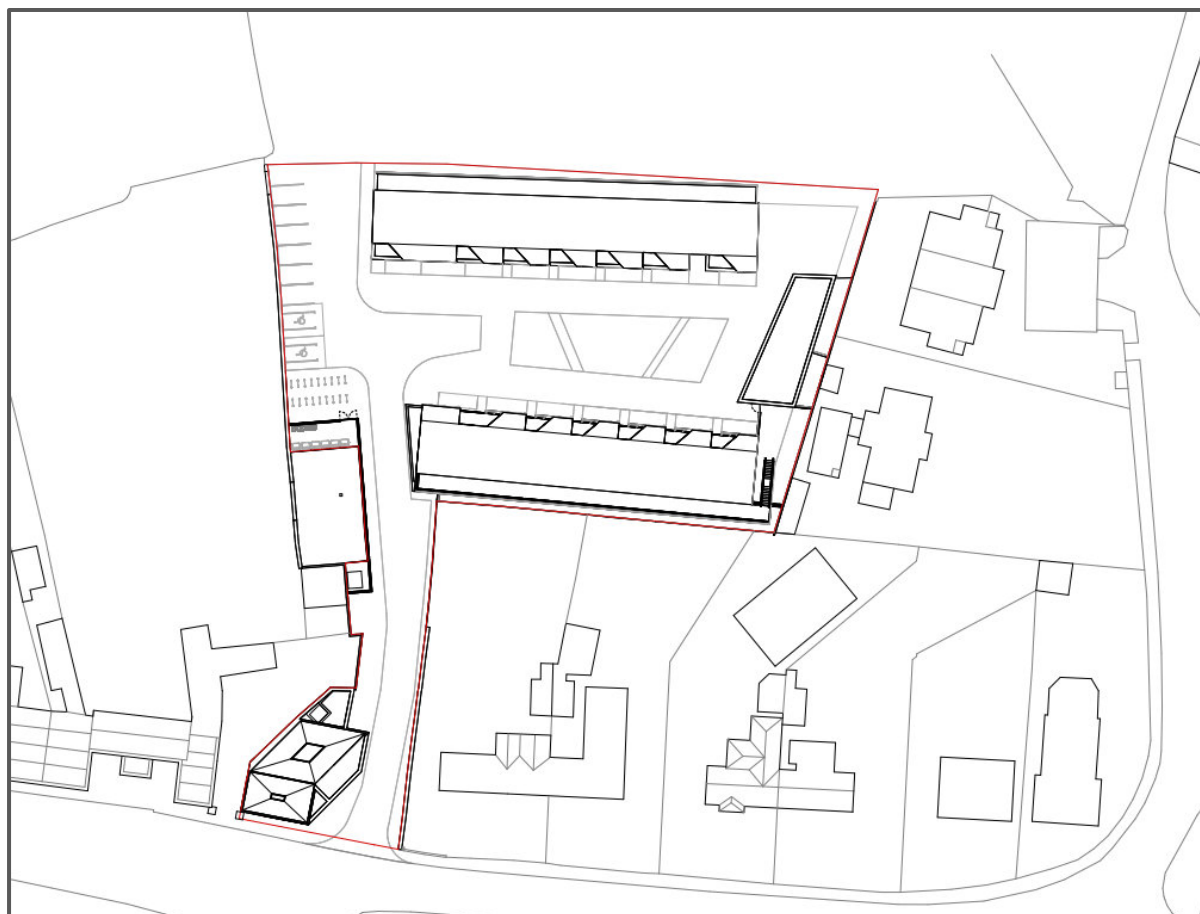
A new, mixed-use building is proposed on the Southern Site boundary with a frontage to the Main Street. This building will contain a Community Centre to the front and an apartment to the back.

At the back of the site, the remainder of the apartments will be arranged in 3 blocks enclosing a landscaped communal garden which will incorporate picnic seating areas, bench seating and timber pergolas. The central open space will be equipped with amenity grass, bulb, shrub and feature tree planting. On the North-Eastern corner, an allotment garden with raised beds, seating and storage for tools and equipment will be provided.

A gravity wastewater drainage system will be provided to collect domestic wastewater discharge from the proposed residential units and community centre. This will be routed to the existing public wastewater network.

