Screening for Appropriate Assessment

Proposed residential infill development at the former Garda Station, Ballitore, Co. Kildare

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Executive Summary

This *Screening for Appropriate Assessment* report has been prepared by NM Ecology Ltd on behalf of Kildare County Council (the applicant) as part of a planning application for a residential infill development at the former Garda station in Ballitore, Co. Kildare. The proposed development will involve the conversion of the former garda station into 2 dwellings, the construction of 4 new-build dwellings, and associated works.

In accordance with their obligations under the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI 477/2011), Kildare County Council must assess whether the proposed development would be likely to have significant effects on any European sites. This document provides supporting information to assist the local authority with an Appropriate Assessment screening exercise, including: a description of the proposed development, details of its environmental setting, a map and list of European sites within the potential zone of impact, and consideration of potential source-pathway-receptor links.

There is no risk of direct impacts on European sites. Potential pathways for indirect impacts were considered, but none were found to be feasible. Habitats within the site are unsuitable for any of the species associated with nearby SPAs. Therefore, with regard to Article 42 (7) of the *European Communities (Birds and Natural Habitats) Regulations* 2011, it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site. The assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.

1 Introduction

1.1 Background to Appropriate Assessment

Approximately 14% of the land area of Ireland is included in the European Network of Natura 2000 sites (hereafter referred to as 'European sites'), which includes Special Protection Areas (SPAs) to protect important areas for birds, and Special Areas of Conservation (SACs) to protect a range of habitats and species. Legislative protection for these sites is provided by the *European Council Birds Directive* (79/409/EEC) and *E.C. Habitats Directive* (92/43/EEC, as amended), which are jointly transposed into Irish law by the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI 477/2011, as amended).

Regulation 42 (1) states that: "*Screening for Appropriate Assessment of a plan or project for which an application for consent is received* […] *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* [any European sites]." To ensure compliance with this regulation, planning authorities must screen all planning applications for potential impacts on European sites. Supporting information may be requested from the applicant to assist with this process.

This document provides background information to assist the competent authority with a *Screening for Appropriate Assessment* exercise for the proposed development. It includes a description of the proposed development, a review of the Site's environmental setting, details of European sites within the potential zone of impact, an appraisal of source-pathway-receptor relationships, and an assessment of potential impacts.

1.2 Statement of authority

This report has been prepared by Nick Marchant, the principal ecologist of NM Ecology Ltd. He has eighteen years of professional experience, including fifteen years as an ecological consultant, one year as a local authority biodiversity officer, and two years managing an NGO in Indonesia. He provides ecological assessments for developments throughout Ireland and Northern Ireland, including wind farms, infrastructure projects (water pipelines, greenways, etc.), and a range of residential and commercial developments.

He has an MSc in Ecosystem Conservation and Landscape Management from NUI Galway and a BSc in Environmental Science from Queens University Belfast. He is a member of the Chartered Institute of Ecology and Environmental Management, and operates in accordance with their code of professional conduct.

1.3 Methods

This report has been prepared with reference to the following guidelines:

- *OPR Practice Note PN01: Appropriate Assessment Screening for Development Management* (Office of the Planning Regulator 2021)
- *Appropriate Assessment of Plans and Projects in Ireland* (Department of the Environment, Heritage and Local Government, 2009)
- *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*, 2021
- *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine* (Chartered Institute of Ecology and Environmental Management, 2018)

In accordance with Section 3.2 of *Appropriate Assessment of Plans and Projects in Ireland*, the screening exercise was conducted using the following steps:

- Description of the project and local site characteristics
- Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
- Assessment of potential impacts upon European sites, including:
  - Direct impacts (e.g. loss of habitat area, fragmentation)
  - Indirect impacts (e.g. disturbance of fauna, pollution of surface water)
  - Cumulative / 'in-combination' effects associated with other concurrent projects
- Screening Statement with conclusions

A desk-based study was carried out using data from the following sources:

- Plans and specifications for the proposed development
- Qualifying interests / conservation objectives of European sites from www.npws.ie
- Bedrock, soil, subsoil, surface water and ground water maps from the Geological Survey of Ireland webmapping service (dcenr.maps.arcgis.com), the National Biodiversity Data Centre (http://maps.biodiversityireland.ie/), and the Environmental Protection Agency web viewer (gis.epa.ie/EPAMaps/)
- The *Kildare County Development Plan* 2017-2023, and details of permitted or proposed developments from the local authority's online planning records

All web-based resources were accessed in October and November 2023.

