

# Report for the purposes of Appropriate Assessment Screening

as required under Article 6(3) of the Habitats Directive  
(Council Directive 92/43/EEC)

Kilcock Strategic Housing Development  
Commons West, Boycetown and Kilcock, County Kildare




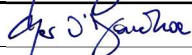
Prepared by: Moore Group – Environmental Services

18<sup>th</sup> December 2019



On behalf of  
Rycroft Homes Ltd

<b>Project Proponent</b>	Rycroft Homes Ltd
<b>Project</b>	Kilcock Strategic Housing Development Commons West, Boycetown and Kilcock, County Kildare
<b>Title</b>	Report for the purposes of Appropriate Assessment Screening Kilcock Strategic Housing Development Commons West, Boycetown and Kilcock, County Kildare

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<b>Moore Archaeological and Environmental Services Limited</b>			

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### Appendix A – Finding of No Significant Effects Report

## Abbreviations

AA	Appropriate Assessment
EEC	European Economic Community
EPA	Environmental Protection Agency
EU	European Union
GIS	Geographical Information System
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife Service
OSI	Ordnance Survey Ireland
pNHA	proposed Natural Heritage Area
SAC	Special Area of Conservation
SPA	Special Protection Area

# 1. Introduction

## 1.1. General Introduction

This report contains information required for the competent authority to undertake screening for Appropriate Assessment (AA) on the potential for the proposed construction of a housing development in the townlands of Commons West, Boycetown and Kilcock (adjacent to the existing Brayton Park estate), Kilcock, County Kildare (hereafter referred to as the proposed Project), to significantly affect European sites.

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- I). whether a plan or project is directly connected to or necessary for the management of the site, and
- II). whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

Having regard to the provisions of the Planning and Development Act 2000 (section 177U and 177V), the purpose of a screening exercise under section 177U of the PDA 2000 is to determine whether it is necessary to carry out an “appropriate assessment” of the implications for a European site of the proposed project. The trigger for the requirement for an “appropriate assessment” is that the project, either individually or in combination with other plans or projects, is “likely to have a significant effect” on the European site.

If the effects are deemed to be significant, potentially significant, or uncertain, or the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation. If potential impacts clearly can be avoided through the modification or redesign of the plan or project, then the screening process is repeated on the altered plan or project.

When screening the project, there are two possible outcomes:

- the project poses no risk of a significant effect and as such requires no further assessment; and
- the project has potential to have a significant effect (or this is uncertain) and AA of the project is necessary.

This desktop report has been prepared by Moore Group - Environmental Services for Rycroft Homes Ltd and so An Bord Pleanála can assesses the potential for the proposed Project to impact on sites of European-scale ecological importance in accordance with Articles 6(3) and 6(4) of the Habitats Directive. The report was compiled by Ger O'Donohoe (B.Sc. Applied Aquatic Sciences (GMIT, 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has 25 years' experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements on terrestrial and aquatic habitats.

The report assesses the potential for the proposed Project to impact on sites of European-scale ecological importance. It is necessary that the proposed Project has regard to Article 6 of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (referred to as the Habitats Directive). This is transposed into Irish Law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations).

## 1.2. Legislative Background - The Habitats and Birds Directives

The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under the Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

The Birds Directive (Council Directive 79/409/EEC and Council Directive 2009/147/EC on the Conservation of Wild Birds), is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out a further assessment if required (Appropriate Assessment (AA)):

**Article 6(3):** *“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 subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In 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):** *“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, Member States shall take all compensatory measures necessary to ensure that the overall coherence of the 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 the beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

## 2. Methodology

The Commission’s methodological guidance (EC, 2002) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

**Stage 1 Screening:** This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that there are not likely to be significant effects on a Natura 2000 site. Mitigation measures (i.e., measures intended to avoid or reduce the harmful effects of the project on the site concerned) cannot be taken into account at this stage.

**Stage 2 Appropriate Assessment:** In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect on the integrity of the Natura 2000 site 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 predicted impacts, an assessment of the potential mitigation of those impacts is considered.

**Stage 3 Assessment of Alternative Solutions:** This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

**Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain:** Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the proposed Project complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report to inform the screening for AA of the proposed Project to be undertaken by the competent authority to determine if the next stage (Stage 2) of the AA process is required.

## 2.1. Guidance

This report has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.
- 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 Environment Directorate-General, 2002); hereafter referred to as the EC Article Guidance Document.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC Environment Directorate-General, 2000); hereafter referred to as MN2000.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).