Surface Water Drainage will be resolved with an underground piped stormwater network which will collect runoff from the building gutters and downpipes. Roadways and parking areas shall comprise of open concrete lined channels, kerb inlets and grid inlets all discharging into an underground piped network. Sedimentation structures (silt traps) will also be included, especially around the gravel areas within the external landscaped area.

Figure 1: Extract from Planning Drawings (as prepared by Plus Architecture)



3.1.1 Foul Water Drainage

Details on the proposed foul water management for the site have been outlined in the accompanying report prepared by Nicholas O'Dwyer, Consulting Engineers.

Local public foul sewers are located on Mill Lane, with a manhole located directly adjacent to the site entrance. The sewer drainage system for the proposed housing development will discharge into the existing public wastewater drainage collection system.

The wastewater drainage system shall be designed to:

- Provide a gravity wastewater drainage system to collect domestic wastewater discharge from the proposed residential units and community centre. This will be routed to the existing public wastewater network.
- The system will be designed for a minimum self-cleansing velocity to minimize maintenance. The minimum flow velocity should not fall below 1.0 meters per second. Wherever this can't be achieved appropriate alternative measures shall be considered.
- Manhole spacing will be designed for ease of maintenance of the pipe system and will

follow the principles set out in the relevant standards.

- The initial estimate of the post development peak discharge has been calculated as 0.54 l/s.
- The initial estimate of the post development average discharge has been calculated as 0.18 l/s.
- It is proposed to form a new connection directly to the existing public sewer by gravity, subject to confirmation of levels in accordance with the Irish Water Code of Practice for Wastewater Infrastructure. Note that details and parameters to be agreed with KCC/Irish Water. A pre-connection enquiry application has been made to Irish water for this connection.

3.1.2 Surface Water Drainage

Details on the proposed foul water management for the site have been outlined in the accompanying report prepared by Nicholas O'Dwyer, Consulting Engineers.

The overall objective of the stormwater drainage is to provide well-drained operational areas to permit the safe movement of vehicles and efficient operation of the buildings under storm conditions. Terraces, hard stand areas, and roadways with concrete, paving, and gravel surfaces are all part of the proposed surface infrastructure. The stormwater management for the proposed housing development will focus on the following:

- Prevent flooding of the proposed housing development due to possible flash floods coming from upstream catchments (external storm water system).
- Prevent flooding of the proposed site due to rainfall falling directly on the site (internal storm water system).
- To control and separate polluted and unpolluted water generated within the proposed housing development.
- The stormwater drainage system shall be designed according to the following criteria:
- Runoff from the building gutters and downpipes shall be collected and discharged into an underground piped stormwater network.
- The stormwater network within roadways and parking areas shall comprise of open concrete lined channels, kerb inlets and grid inlets all discharging into an underground piped network.
- Sedimentation structures (silt traps) will be included especially around the gravel areas within the outside landscaped area.
- The proposed housing developments stormwater management system shall be designed and constructed to accommodate a 10-year flood event.
- The maximum allowable discharge rate from the proposed housing development shall be less than or equal to the maximum pre-development outfall flow rates.

3.2 Site Location and Surrounding Environment

3.2.1 Site Location

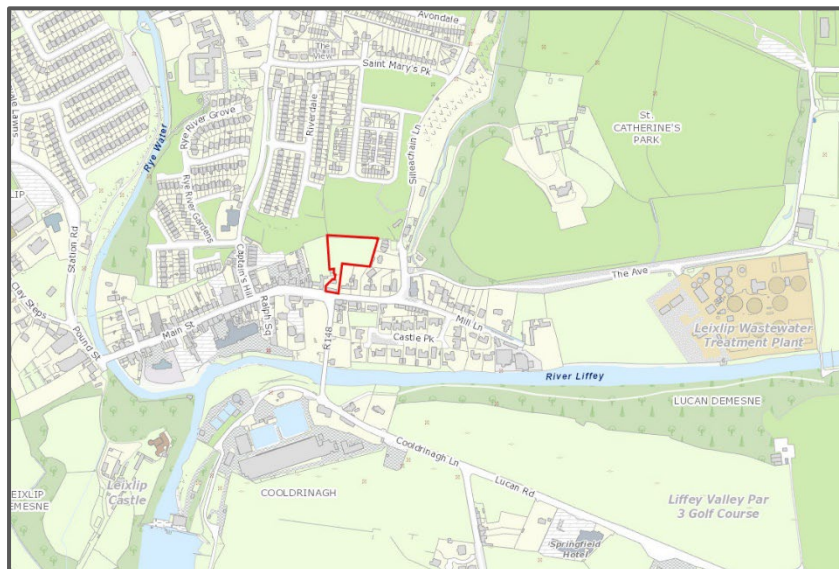
The proposed development site is circa 0.49ha in area and it is located in a largely urban, residential area in the town of Leixlip, Co. Kildare. The site is just north of Mill Lane, and the entrance to the site is situated at the junction of Main Street and Mill Lane. The site was formally used by the ESB. The site is bounded to the south by Mill Lane, and to the north, west and east by residential and amenity areas.

