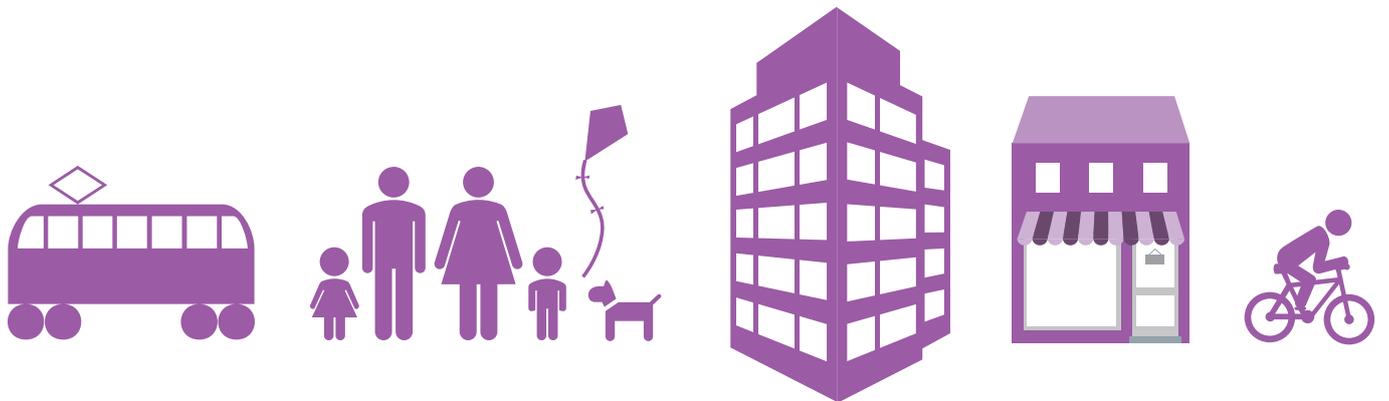


AA Determinations

Swords Masterplans



May 2019

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Council





Barrysparks and Crowscastle Masterplan Appropriate Assessment Determination

In accordance with the requirements of Section 42 (1) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011), a Screening for Appropriate Assessment of the Barrysparks and Crowscastle Masterplan was carried out by Fingal County Council which determined that an Appropriate Assessment (AA) was required.

This AA Concluding Statement has been informed by the content of the Masterplan documents which includes a Natura Impact Statement (NIS) that was prepared for the Masterplan, as required under Section 42 (9) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011). The NIS presents an assessment of the potential for the Masterplan to impact on Natura 2000 sites (hereafter referred to as European Sites) and furthermore assesses whether the Masterplan would impact on the integrity of any European Site(s).

The examination, analysis and evaluation of the Masterplan's opportunities, key objectives and key principles is set out in Section 4 of the NIS. The main body of the NIS presents a summary of the each stage of the assessment with detailed assessment and supporting information presented in the Appendices, as follows:

- Appendix A – *Table A1 Protective Policies and Objectives contained within the Fingal County Development Plan 2017-2023 – Measures to Protect sites of European and National Importance.*
- Appendix B – *Table B1 Analysis of Likely Significant Effects on Conservation Objectives.*
- Appendix C – *Table C1 Likely significant effects of Opportunities, Objectives and Principles contained within the Barrysparks and Crowscastle Masterplan and Mitigation measures that will ensure there will be no adverse effects on the integrity of European Sites.*
- Appendix D – *Table D1 Analysis of potential for adverse in-combination effects on European site integrity arising from the implementation of the Barrysparks and Crowscastle Masterplan and any other plans and projects as per each identified potential impact pathway.*
- Appendix E - *Table E1 Analysis of likely significant effects of amendments to the draft Barrysparks and Crowscastle Masterplan, which have now been adopted into the final Barrysparks and Crowscastle Masterplan*

European Sites at risk as a result of implementing the Masterplan

The conclusion of the process to identify the European Sites at risk as a result of implementing the Masterplan, in the absence of mitigation, was that the Masterplan had the potential for significant effects on the following European Sites:

- Malahide Estuary SAC
- Malahide Estuary SPA
- Baldoyle Bay SPA
- Rogerstown Estuary SPA
- North Bull Island SPA
- South Dublin Bay and River Tolka Estuary SPA

- Skerries Islands SPA

Fingal County Council agrees with the findings presented therein and the conclusion reached with regards to identifying those European Sites at risk, in the absence of mitigation, as a result of implementing the Masterplan.

Potential for the Masterplan to affect European Sites within its zone of influence

The NIS identifies the risks to European Sites that may arise through implementing the Masterplan. In considering the links between the various elements of the Masterplan and the conservation objectives of the Qualifying Interests (QIs) and Special Conservation Interest (SCIs) of the European Sites within the Zone of Influence (Zoi) of the Masterplan (presented in Appendix B of the NIS), all QIs/SCIs were included in that analysis as any could potentially be affected depending on the precise locations, scope and extent of any proposed Masterplan elements.