## 2.2. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
  - National Parks & Wildlife (NPWS) protected site boundary data;
  - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
  - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
  - Open Street Maps;
  - Digital Elevation Model over Europe (EU-DEM);
  - Google Earth and Bing aerial photography 1995-2019;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from [www.npws.ie](http://www.npws.ie) including:
  - Natura 2000 - Standard Data Form;
  - Conservation Objectives;
  - Site Synopses;
  - National Biodiversity Data Centre records;
  - Online database of rare, threatened and protected species;
  - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and
- Relevant Development Plans in neighbouring areas;
  - Kildare County Development Plan 2017-2023
  - Kilcock Local Area Plan 2015-2021



### 3. Description of the proposed Project

The proposed Project consists of the construction of a Strategic Housing Development on lands at the townlands of Commons West, Boycetown and Kilcock, (all adjoining the existing Brayton Park Estate), Kilcock, Co. Kildare on a site of approximately 11.56 ha.

The site is generally bound by undeveloped agricultural land to the north west, to the north east by the Dublin-Sligo railway line, open space at Bawnogues/Commons West to the south west, the Brayton Park residential development to the east and the M4 to the west.

The development will consist of:

345 no. residential units (69 no. Duplex Type Units, 182 no. Houses and 94 no. Apartments) ranging from 2 to 5 storeys, a standalone creche facility (approximately 466.76 sqm) with an overall height of 2 storeys, an associated external play area (approximately 277.67 sqm), associated ancillary surface car parking spaces and bicycle parking spaces, a link street, internal roads, pedestrian paths, cycle paths, public and private open spaces.

The proposed housing mix is comprised of 13 no. 1 bed units, 136 no. 2 bed units, 158 no. 3 bed units and 38 no. 4 bed units.

Out of the 345 no. residential units, 35 no. units are put forward to meet the applicant's obligations under Part V of the Planning & Development Act 2000 (as amended).

Each residential unit has associated private open space, in the form of either gardens, terraces or balconies in addition to access to the proposed public open space (including 3 no. playground areas) with hard and soft landscaping treatment.

A total of 650 no. surface car parking spaces are provided for the residential development including visitor parking. 280 no. bicycle spaces are proposed for the proposed apartments and duplexes and bicycle spaces for the proposed houses are provided on curtilage. In addition, the crèche will be provided with 34 no. surface car parking spaces and 30 no. bicycle parking spaces.

The proposed development provides for 1 no. vehicular access and associated pedestrian and cycle paths via a new link street connecting from the Brayton Park Road and 1 no. vehicular access and associated pedestrian path providing a link into the existing Brayton Park Estate.

The proposed development makes provision for future linkages to adjoining lands; including undeveloped lands to the north-west, the adjoining undeveloped educational zoned lands to the north, as part of this application land is reserved for access to a potential future pedestrian/cycle bridge over the railway line to the north-east of the site (to be delivered by others). In addition, the proposed development provides for pedestrian and cycle paths connection to the north east of the site, as well as 4 no. pedestrian access points and 1 no. gated vehicular

(for Kildare County Council maintenance use only) and pedestrian access point to the open space at Bawnogues/Commons West along the southern boundary of the site.

Bin storage is provided either on curtilage and or in communal storage. The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, SuDs arrangements, hard and soft landscaping, permeable paving, boundary walls, fences and noise buffers, 3 no. substations (approximately 20 sqm each), public lighting, a link street, internal roads, cycle paths, pedestrian paths and all associated ancillary site development works.

Figure 1 shows the Project location and Figure 2 shows the proposed Project site on recent aerial photography. Figure 3 shows a plan of the proposed development.

