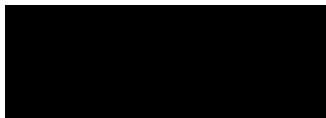


# Submission HLG 00643-22: Screening for Appropriate Assessment Determination on Foreshore Lease, Foreshore Licence and Section 10 Application FS006909 Broadmeadow Greenway.

TO: Minister of State Burke  
STATUS: Completed  
PURPOSE: For Decision

AUTHOR:  
OWNER:  
REVIEWERS:



Nina Murray (Housing)

DIVISION: Foreshore  
DECISION BY: 16/12/2022

## Final comment

Signed by minister, 15/12/2022

## Action required

Ministerial determination on the Screening for Appropriate Assessment and signing of the Screening for Appropriate Assessment Determination Statement, if approved.

## Executive summary

Fingal County Council have applied for a Lease, Licence and Section 10 Consent under the Foreshore Act to develop the Broadmeadow Way, a new greenway (shared footpath and cycleway) between Malahide Demesne and Newbridge Demesne via the railway causeway across the Malahide Estuary. The proposed greenway would be c. 6km in length. Much of the proposed greenway follows existing pathways and roads.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the Broadmeadow Way across the Malahide Estuary, individually or in combination with other plans or projects, would be likely to have a significant effects on a European sites.

## Detailed information

The proposed development would extend from the grounds of Malahide Demesne to the R106 Dublin Road, O'Hanlon's Lane and Bissets Strand in Malahide, cross Malahide Estuary, cross the agricultural land at Kilcrea and terminate at Newbridge Demesne, Donabate. A section of the proposed development would utilise the existing weir maintenance access track on the western railway embankment between Bissets Strand and the weir estuary, a new cycle/footpath bridge adjacent to the existing railway bridge, and the shoulder of the western embankment of the northern railway causeway. The proposed development would continue close to the western margin of the railway line through the townland of Kilcrea. Aside from road surfaces, much of the proposed greenway base is already in place by way of the weir maintenance access track, which runs from Bissets Strand to the southern abutment of the railway bridge, the shoulder of the northern causeway to the northern estuary bank, and an access track from the River Pill to the Corballis Cottages Road.

Full details of the proposed project and foreshore leased area can be found on the Department's Foreshore Notice website, currently containing the Application Form and the Foreshore Licence Map, at:<https://www.gov.ie/en/foreshore-notice/d6227-fs006909-broadmeadow-greenway/>

## Environmental Assessment

As part of the assessment of the foreshore application the Departments Marine Advisor (environment) was requested to undertake Screening for Appropriate Assessment (stage 1 screening) and if required, an Appropriate Assessment (stage 2), of the likelihood of

significant impact on Natura 2000 sites from the proposed works in the application for a Foreshore Licence.

A number of application documents submitted by Fingal County Council have informed Screening for Appropriate Assessment and are linked below:

- Application form Tab 1
- Foreshore Lease Map Tab 2
- Foreshore Consent Map S10 1 of 2 Tab 3
- Foreshore Temporary Works Area Tab 4
- Admiralty Chart – Malahide Estuary Tab 5
- Admiralty Chart – Nose of Howth – Ballyquin Pt Tab 6
- NIS and Screening for AA (Applicant) Tab 7
- Broadmeadow Greenway Screening for AA(Prepared by Marine Advisor) Tab 8
- Marine Advisor Screening Stage Environmental Report Tab 9
- Risk Assessment Annex IV Species Tab 10
- NMPF Report Tab 11
- ABP Inspectors Report Tab 12
- ABP Direction Tab 13
- Fluvio Report on Hydrodynamic Modelling of Weir Tab 14

### **Screening for Appropriate Assessment**

The Departments Marine Advisor (environment) completed a Screening for Appropriate Assessment Report in December 2022 (Tab 8) which concluded that the proposed works, individually or in-combination with other plans or projects, would be likely to have a significant effect on European sites. In view of best scientific knowledge and the conservation objectives of relevant European sites an appropriate assessment is, therefore, required.

In addition to the Screening for Appropriate Assessment, and with respect to the Habitats Directive 92/43/EEC, a risk assessment of the effects to species listed in Annex IV which occurs within the project site was undertaken by the applicant (Tab 10). It was concluded that it is very unlikely that any Annex IV species will be disturbed, injured or killed as a result of the proposed works. Having considered the application by Fingal County Council and the applicant's Risk Assessment of Annex IV species report the Departments Marine Advisor(environment) agrees with and accepts this report and its conclusions.

It is concluded that no likely significant effects will occur to Annex IV species as a result of the proposed works. This risk assessment of effects to species listed in annex IV is separate to and does not form part of the Appropriate Assessment Screening Report which has examined the European sites and their qualifying interests.

Following the Screening for Appropriate Assessment and its conclusions reached therein, along with all relevant material considered, a recommendation has been made that the Minister reaches the following Screening for Appropriate Assessment Determination:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the Broadmeadow Way across the Malahide Estuary, individually or in combination with other plans or projects, would be likely to have a significant effects on a European sites.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, the

Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A copy of all the material which informed the Screening for Appropriate Assessment is linked above. The Screening for Appropriate Assessment Report prepared by the Departments Marine Advisor (environment) is attached at **Tab 8**. The Risk Assessment for Annex IV Species reviewed by the Departments Marine Advisor (environment) is attached at **Tab 10**. The Screening for Appropriate Assessment Determination prepared by the Department's Marine Advisor (environment) for Ministerial Determination, is attached as an appendices to **Tab 9** for signing. The Environmental Report with Statutory Declarations prepared by the Department's Marine Advisor (environment) is also attached at **Tab 9**.

The attached environmental reports are furnished to the Minister for adoption and acceptance.

AA Screening Determination submitted for approval.

## Related submissions

There are no related submissions.

## User details

INVOLVED:



Nina Murray (Housing)  
eSub MOS Burke Office  
eSub MOS Burke

READ RECEIPT:



Nina Murray (Housing)