The analysis undertaken in the NIS considered the existing range of environmental protection policies and objectives in place which, at a strategic level, would protect European site from impacts associated with the Masterplan (provided in Appendix A of the NIS). The NIS references the *Fingal County Development Plan 2017-2023*.

Fingal County Council agrees that many of the Masterplan elements pose a risk to European Sites and mitigation measures specific to the Masterplan are required to address these risks.

Mitigation measures

The mitigation measures are set out in Chapter 12 of the Masterplan. The mitigation strategy is structured around the potential impact pathways associated with various elements of the Masterplan and their potential to affect given European Sites, as described in Section 3.3 of the NIS. Section 4.2 of the NIS presents these same mitigation measures and assesses how these measures will ensure that adverse effects on the integrity of any European site(s) will not arise as a result of implementing the Masterplan.

Following the consideration of these mitigation measures, Fingal County Council's evaluation is that the mitigation measures, including the implementation process that all Masterplan projects must follow, would ensure that the Masterplan in isolation would not adversely affect the integrity of any European Sites. This will be achieved through the mitigation measures in setting out the restrictions that will apply to delivering projects, issues to be considered by the competent authority in carrying out AA of any Masterplan elements, and the implementation process of all projects arising from the Masterplan will follow as projects are designed and implemented by Fingal County Council.

In-combination assessment

The NIS (summarised in Section 7 with detailed analysis included in Appendix D) presents an examination of the potential for other plans and/or projects to act in-combination with the Masterplan, to adversely affect the integrity of those European Sites within its zone of influence. This analysis considered whether or not any elements of the Masterplan could affect any European Sites in isolation, and in consideration of the mitigation measures, and then each of the plans and projects with reference to any relevant ecological assessment carried out. This evaluation concluded that no adverse effects on European site integrity will arise from the implementation of the Masterplan acting in-combination with any plans or projects located within the Zoi of the Masterplan.

Fingal County Council considers that the scope of this evaluation has fully examined the potential for in-combination effects between other plans and projects and the Masterplan and agree with the conclusion reached.

Consideration of Submissions

Submissions were received from members of the public. There are no submissions that reference or raise issues related to AA or the NIS prepared for the Masterplan; however, a submission from David Healy refers to biodiversity in the context of Strategic Environmental Assessment.

Conclusion

Fingal County Council has examined, analysed and evaluated the content of the Masterplan, including the data presented in the NIS, and are in agreement with the conclusion of the NIS with respect to the potential for the Masterplan to affect European Sites.

Fingal County Council has determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Masterplan and with the implementation of the mitigation measures proposed therein, that the Masterplan does not pose a risk of adversely affecting the integrity of any European Sites, either alone or in-combination with other plans or projects.



Peter Byrne

Senior Planner



Estuary West Masterplan Appropriate Assessment Determination

In accordance with the requirements of Section 42 (1) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011), a Screening for Appropriate Assessment of the Estuary West Masterplan was carried out by Fingal County Council which determined that an Appropriate Assessment (AA) was required.

This AA Concluding Statement has been informed by the content of the Masterplan documents which includes a Natura Impact Statement (NIS) that was prepared for the Masterplan, as required under Section 42 (9) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011). The NIS presents an assessment of the potential for the Masterplan to impact on Natura 2000 sites (hereafter referred to as European Sites) and furthermore assess whether the Masterplan would impact on the integrity of any European Site(s).

The examination, analysis and evaluation of the Masterplan's opportunities, key objectives and key principles is set out in Section 4 of the NIS. The main body of the NIS presents a summary of the each stage of the assessment with detailed assessment and supporting information presented in the Appendices, as follows:

- Appendix A – *Table A1 Protective Policies and Objectives contained within the Fingal County Development Plan 2017-2023 – Measures to Protect sites of European and National Importance.*
- Appendix B – *Table B1 Analysis of Likely Significant Effects on Conservation Objectives.*
- Appendix C – *Table C1 Likely significant effects of Opportunities, Objectives and Principles contained within the Estuary West Masterplan and Mitigation measures that will ensure there will be no adverse effects on the integrity of European Sites.*
- Appendix D – *Table D1 Analysis of potential for adverse in-combination effects on European Site integrity arising from the implementation of the Estuary West Masterplan and any other plans and projects as per each identified potential impact pathway.*
- Appendix E - *Table E1 Analysis of likely significant effects of amendments to the draft Estuary West Masterplan, which have now been adopted into the final Estuary West Masterplan*

European Sites at risk as a result of implementing the Masterplan

The conclusion of the process to identify the European Sites at risk as a result of implementing the Masterplan, in the absence of mitigation, was that the Masterplan had the potential for significant effects on the following European Sites:

- Malahide Estuary SAC
- Malahide Estuary SPA
- Baldoyle Bay SPA
- Rogerstown Estuary SPA
- North Bull Island SPA
- South Dublin Bay and River Tolka Estuary SPA
- Skerries Islands SPA

Fingal County Council agrees with the findings presented therein and the conclusion reached with regards to identifying those European Sites at risk, in the absence of mitigation, as a result of implementing the Masterplan.