2 Description of the Project

2.1 Environmental setting

The proposed development site (hereafter referred to as 'the Site') is located in a rural area to the east of Ballitore village. The Site includes a two-storey structure that was formerly used as a Garda Station, surrounded by an overgrown garden of dry meadow, ornamental / non-native shrubs and hedgerows.

There is an arable field to the north and east of the Site, the 'Ballitore Hill' road to the south, and a bungalow to the west. A major Glanbia facility is located approx. 150 m north-west of the Site. With this exception, the broader surroundings consist mainly of arable fields, grazing pastures and low-density rural housing.

Geology and soils

The Site is underlain by calcareous greywacke. Subsoils are limestone gravel and till, which are a locally-important gravel aquifer. Soils are a mixture of made ground and fine loam. As the soils and subsoils are well drained, it is expected that most rainwater on green areas of the Site would percolate to ground rather than flowing into surface water drainage features.

Hydrology

The River Greese passes approx. 250 m south-west of the Site. It flows south and south-west, and merges with the River Barrow approx. 19 km downstream. The River Barrow then flows south and meets the coast at Waterford Harbour, a further 80 km downstream.

Under the Water Framework Directive status assessments 2016 – 2021, the River Greese was of Poor status in the vicinity of the Site, and of Moderate status downstream. The River Barrow was also of Moderate status for the majority of its course.

2.2 Description of the proposed development

The proposed development will involve the conversion of the existing building into two dwellings, and the construction of four new-build dwellings, making a total of six dwellings. There will be two entrances from 'Ballitore Hill' road, and a shared parking area. Each unit will have a private rear garden, and some shared amenity space will be provided. An existing hedgerow in the west of the Site will be removed.

Foul water will be discharged to an Irish Water foul sewer on 'Ballitore Hill' Road and conveyed to the Ballitore Waste Water Treatment Works. Storm water from roofs and hard surfaces will be directed to soakaways, and other hard surfaces will be permeable, allowing rainwater to soak to ground.

3 Review of Relevant European Sites

In this section we identify European sites that could potentially be affected by the proposed development. The primary consideration is whether the proposed development is within the boundaries of any European sites, because this could lead to direct effects. This is discussed in Section 3.1.

It is also possible that the proposed development could cause indirect effects on European sites located outside the boundary. This is considered using the *source-pathway-receptor* model, which identifies potential *pathways* (e.g. surface water) between the *source* (the Site) and the *receptor* (a European site). This is discussed in Section 3.2.

Some of the bird species associated with SPAs can use secondary habitats outside the SPA boundaries, e.g. brent geese feeding on urban grasslands. The suitability of habitats within the Site for SPA bird species is discussed in Section 3.3.

To support the above assessments, a map of European sites in the surrounding area is shown in Figure 1, and details of relevant European sites are provided in Table 1. For the avoidance of doubt, an arbitrary zone of influence (e.g. 15 km) has not been used for this assessment, as it is no longer considered to be best practice (OPR 2021).

Table 1: European sites of relevance to this assessment

Site Name	Distance	Reasons for designation
River Barrow and River Nore SAC (2162)	11.5 km west	**Annex I habitats:** Estuaries, mudflats / sandflats not covered by seawater at low tide, Salicornia and other annuals colonizing mud and sand, Atlantic salt meadows, Mediterranean salt meadows, water courses of plain to montane levels, european dry heaths, hydrophilous tall herb fringe communities of plains, petrifying springs with tufa formation (Cratoneurion), old sessile oak woods with Ilex and Blechnum, alluvial forests with Alnus glutinosa and Fraxinus excelsior **Annex II species:** Desmoulin's whorl snail Vertigo moulinsiana, freshwater pearl mussel Margaritifera margaritifera, Nore freshwater pearl mussel Margaritifera durrovensis, white-clawed crayfish Austropotamobius pallipes, sea lamprey Petromyzon marinus, brook lamprey Lampetra planeri, river lamprey Lampetra fluviatilis, twaite shad Alosa fallax, Atlantic salmon Salmo salar, Killarney fern Trichomanes speciosum, otter Lutra lutra