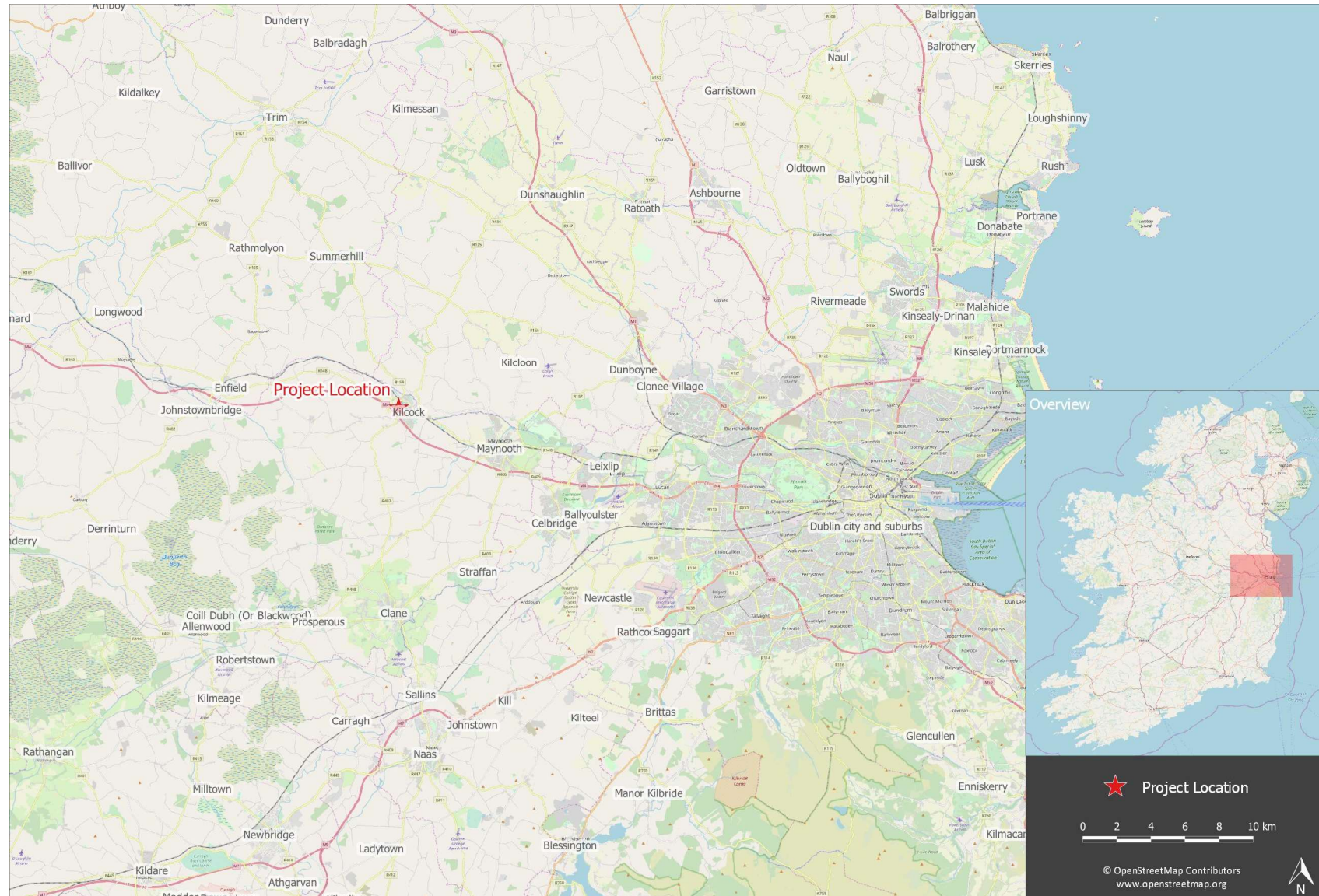


Figure 1. Showing the proposed Project location at Kilcock, County Kildare.