Potential for the Masterplan to affect European Sites within its zone of influence

The NIS identifies the risks to European Sites that may arise through implementing the Masterplan. In considering the links between the various elements of the Masterplan and the conservation objectives of the Qualifying Interests (QIs) and Special Conservation Interest (SCIs) of the European Sites within the Zone of Influence (Zol) of the Masterplan (presented in Appendix B of the NIS), all QIs/SCIs were included in that analysis as any could potentially be affected depending on the precise locations, scope and extent of any proposed Masterplan elements.

The analysis undertaken in the NIS considered the existing range of environmental protection policies and objectives in place which, at a strategic level, would protect European Sites from impacts associated with the Masterplan (provided in Appendix A of the NIS). The NIS references the *Fingal County Development Plan 2017-2023*.

Fingal County Council agree that many of the Masterplan elements pose a risk to European Sites and mitigation measures specific to the Masterplan are required to address these risks.

Mitigation measures

The mitigation measures are set out in Chapter 12 of the Masterplan. The mitigation strategy is structured around the potential impact pathways associated with various elements of the Masterplan and their potential to affect given European Sites, as described in Section 3.3 of the NIS. Section 4.2 of the NIS presents these same mitigation measures and assesses how these measures will ensure that adverse effects on the integrity of any European Site(s) will not arise as a result of implementing the Masterplan.

Following the consideration of these mitigation measures, Fingal County Council's evaluation is that the mitigation measures, including the implementation process that all Masterplan projects must follow, would ensure that the Masterplan in isolation would not adversely affect the integrity of any European Sites. This will be achieved through the mitigation measures in setting out the restrictions that will apply to delivering projects, issues to be considered by the competent authority in carrying out AA of any Masterplan elements, and the implementation process of all projects arising from the Masterplan will follow as projects are designed and implemented by Fingal County Council.

In-combination assessment

The NIS (summarised in Section 7 with detailed analysis included in Appendix D) presents an examination of the potential for other plans and/or projects to act in-combination with the Masterplan, to adversely affect the integrity of those European Sites within its zone of influence. This analysis considered whether or not any elements of the Masterplan could affect any European Sites in isolation, and in consideration of the mitigation measures, and then each of the plans and projects with reference to any relevant ecological assessment carried out. This evaluation concluded that no adverse effects on European Site integrity will arise from the implementation of the Masterplan acting in-combination with any plans or projects located within the Zol of the Masterplan.

Fingal County Council consider that the scope of this evaluation has fully examined the potential for in-combination effects between other plans and projects and the Masterplan and agree with the conclusion reached.

Consideration of Submissions

Submissions were received from members of the public. There are no submissions that reference or raise issues related to AA or the NIS prepared for the Masterplan; however, a submission from David Healy refers to biodiversity in the context of Strategic Environmental Assessment.

Conclusion

Fingal County Council have examined, analysed and evaluated the content of the Masterplan, including the data presented in the NIS, and are in agreement with the conclusion of the NIS with respect to the potential for the Masterplan to affect European Sites.

Fingal County Council have determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Masterplan and with the implementation of the mitigation measures proposed therein, that the Masterplan does not pose a risk of adversely affecting the integrity of any European Sites, either alone or in-combination with other plans or projects.

Signed

A handwritten signature in blue ink, appearing to read "M. M. Heese".



Fosterstown Masterplan Appropriate Assessment Determination

In accordance with the requirements of Section 42 (1) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011), a Screening for Appropriate Assessment of the Fosterstown Masterplan was carried out by Fingal County Council which determined that an Appropriate Assessment (AA) was required.

This AA Concluding Statement has been informed by the content of the Masterplan documents which includes a Natura Impact Statement (NIS) that was prepared for the Masterplan, as required under Section 42 (9) of the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011). The NIS presents an assessment of the potential for the Masterplan to impact on Natura 2000 sites (hereafter referred to as European Sites) and furthermore assess whether the Masterplan would impact on the integrity of any European Site(s).