The site is surrounded primarily by the urban lands of the Leixlip area (a mixture of industrial, residential and amenity areas), and the dominant habitats associated with these areas include buildings and artificial surfaces, as well as amenity grasslands, gardens, scattered trees and parklands. The site is also to the north of the River Liffey and its riparian habitats (grasslands, treelines). Site location maps are shown in **Figures 2 and 3** whilst an aerial photograph of the site and its surrounding habitats is shown in **Figure 4**.

Figure 2: Site Location Map [Reproduced under OSI Licence No. EN 0079022]



Figure 3: Site Location Map, Site Outlined in Red [Reproduced under OSI Licence No. EN 0079022]



3.2.2 Habitats within the Application Site

The application site does not lie within or adjacent to any area that has been designated for nature conservation purposes. The site is unmanaged and overgrown and the dominant habitat within it is unmanaged grassland, along with scattered pockets of scrub. The boundaries to the north and west of the site consist of mature treelines, and the northern boundary extends towards a narrow strip of broadleaved woodland. The eastern and southern boundaries are defined by walls. There is a derelict building to the front of the site.

3.2.3 Water Features And Quality

The application site is within the Liffey and Dublin Bay Hydrometric Area (09) and Catchment (09), and the Liffey Sub-Catchment (100) and Sub-Basin (160). There are no watercourses within or immediately adjacent to the application site. The site is 129m north of the main channel of the River Liffey, whilst it is 64m west of the Oranstown Stream, a stream that is now largely channelised and culverted as it flows through the sub-urban areas of Leixlip. There is no surface water connectivity between the application site and the River Liffey and any of its tributaries.

The EPA have defined the ecological status of the Oranstown Stream as poor for its entire length. The River Liffey is noted to vary between good and poor ecological status at points upstream and downstream of Leixlip. Upstream of Leixlip it is noted to be of moderate status. Status improves briefly to good between the bridge over Main St and Leixlip Bridge, whereupon poor status is noted downstream of Leixlip Bridge and for the remainder of its course.

Under the requirements of the EU Water Framework Directive (WFD), this is unsatisfactory and all water bodies must achieve good status by the end of the current River Basin Management Cycle (2027).

Figure 4: Aerial View of the Application site (Outlined in Red) [© Google]



3.3 Natura 2000 Sites Identified

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc. The measurements used here are taken from the closest point along the proposed work area to the SAC / SPA.

For significant effects to arise, there must be a potential impact facilitated by having a source, i.e., the proposed development and activities arising out of its construction or operation, a receptor, i.e., the European site and its qualifying interests and a subsequent pathway or connectivity between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are two Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the proposed development site are summarised in **Table 1** and maps showing their locations relative to the application site are shown in **Figures 5 and 6**. A full description of the sites can be read on the website of the National Parks and Wildlife Service (www.npws.ie).