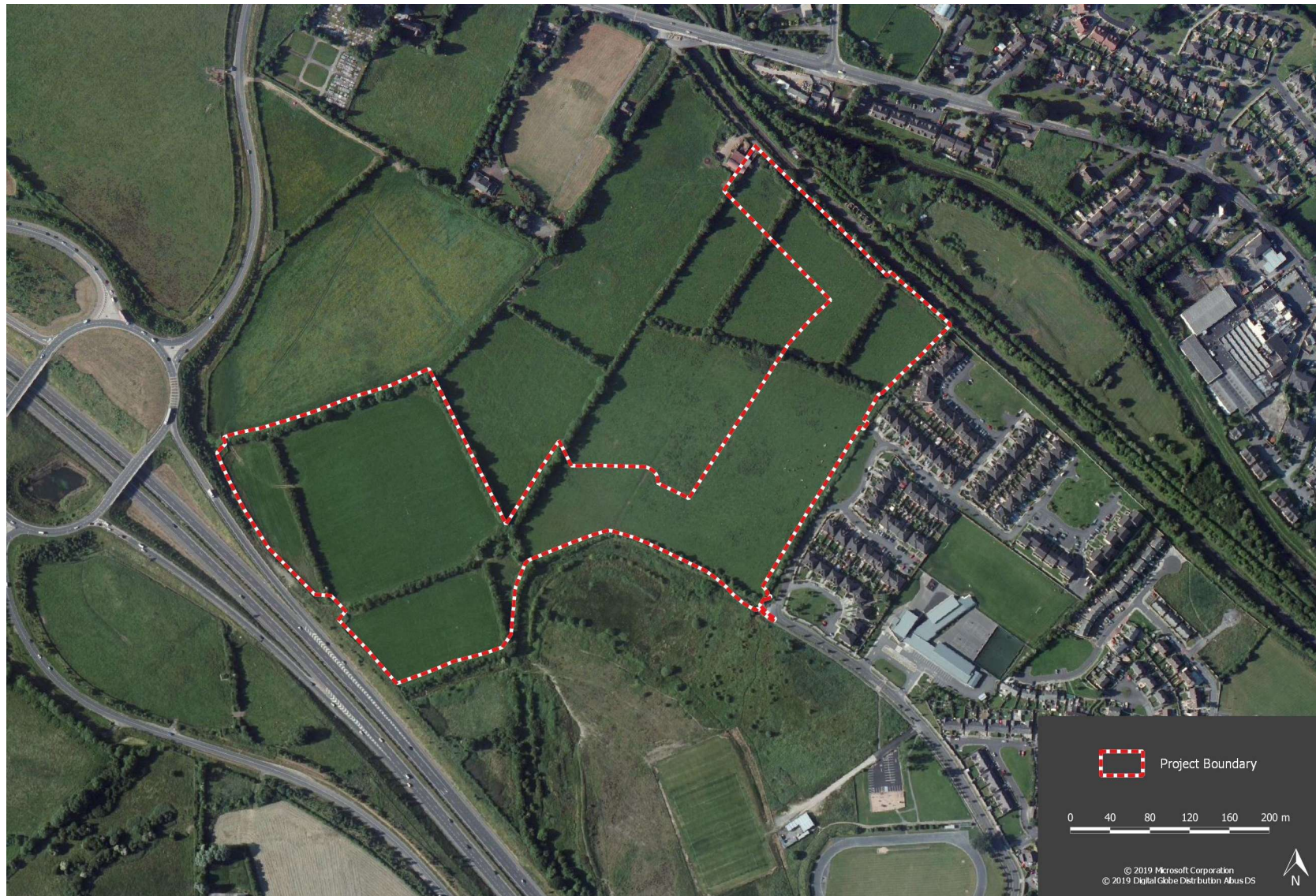


Figure 2. Showing the proposed Project location on recent aerial photography.





## 4. Identification of Natura 2000 Sites

### 4.1. Description of Natura Sites Potentially Affected

DoEHLG (2009) Guidance on Appropriate Assessment suggests an assessment of European sites within a zone of impact of 15 km. This distance is a guidance only and the zone of impact has been identified taking consideration of the nature and location of the proposed Project to ensure all European sites with connectivity to it are considered in terms of a catchment-based assessment.

The zone of impact may be determined by connectivity to the proposed Project in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

The guidance provides that, at the screening stage, it is necessary to identify the sites and compile information on their qualifying interests and conservation objectives. In preparation for this, the potential for source pathway receptor connectivity is firstly identified and detailed information is then provided on sites with connectivity. European sites that are located within 15 km of the Project are listed in Table 1 and presented in Figures 4 and 5, below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website ([www.npws.ie](http://www.npws.ie)) on the 14<sup>th</sup> February 2019 and updated on 10th July 2019.

*Table 1 European Sites located within 15km or the potential zone of impact of the Project.*

Site Code	Site name	Distance (km) <sup>1</sup>
000206	North Dublin Bay SAC	33.22
000210	South Dublin Bay SAC	31.71
001398	Rye Water Valley/Carton SAC	6.81
001393	Hodgestown Bog NHA	11.71
004006	North Bull Island SPA	33.22
004024	South Dublin Bay and River Tolka Estuary SPA	30.15

The proposed Project site is a greenfield site located to the west of Kilcock. The nearest European site is Rye Water Valley/Carton SAC (Site Code 001398), which is located approximately 6.8 km to the east of the proposed Project. The only other European sites with potential connectivity to the proposed development are the those associated with Dublin Bay, which are located over 30 km to the east of the proposed Project.

<sup>1</sup> Distances indicated are the closest geographical distance between the proposed Project and the European site boundary, as made available by the NPWS. Connectivity along hydrological pathways may be significantly greater.

There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and, therefore, potential significant effects on European sites can be excluded at a preliminary screening stage.