Figure 1	European sites
Location	Former Garda Station, Ballitore
Applicant	Kildare County Council
Date	03 Nov 2023

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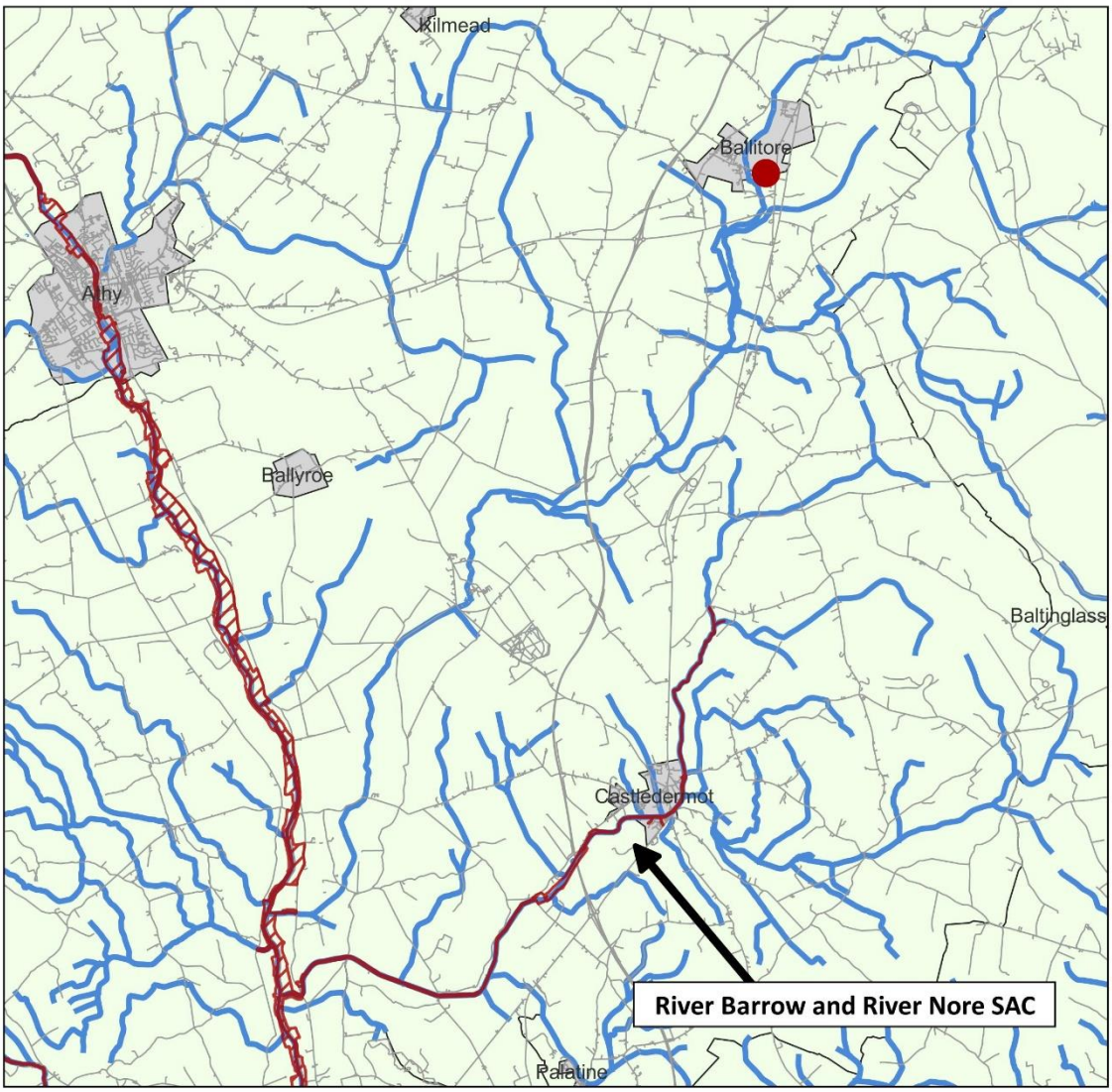
Site location
- Proposed development site
- Roads
- Watercourses

