

Proposed Housing Development at
Tuckett's Lane, Howth, Co. Dublin
Information for Screening for Appropriate
Assessment

BSM

Est.
1968

**Brady Shipman
Martin**

**Built.
Environment.**

Environmental
Assessment
**Built
Environment**

Client:

Fingal County Council

Date:

03 December 2018

DOCUMENT CONTROL SHEET

6469_TL_02_Information for Screening for Appropriate Assessment

Project No. 6469
Client: Fingal County Council
Project Name: Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin
Report Name: Information for Screening for Appropriate Assessment
Document No. TL_02
Issue No. 02
Date: 03/12/2018

This document has been issued and amended as follows:

Issue	Status	Date	Prepared	Checked
01	Draft	30 Nov 2018	MH	TB
02	Final	03 Dec 2018	MH	TB



Contents

- 1 Introduction and background 1
- 2 Methodology 1
 - 2.1 Baseline data collection and field visits 1
- 3 Screening for Appropriate Assessment 2
 - 3.1 Background..... 2
 - 3.2 Potential zone of influence..... 3
 - 3.3 Study area and surrounding environment..... 3
 - 3.3.1 Site location and European sites3
 - 3.3.2 Other designated areas (other than European sites).....5
- 4 Description of the proposed development 5
- 5 Links to European sites, including cumulative effects 6
 - 5.1 European sites and habitats with links to European sites 6
 - 5.1.1 Potential impacts during construction6
 - 5.1.2 Potential impacts during operation7
- 6 Other issues..... 14
- 7 Mitigation specific to European sites 14
- 8 In-combination effects 14
- 9 Screening conclusion 14
- Appendix I: Background 15
 - Stages in the assessment..... 15
 - Conservation Objectives of European sites 16



1 Introduction and background

This document constitutes an Appropriate Assessment Screening Report. The purpose of the report is to provide the information required to assist Fingal County Council, the competent authority, to undertake a screening exercise for Appropriate Assessment (AA). This will determine the effects, if any, on European sites, also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA), designated for nature conservation), of the proposed development of a two storey residential building and associated works, on a site at Tuckett's Lane, Howth, Co. Dublin.

A desk study review and site visit were undertaken and the potential impacts on European sites, both as a result of the proposed development and in-combination with other plans and projects, are appraised in this report.

The requirements for an Appropriate Assessment are set out under *Article 6 of the EU Habitats Directive (92/34/EEC)*, transposed into Irish law through the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI No. 477 of 2011) and the *Planning and Development Act, 2000* (as amended).

Brady Shipman Martin was commissioned to undertake the study, which was carried out by Senior Ecologist Matthew Hague CEnv MCIEEM.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken of the site at Tuckett's Lane and the wider area. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites. An ecological survey was undertaken at the site, including a habitat, large mammal and day-time bat survey, undertaken by the author on 19th November 2018. Birds present on the site were recorded during the survey and an assessment of habitat suitability for species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

This report takes the following guidance documents into account:

- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (Department of Environment, Heritage and Local Government, 2010 revision);
- *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 European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, 2001);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Guidance issued by the European Commission (21st November 2018).

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:
 - The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht (www.NPWS.ie);
 - The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

- BirdWatch Ireland (www.birdwatchireland.ie);
- Bat Conservation Ireland (www.batconservationireland.org).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
- Recent and historical OSi mapping and aerial photography, including www.geohive.ie;
- Photographs taken at the site in 2018;
- Information on local watercourses from www.catchments.ie;
- Information on water quality in the area (www.epa.ie);
- Information on soils, geology and hydrogeology in the area (www.gsi.ie);
- Information on the status of EU protected habitats in Ireland (NPWS, 2013);
- Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
- Fingal County Development Plan 2017 – 2023, including the accompanying Natura Impact Report.

The report has regard to the following legislative instruments:

- Planning and Development, Act 2000, as amended;
- European Commission (EC) Habitats Directive 92/43/EEC;
- European Commission (EC) Birds Directive 2009/147/EC;
- European Communities (Birds and Natural Habitats) Regulations 2011 (SI no 477 of 2011).

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposal was undertaken. The following report is of relevance to this document:

- Civil Engineering Infrastructure Report for Planning (Kavanagh Mansfield & Partners Consulting Structural and Civil Engineers Ltd, October 2018).

Given the amount of information available, including from the developer, NPWS and other sources, it has been possible to gather adequate information on the site and the adjacent area (in particular, the European sites), in order to make an informed, sound judgement as to the potential impacts of the proposed development on the qualifying interests of the European sites.

3 Screening for Appropriate Assessment

3.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

Following Screening, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

3.2 Potential zone of influence

For the risk of an adverse effect to occur there must be a 'source', such as a construction site; a 'receptor', such as a designated site for nature conservation; and a pathway between the source and the receptor, such as a watercourse that links the construction site to the designated site. Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

Identification of a risk means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, NPWS (2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*. As a general rule of thumb, it is often considered appropriate to include all European sites within 15km.

However, in some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 km away. Taking this into account, as a starting point a search was carried out for all European sites within 15km of the site at Tuckett's Lane. This search was then extended in order to ensure that all European sites with any potential links to the proposed development were accounted for in the study.

3.3 Study area and surrounding environment

3.3.1 Site location and European sites

The proposed development site, (see **Figure 1**) is located on the northern side of Tuckett's Lane in Howth. It is on an elevated site and is surrounded by existing housing on the east, north and west. The eastern side of the site slopes steeply down to Main Street. The site is currently occupied by an informal park, with a central mown area and paths, surrounded by ornamental and non-native shrubs and trees (buddleia, cordyline, sycamore) and unmanaged scrub.