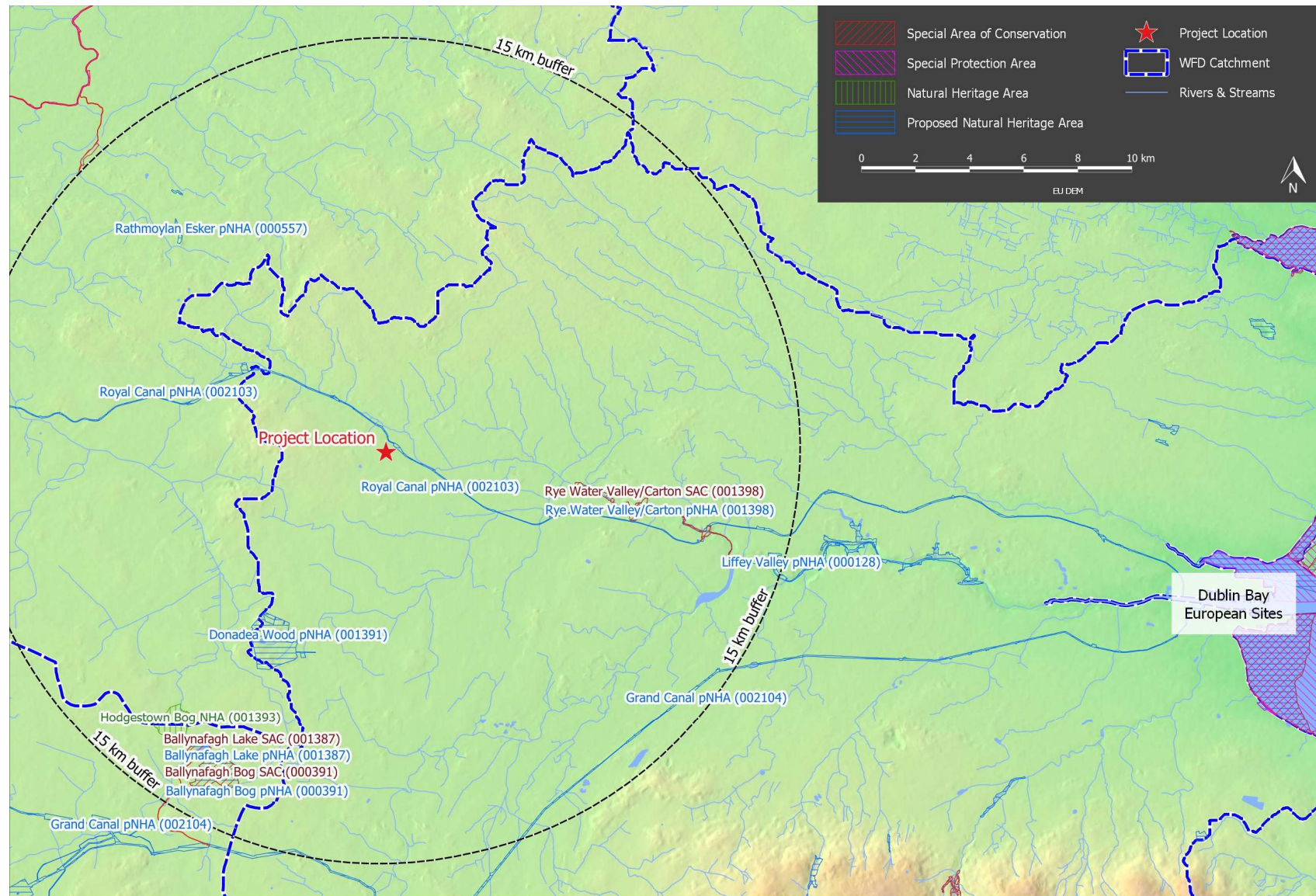


Figure 4. Showing European sites and NHAs/pNHAs in the vicinity of the proposed Project.