The examination, analysis and evaluation of the Masterplan's opportunities, key objectives and key principles is set out in Section 4 of the NIS. The main body of the NIS presents a summary of the each stage of the assessment with detailed assessment and supporting information presented in the Appendices, as follows:

- Appendix A – *Table A1 Protective Policies and Objectives contained within the Fingal County Development Plan 2017-2023 – Measures to Protect sites of European and National Importance.*
- Appendix B – *Table B1 Analysis of Likely Significant Effects on Conservation Objectives.*
- Appendix C – *Table C1 Likely significant effects of Opportunities, Objectives and Principles contained within the Fosterstown Masterplan and Mitigation measures that will ensure there will be no adverse effects on the integrity of European Sites.*
- Appendix D – *Table D1 Analysis of potential for adverse in-combination effects on European Site integrity arising from the implementation of the Fosterstown Masterplan and any other plans and projects as per each identified potential impact pathway.*
- Appendix E - *Table E1 Analysis of likely significant effects of amendments to the draft Fosterstown Masterplan, which have now been adopted into the final Fosterstown Masterplan.*

European Sites at risk as a result of implementing the Masterplan

The conclusion of the process to identify the European Sites at risk as a result of implementing the Masterplan, in the absence of mitigation, was that the Masterplan had the potential for significant effects on the following European Sites:

- Malahide Estuary SAC
- Malahide Estuary SPA
- Baldoyle Bay SPA
- Rogerstown Estuary SPA
- North Bull Island SPA
- South Dublin Bay and River Tolka Estuary SPA
- Skerries Islands SPA

Fingal County Council agrees with the findings presented therein and the conclusion reached with regards to identifying those European Sites at risk, in the absence of mitigation, as a result of implementing the Masterplan.

Potential for the Masterplan to affect European Sites within its zone of influence

The NIS identifies the risks to European Sites that may arise through implementing the Masterplan. In considering the links between the various elements of the Masterplan and the conservation objectives of the Qualifying Interests (QIs) and Special Conservation Interest (SCIs) of the European Sites within the Zone of Influence (Zol) of the Masterplan (presented in Appendix B of the NIS), all QIs/SCIs were included in that analysis as any could potentially be affected depending on the precise locations, scope and extent of any proposed Masterplan elements.

The analysis undertaken in the NIS considered the existing range of environmental protection policies and objectives in place which, at a strategic level, would protect European Sites from impacts associated with the Masterplan (provided in Appendix A of the NIS). The NIS references the *Fingal County Development Plan 2017-2023*.

Fingal County Council agree that many of the Masterplan elements pose a risk to European Sites and mitigation measures specific to the Masterplan are required to address these risks.

Mitigation measures

The mitigation measures are set out in Chapter 12 of the Masterplan. The mitigation strategy is structured around the potential impact pathways associated with various elements of the Masterplan and their potential to affect given European Sites, as described in Section 3.3 of the NIS. Section 4.2 of the NIS presents these same mitigation measures and assesses how these measures will ensure that adverse effects on the integrity of any European Site(s) will not arise as a result of implementing the Masterplan.

Following the consideration of these mitigation measures, Fingal County Council's evaluation is that the mitigation measures, including the implementation process that all Masterplan projects must follow, would ensure that the Masterplan in isolation would not adversely affect the integrity of any European Sites. This will be achieved through the mitigation measures in setting out the restrictions that will apply to delivering projects, issues to be considered by the competent authority in carrying out AA of any Masterplan elements, and the implementation process of all projects arising from the Masterplan will follow as projects are designed and implemented by Fingal County Council.

In-combination assessment

The NIS (summarised in Section 7 with detailed analysis included in Appendix D) presents an examination of the potential for other plans and/or projects to act in-combination with the Masterplan, to adversely affect the integrity of those European Sites within its zone of influence. This analysis considered whether or not any elements of the Masterplan could affect any European Sites in isolation, and in consideration of the mitigation measures, and then each of the plans and projects with reference to any relevant ecological assessment carried out. This evaluation concluded that no adverse effects on European Site integrity will arise from the implementation of the Masterplan acting in-combination with any plans or projects located within the Zol of the Masterplan.

Fingal County Council consider that the scope of this evaluation has fully examined the potential for in-combination effects between other plans and projects and the Masterplan and agree with the conclusion reached.

Consideration of Submissions

Submissions were received from members of the public. There are no submissions that reference or raise issues related to AA or the NIS prepared for the Masterplan; however, a submission from David Healy refers to biodiversity in the context of Strategic Environmental Assessment.

Conclusion

Fingal County Council have examined, analysed and evaluated the content of the Masterplan, including the data presented in the NIS and are in agreement with the conclusion of the NIS with respect to the potential for the Masterplan to affect European Sites.

Fingal County Council have determined that, in light of best scientific knowledge, including in particular the nature of the predicted impacts that may arise from the Masterplan and with the implementation of the mitigation measures proposed therein, that the Masterplan does not pose a risk of adversely affecting the integrity of any European Sites, either alone or in-combination with other plans or projects.

Signed

A handwritten signature in blue ink, appearing to read "M. McKeese".