Designated sites
- Special Areas of Conservation
- Special Protection Areas



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0 1 2 3 4 5 km

3.1 European sites within the Site boundary (potential direct effects)

The Site is not within or adjacent to any European sites (Figure 1), so the proposed development poses no risk of direct impacts on any European sites.

3.2 European sites outside the Site boundary (potential indirect effects)

In this section we identify potential *pathways* (e.g. surface water) between the *source* (the Site) and the *receptor* (a European site). The most common pathway is surface water, which typically occurs when a pollutant is washed into a river and carried downstream into a European site. Other potential pathways are groundwater, air (e.g. airborne dust or sound waves), or land (e.g. flow of liquids, vibration). The zone of effect for hydrological effects can be several kilometres, but for air and land it is rarely more than one hundred metres.

Surface water

There are no rivers or streams within or adjacent to the Site (refer to Section 2.1 and Figure 1). The closest watercourse is the River Greese, which is approx. 250 m south-west of the Site. There are no agricultural drains or other surface water features connecting the site and the River Greese. Therefore, the Site has no surface water connection to the River Greese, the River Barrow, or any downstream European sites.

Groundwater, land, air

As there are no European sites within 5 km of the Site, groundwater, land and air can all be ruled out as feasible pathways.

Summary

In summary, no feasible pathways were identified between the Site and any European sites.

3.3 Habitat suitability for SPA birds

There are no SPAs in the vicinity of the Sites. The closest is the *Wicklow Mountains* SPA, which is located approx. 17.5 km east of the Site. It was designated to protect key habitats of two species: merlin and peregrine. Habitats within the Sites are not suitable for either of these species. Therefore, the Site is of no importance for any SPA bird species.

4 Conclusion of Stage 1: Screening Statement

In Section 3 of the OPR guidance (OPR 2021) it is stated that the first stage of the AA process can have two possible conclusions:

1. **No likelihood of significant effects**: Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.

2. **Significant effects cannot be excluded**: Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.

Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is no likelihood of significant impacts on any European sites. This is based on three conclusions:

- The Site is not within or adjacent to any European sites, so there is no risk of direct effects
- There are no surface water or other pathways linking the Site to any European sites, so there is no risk of indirect effects
- Habitats within the Site are unsuitable for any of the birds associated with nearby SPAs, so there is no risk of indirect effects from noise or visual disturbance

Appropriate Assessment Screening must consider the potential implications of a project both in isolation and in combination with other plans and projects in the surrounding area. An 'in-combination effect' can occur when a project will have a perceptible but non-significant residual effect on a European site (when considered in isolation), that subsequently becomes significant when the additive effects of other plans and projects are considered. However, as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out.

Therefore, with regard to Article 42 (7) of the *European Communities (Birds and Natural Habitats) Regulations 2011* (as amended), it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site. On this basis, the assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.

In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.

References

Chartered Institute of Ecology and Environmental Management, 2018. *Guidelines for Ecological Impact Assessment in the U.K and Ireland: Terrestrial, Freshwater and Coastal* (2nd Edition). C.I.E.E.M., Hampshire, England.

Department of the Environment, Heritage and Local Government, 2009. *Appropriate Assessment of Plans and Projects in Ireland.* National Parks and Wildlife Service, DAHG, Dublin, Ireland.

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*. Office for Official Publications of the European Communities, Luxembourg.

Office of the Planning Regulator 2021. *Practice Note PN01: Appropriate Assessment Screening for Development Management*. Available online at opr.ie