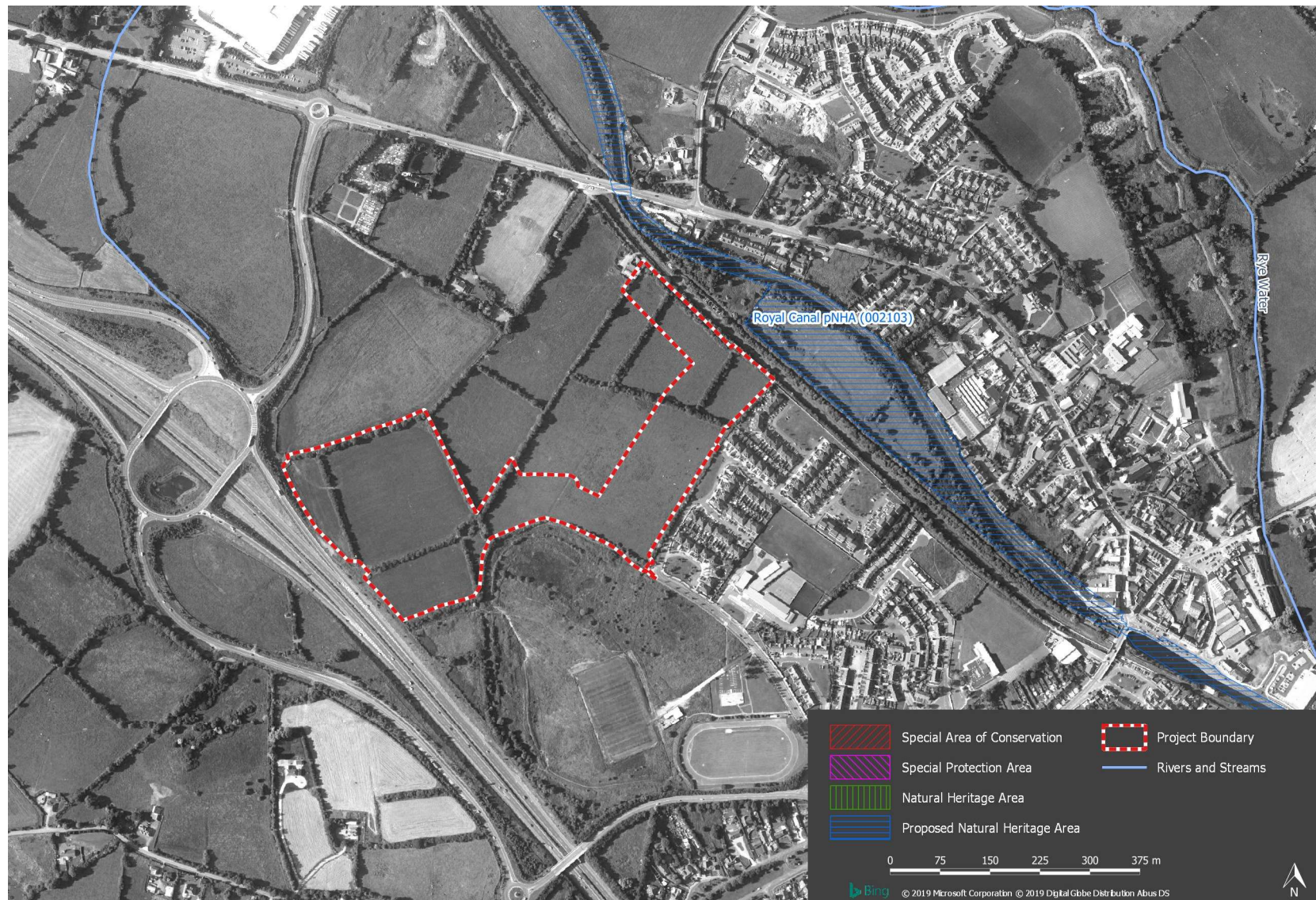


Figure 5. Detailed view of European sites and NHAs/pNHAs in the vicinity of the proposed Project

## 4.2. Ecological Network Supporting Natura 2000 Sites

An analysis of the proposed Natural Heritage Areas and designated Natural Heritage Areas in terms of their role in supporting the species using Natura 2000 sites was undertaken. It was assumed that these supporting roles mainly related to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the rest of the AA process.

The Royal Canal (Site Code 002103), which is located just to the north of the proposed Project is also a proposed Natural Heritage Area. This pNHA is separated from the proposed Project by the Dublin/Sligo railway line and will not be effected by the Proposed Project. Other proposed Natural Heritage Areas associated with Rye Water/Carton and Dublin Bay are dealt with under their higher conservation status designations as a European sites.

## 5. Identification of Potential Impacts & Assessment of Significance

The proposed Project is not directly connected with or necessary to the management of the sites considered in the assessment and therefore potential impacts must be identified and considered.

### 5.1. Potential Impacts

The nearest European site is Rye Water Valley/Carton SAC (Site Code 001398), which is located approximately 6.8 km to the east of the proposed Project. The only other European sites with potential connectivity to the proposed development are the those associated with Dublin Bay, which are located over 30 km to the east of the proposed Project.

There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

## 5.2. Assessment of Potential In-Combination Effects

Cumulative impacts or effects are changes in the environment that result from numerous human-induced, small-scale alterations. Cumulative impacts can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

As part of the Screening for an Appropriate Assessment, in addition to the proposed Project, other relevant plans and projects in the area must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination effects of the proposed development with other such plans and projects on European sites.

A review of mapping made available through the planning section of the Kildare County Council website indicates that, within the last three years, there have been four applications for planning granted permission in the vicinity of the proposed Project, details below.

Under **Planning Ref 16639** Kildare County Council granted permission for (1) extended opening hours of Monday to Friday 7.30am to 6.30pm and associated Condition 2 of Ref. Ref. 04/1720 which restricted opening hours Monday to Friday, 8.00am to 6.00pm and (2) retention of total number of 58 no. childcare spaces within the established facility, consistent with relevant Regulations, and associated modification to Condition 5 of Reg. Ref. 04/1720 which limited the maximum number of children using the premises to 31 no. at any one time.