Table 1: Natura 2000 Sites Within 15km of the Proposed Site

Site Name & Code	Distance	Qualifying Interests	Screened In / Out?
Rye Water Valley / Carton SAC 001398	290m south-west	<ul style="list-style-type: none"> Petrifying springs with tufa formation (Cratoneurion) <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) 	<i>Screened Out - Potential significant effects on this SAC and its QIs are unlikely as there are no source – pathway – receptor linkages between the application site and this SAC. This SAC is in a separate sub-catchment to the application site and therefore drainage from the site towards the SAC will not arise. There will be no emissions from the site during construction and/or operation that could give</i>

			<i>rise to significant effects upon this SPA or its QIs.</i>
Glenasmole Valley SAC 001209	14.1km south-east	<ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) Petrifying springs with tufa formation (Cratoneurion)* 	<i>Screened Out - Potential significant effects on this SAC and its QIs are unlikely as there are no source – pathway – receptor linkages between the application site and this SAC. There will be no emissions from the site during construction and / or operation that could give rise to significant effects upon this SAC or its QIs.</i>

Figure 5: Approximate Location of Works (Pinned) in relation to the Natura 2000 Sites within 15km SAC - (Red Hatched Areas) and SPA - (Pink Hatched Areas)

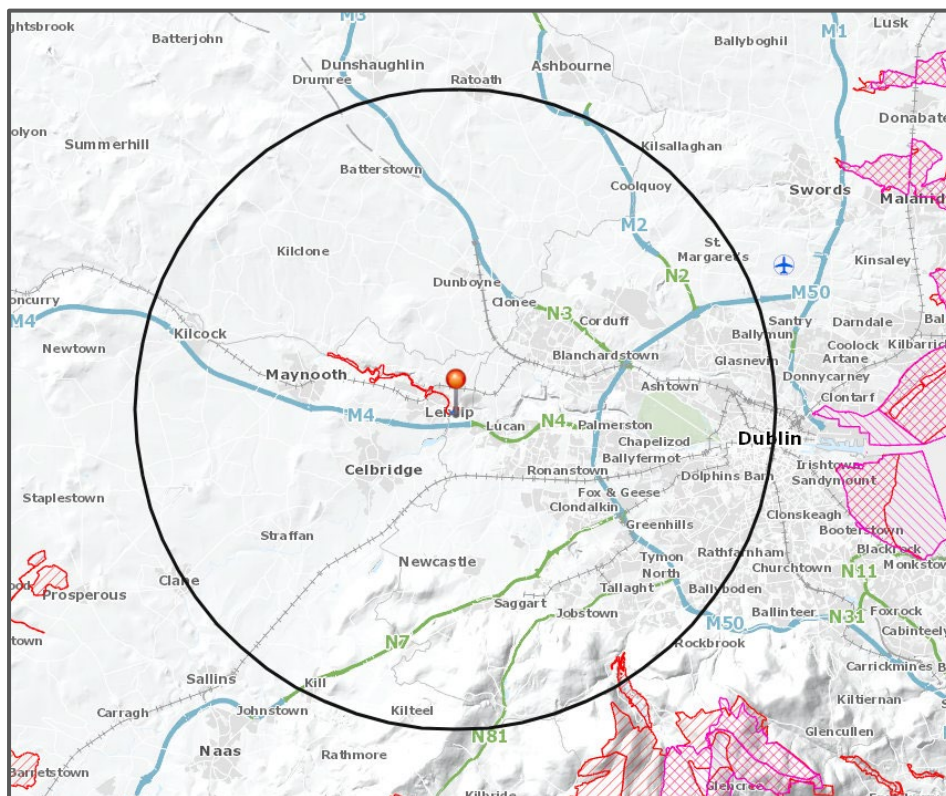


Figure 6: Application Site (Pinned) in relation to the Rye Water Valley / Carton SAC



3.4 Natura 2000 Impact Assessment

The potential significant effects of the proposed development on the European sites identified are described below.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The proposed construction of the residential development on this site in Leixlip, Co. Kildare will have no significant effects upon the designated sites identified within 15km, including the Rye Water Valley / Carton SAC which is 290m south-west of the site. There are no individual elements of the proposed development that are likely to give rise to negative effects on these aforementioned sites. There is a sufficient distance between the application site and all designated areas to ensure that no significant effects will arise. There are no source-pathway-receptor linkages between the application site and any of the designated areas identified. There will be no direct, indirect or cumulative impacts upon the qualifying interests (habitat or species) arising from the proposed development.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Having regards to the relatively small size and scale of the development in relation to the overall size of the Natura 2000s site identified, then the likelihood of any direct, indirect or cumulative impacts on these designated sites arising from the construction and operation of the proposed development is low.

Land-take: There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site.