Under **Planning Ref 17116** Kildare County Council granted permission for the construction of a lean-to porch to front door of existing dwelling.

Under **Planning Ref 17743** Kildare County Council granted permission for alterations to the previously permitted planning permission reference number 13/846. The alterations to include the following: (1) Omission of the sub-station; (2) Omission of the underground foul storage tank and pumping station; (3) Relocation of the underground fire water storage tank; (4) Revised landscape design; (5) New external door to switch-room on northern elevation; (6) Revised design to guardrails at roof level. Revised by Significant Further Information

which consists of minor alteration to front entrance gate added to proposed development, additional details and drawings of relocated underground fire water storage tank and omitted underground foul storage tank and pumping station. Development description changed from proposed to retention in points 1, 2, 3, 5 & 6 as detailed below: (1) retention of omitted esb substation; (2) retention of omitted underground foul storage tank and pumping station; (3) retention of relocated underground fire water storage tank; (5) retention of new external door to switch-room on northern elevation; (6) retention of revised guardrails at roof level. The Planner's Report noted:

*Rye Water Valley/Cartron SAC is located approximately 6.17km east of the subject site. The previous AA screening report concluded that "having regard to the nature and scale of the proposed development and the proximity of same to the nearest SAC site as above, it is not considered that there would be potential for significant effects on the Natura 2000 network...". This conclusion remains applicable following consideration of the Further Information.*

Under **Planning Ref 191033** Kildare County Council granted permission for (a) relocation of existing single storey portacabin, provision of new all weather artificial surface training pitch with 6m high perimeter fencing and 4 no. floodlights (12m high), 1.5m high reinforced concrete retaining wall and all associated site works (b) retention of existing single storey modular building extension (classroom accommodation) to side of existing school.

There are no predicted in-combination effects given the nature and scale of the above developments which have been screened for potential significant effects on European sites where appropriate and given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

The Kildare County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the Project area will be initially assessed on a case by case basis by Kildare County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## 6. Conclusion

There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

1. The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.

A finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance (European Commission, 2001).

## 7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

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

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

European Commission Environment DG (2001) 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, Brussels.

European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

NPWS (2019) National Parks and Wildlife Service Metadata available online at <https://www.npws.ie/maps-and-data>



# Appendix A

## *FINDING OF NO SIGNIFICANT EFFECTS REPORT*

### Finding no significant effects report matrix

#### **Name of project or plan**

Kilcock Strategic Housing Development

#### **Name and location of the Natura 2000 site(s)**

The nearest European site is Rye Water Valley/Carton SAC (Site Code 001398), which is located approximately 6.8 km to the east of the proposed Project. The only other European sites with potential connectivity to the proposed development are the those associated with Dublin Bay, which are located over 30 km to the east of the proposed Project.

#### **Description of the project or plan**

The proposed Project consists of the construction of a Strategic Housing Development on lands at the townlands of Commons West, Boycetown and Kilcock, (all adjoining the existing Brayton Park Estate), Kilcock, Co. Kildare on a site of approximately 11.56 ha.

The site is generally bound by undeveloped agricultural land to the north west, to the north east by the Dublin-Sligo railway line, open space at Bawnogues/Commons West to the south west, the Brayton Park residential development to the east and the M4 to the west.

The development will consist of:

345 no. residential units (69 no. Duplex Type Units, 182 no. Houses and 94 no. Apartments) ranging from 2 to 5 storeys, a standalone creche facility (approximately 466.76 sqm) with an overall height of 2 storeys, an associated external play area (approximately 277.67 sqm), associated ancillary surface car parking spaces and bicycle parking spaces, a link street, internal roads, pedestrian paths, cycle paths, public and private open spaces.

The proposed housing mix is comprised of 13 no. 1 bed units, 136 no. 2 bed units, 158 no. 3 bed units and 38 no. 4 bed units.

Out of the 345 no. residential units, 35 no. units are put forward to meet the applicant's obligations under Part V of the Planning & Development Act 2000 (as amended).

Each residential unit has associated private open space, in the form of either gardens, terraces or balconies in addition to access to the proposed public open space (including 3 no. playground areas) with hard and soft landscaping treatment.

A total of 650 no. surface car parking spaces are provided for the residential development including visitor parking. 280 no. bicycle spaces are proposed for the proposed apartments and duplexes and bicycle spaces for the proposed houses are provided on curtilage. In addition, the crèche will be provided with 34 no. surface car parking spaces and 30 no. bicycle parking spaces.

The proposed development provides for 1 no. vehicular access and associated pedestrian and cycle paths via a new link street connecting from the Brayton Park Road and 1 no. vehicular access and associated pedestrian path providing a link into the existing Brayton Park Estate.

The proposed development makes provision for future linkages to adjoining lands; including undeveloped lands to the north-west, the adjoining undeveloped educational zoned lands to the north, as part of this application land is reserved for access to a potential future pedestrian/cycle bridge over the railway line to the north-east of the site (to be delivered by others). In addition, the proposed development provides for pedestrian and cycle paths connection to the north east of the site, as well as 4 no. pedestrian access points and 1 no. gated vehicular (for Kildare County Council maintenance use only) and pedestrian access point to the open space at Bawnogues/Commons West along the southern boundary of the site.

Bin storage is provided either on curtilage and or in communal storage. The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, SuDs arrangements, hard and soft landscaping, permeable paving, boundary walls, fences and noise buffers, 3 no. substations (approximately 20 sqm each), public lighting, a link street, internal roads, cycle paths, pedestrian paths and all associated ancillary site development works.

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**Is the project or plan directly connected with or necessary to the management of the site(s)**

No

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**Are there other projects or plans that together with the projects or plan being assessed could affect the site**

A review of mapping made available through the planning section of the Kildare County Council website indicates that, within the last three years, there have been four applications for planning granted permission in the vicinity of the proposed Project, details below.

Under Planning Ref 16639 Kildare County Council granted permission for (1) extended opening hours of Monday to Friday 7.30am to 6.30pm and associated Condition 2 of Ref. Ref. 04/1720 which restricted opening hours Monday to Friday, 8.00am to 6.00pm and (2) retention of total number of 58 no. childcare spaces within the established facility, consistent with relevant Regulations, and associated modification to Condition 5 of Reg. Ref. 04/1720 which limited the maximum number of children using the premises to 31 no. at any one time.

Under Planning Ref 17116 Kildare County Council granted permission for the construction of a lean-to porch to front door of existing dwelling.

Under Planning Ref 17743 Kildare County Council granted permission for alterations to the previously permitted planning permission reference number 13/846. The alterations to include the following: (1) Omission of the sub-station; (2) Omission of the underground foul storage tank and pumping station; (3) Relocation of the underground fire water storage tank; (4) Revised landscape design; (5) New external door to switch-room on northern elevation; (6) Revised design to guardrails at roof level. Revised by Significant Further Information which consists of minor alteration to front entrance gate added to proposed development, additional details and drawings of relocated underground fire water storage tank and omitted underground foul storage tank and pumping station. Development description changed from proposed to retention in points 1, 2, 3, 5 & 6 as detailed below: (1) retention of omitted esb substation; (2) retention of omitted underground foul storage tank and pumping station; (3) retention of relocated underground fire water storage tank; (5) retention of new external door to switch-room on northern elevation; (6) retention of revised guardrails at roof level. The Planner's Report noted:

Rye Water Valley/Cartron SAC is located approximately 6.17km east of the subject site. The previous AA screening report concluded that "having regard to the nature and scale of the proposed development and the proximity of same to the nearest SAC site as above, it is not considered that there would be potential for significant effects on the Natura 2000 network...". This conclusion remains applicable following consideration of the Further Information.

Under Planning Ref 191033 Kildare County Council granted permission for (a) relocation of existing single storey portacabin, provision of new all weather artificial surface training pitch with 6m high perimeter fencing and 4 no. floodlights (12m high), 1.5m high reinforced concrete retaining wall and all associated site works (b) retention of existing single storey modular building extension (classroom accommodation) to side of existing school.

There are no predicted in-combination effects given the nature and scale of the above developments which have been screened for potential significant effects on European sites where appropriate and given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.



The Kildare County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the Project area will be initially assessed on a case by case basis by Kildare County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

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## ***THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS***

### **Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**

There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

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### **Explain why these effects are not considered significant.**

See above

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### **List of agencies consulted: provide contact name and telephone or e-mail address**

The requirement for Appropriate Assessment Screening was determined through pre-planning discussions with Kildare County Council and An Bord Pleanála.

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### **Response to consultation**

N/A.

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## ***DATA COLLECTED TO CARRY OUT THE ASSESSMENT***

### **Who carried out the assessment**

Moore Group Environmental Services.

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### **Sources of data**

NPWS database of designated sites at [www.npws.ie](http://www.npws.ie)

National Biodiversity Data Centre database <http://maps.biodiversityireland.ie>

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### **Level of assessment completed**

Desktop Assessment.

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**Where can the full results of the assessment be accessed and viewed**

Kildare County Council Planning Section, An Bord Pleanála offices and the SHD website.

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## ***OVERALL CONCLUSIONS***

There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

1. The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.