Distance from Natura 2000 site or key features of the site: There are two Natura 2000 sites within 15km of the proposed development. The closest site is the Rye Water Valley / Carton SAC and this is 290m south-west of the application site. In this instance, having regards to the lack of hydrological connectivity, this distance is sufficient to ensure that no significant effects will arise on this Natura 2000 site or those at further distances during the construction or operation of the proposed development.

Resource requirements (water abstraction etc.): No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

Emissions: Neither the construction nor the operation of the proposed development will result in any emissions to the Rye Water Valley / Carton SAC. There are no watercourses on the site, and emissions to surface water during construction will not arise. The application site is within the Liffey Sub-Catchment 100, and the Rye Water Valley / Carton SAC at its closest point is within the Liffey Sub-Catchment 080. Therefore, it can be concluded that there is no hydrological connectivity between the application site and this SAC, and that emissions from the application site to the SAC will not arise, either during construction or operation.

During operation, foul and surface water will be directed to the local sewer and surface water network.

Excavation requirements: Excavation works on the site will have no impact upon any designated site. Excavated material from the construction will be used on site. Any remaining will be disposed of in a responsible manner in a licensed facility away from any designated sites.

Transportation requirements: There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

In-Combination / Cumulative Impacts: The proposed application was considered in combination with other developments or proposed developments in the Leixlip / Co. Kildare area and potential

cumulative impacts were considered. The proposed development will have no cumulative impacts upon any designated site when considered in combination with other developments that have been screened properly for AA (Stage I) or where AA has taken place (Stage II). Any future individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive.

Duration of construction, operation, decommissioning etc: Should planning permission be obtained then the construction of the proposed development will take approximately 2 years.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: The proposed development lies outside the boundary of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area within the Rye Water Valley / Carton SAC. There is no connectivity between the application site and any habitats within this SAC. There will be no significant effects upon the habitat qualifying interests of the Rye Water Valley / Carton SAC, i.e., petrifying springs with tufa formation (Cratoneurion). This habitat does not occur within or adjacent to the application site. It is found at Louisa Bridge, which is 1.4km north-west of the site. There is no hydrological connectivity between the application site and the lands at Louisa Bridge and significant effects upon this habitat will not arise.

Disturbance to key species: There will be no disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. There will be no reduction in water quality in any designated site that could lead to any negative effects upon any qualifying species. There are two species included as QIs of the Rye Water Valley / Carton SAC, i.e., *Vertigo angustior* (Narrow-mouthed Whorl Snail) and *Vertigo moulinsiana* (Desmoulin's Whorl Snail). These species are found in the wetland habitats around Louisa Bridge. There is no hydrological connectivity between the application site and the lands at Louisa Bridge and significant effects upon this species due to disturbance will not arise.

Habitat or species fragmentation: There will be no habitat or species fragmentation within any SAC or SPA arising from the proposed development. No ecological corridors between the proposed site and any SAC or SPA will be damaged or destroyed.

Reduction in species density: There will be no reduction in species density within any designated site. There will be no reduction in species density of *Vertigo angustior* (Narrow-mouthed Whorl Snail) and *Vertigo moulinsiana* (Desmoulin's Whorl Snail). Both these species occur at Louisa Bridge.

Changes in key indicators of conservation value (water quality etc.): There will be no negative impacts upon surface or ground water quality within any local watercourse, including in the River Liffey or any of its tributaries.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: Significant effects are not likely to occur.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None likely

Fragmentation: None likely

Disruption & disturbance: None likely

Change to key elements of the site (e.g. water quality etc.): None likely

3.5 Finding of No Significant Effects

Finding of No Significant Effects Report Matrix	
Name and Description of project	Residential Development at the former ESb site in Leixlip, Kildare
Name and location of Natura 2000 site	There are two Natura 2000 sites within 15km of the proposed development. The closest site is the Rye Water Valley / Carton SAC and this is 290m south-west of the application site. In this instance, having regards to the lack of hydrological connectivity, this distance is sufficient to ensure that no impacts will arise on this Natura 2000 site or those at further distances during the construction or operation of the proposed development.
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Co. Kildare Council
Level of assessment completed	Stage1 Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

4 Conclusions

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Kildare County Council, to carry out the screening for AA and to reach one of the following determinations:

- (1) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- (2) AA of the proposed development is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, this proposed project does not need to proceed to Stage II of the Appropriate Assessment Process, i.e., a Natura Impact Statement (NIS).

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Record of Executive Business and Chief Executive's Orders

**Planning and Development Act 2000 (as amended) – Part XAB
Planning and Development Regulations 2001 (as amended) – Part 8**

Mixed-Use Residential and Community Development at Former ESB Site, Mill Lane, Leixlip, Co. Kildare

Appropriate Assessment (AA) Screening Determination

Pursuant to the requirements of the above, Kildare County Council is proposing a mixed-use residential and community development.

The proposed development consists of:

The demolition of the former ESB premises building and its associated shed at the back and the construction of 36 No. apartments.

A new, mixed-use building is proposed on the Southern Site boundary with a frontage to the Main Street. This building will contain a Community Centre to the front and an apartment to the back.

At the back of the site, the remainder of the apartments will be arranged in 3 blocks enclosing a landscaped communal garden which will incorporate picnic seating areas, bench seating and timber pergolas. The central open space will be equipped with amenity grass, bulb, shrub and feature tree planting. On the North-Eastern corner, an allotment garden with raised beds, seating and storage for tools and equipment will be provided.

A gravity wastewater drainage system will be provided to collect domestic wastewater discharge from the proposed residential units and community centre. This will be routed to the existing public wastewater network.

Surface Water Drainage will be resolved with an underground piped stormwater network which will collect runoff from the building gutters and downpipes. Roadways and parking areas shall comprise of open concrete lined channels, kerb inlets and grid inlets all discharging into an underground piped network. Sedimentation structures (silt traps) will also be included, especially around the gravel areas within the external landscaped area.

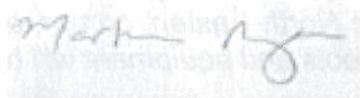
Having regard to Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the guidance contained in the document entitled "Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities" (published by the Department of Environment, Heritage and Local Government in 2009) and following an examination of the objective information provided in the *Appropriate Assessment Screening Report* by ORS Consultants on behalf of Kildare County Council, as the Competent Authority, determines that the proposed residential development at the Former ESB Site, Mill Lane, Leixlip, Co. Kildare, individually or in combination with other plans and projects, does not have the potential to give rise to likely significant effects on European sites, their conservation objectives or integrity, and therefore does not require an Appropriate Assessment.

Key points in the determination –

- The proposed development site is not located within any Natura 2000 sites, so there is no risk of habitat loss, fragmentation or any other direct impacts.
- The nearest Natura 2000 site is the Rye Water Valley / Carton SAC and this is 290m south-west of the application site. In this instance, having regard to the lack of hydrological connectivity, this distance is sufficient to ensure that no significant effects will arise on this Natura 2000 site or those at further distances during the construction or operation of the proposed development.
- No potential pathways were identified to any Natura 2000 sites.
- There are no surface water, groundwater or other pathways linking the Site to any European sites, so there is no risk of indirect effects.
- The proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.
- There are no SPAs in the vicinity of the site.

It is therefore highly improbable that a project of this nature and scale will have any measurable impact on the qualifying interests of Natura 2000 sites.

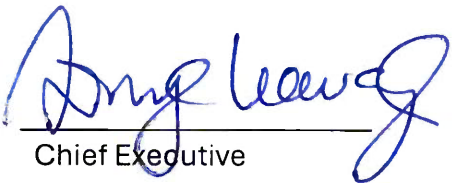
Therefore, a Stage 2: Appropriate Assessment will not be required to inform the project appraisal either alone or in combination with other plans or projects, with respect to any Natura 2000 sites and their Conservation Objectives.



Martin Ryan
Senior Executive Planner
02/04/2025

ORDER: That Kildare County Council as the Competent Authority, having considered the AA Screening Report prepared by ORE Consultants on behalf of Kildare County Council, makes a determination that a Stage 2: Appropriate Assessment will not be required to inform the mixed-use residential and community development at the **Former ESB Site, Mill Lane, Leixlip, Co. Kildare**, either alone or in combination with other plans or projects, with respect to any Natura 2000 sites and their Conservation Objectives.

Date: 24/4/2025


Chief Executive