There are no watercourses on, or connected to the site. The nearest such feature is an unnamed, culverted stream, shown on the EPA water features database¹, that flows north along Main Street to the east of the site and discharges to the sea at East Pier.

¹ <https://gis.epa.ie/EPAMaps/>

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin
 Information for Screening for Appropriate Assessment

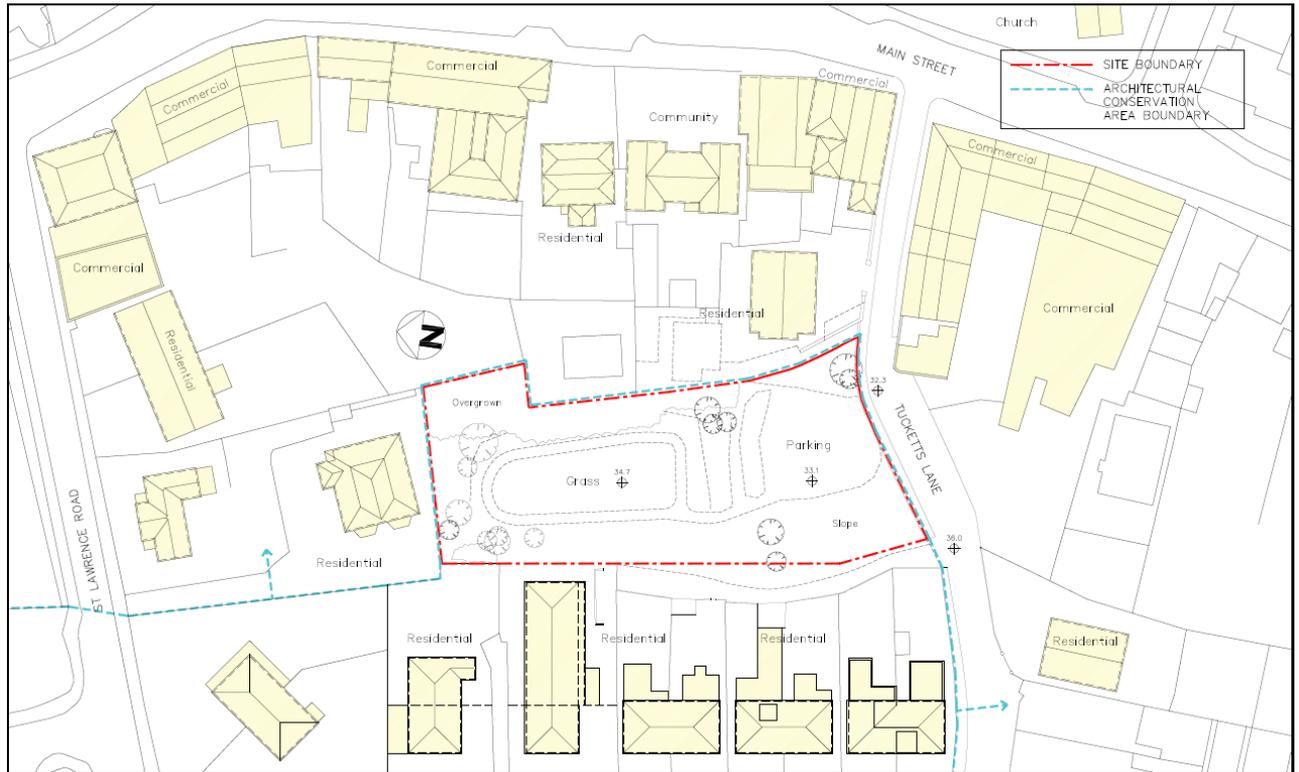


Figure 1: Location of proposed development site at Tuckett's Lane, Co. Dublin

There are 18 European sites located within a 15km radius of the proposed development (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - Howth Head SAC (site code 000202), c.235m to the east;
 - Baldoye Bay SAC (site code 000199), c.770m to the north west;
 - Rockabill to Dalkey Island SAC (site code 003000), c.1.1km to the east;
 - Ireland's Eye SAC (site code 002193), c.1.6km to the north;
 - North Dublin Bay SAC (site code 000206), c.2.3km to the south west;
 - Malahide Estuary SAC (site code 000205), c.6.6km to the north west;
 - South Dublin Bay SAC (site code 000210), c.8.3km to the south west;
 - Lambay Island SAC (site code 000204), c.11.0km to the north east;
 - Rogerstown Estuary SAC (site code 000208), c.12.2km to the north west;
- **Special Protection Areas (SPA)**
 - Howth Head Coast SPA (site code 004113), c.675m to the east;
 - Ireland's Eye SPA (site code 004117), c.1.2km to the north;
 - North Bull Island SPA (site code 004006), c.2.3km to the south west;
 - Baldoye Bay SPA (site code 004016), c.2.8km to the north west;
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.7.1km to the south west;
 - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.7.2km to the north west;

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

- Lambay Island SPA (site code 004069), c.10.8km to the north east;
- Rogerstown Estuary SPA (site code 004015), c.11.7km to the north west;
- Dalkey Islands SPA (site code 004172), c.11.8km to the south.

Beyond the 15km zone the nearest additional European sites, such as Ballyman Glen SAC (site code 000713) and Rockabill SPA (site code 004014) are all in excess of 20km from the site.

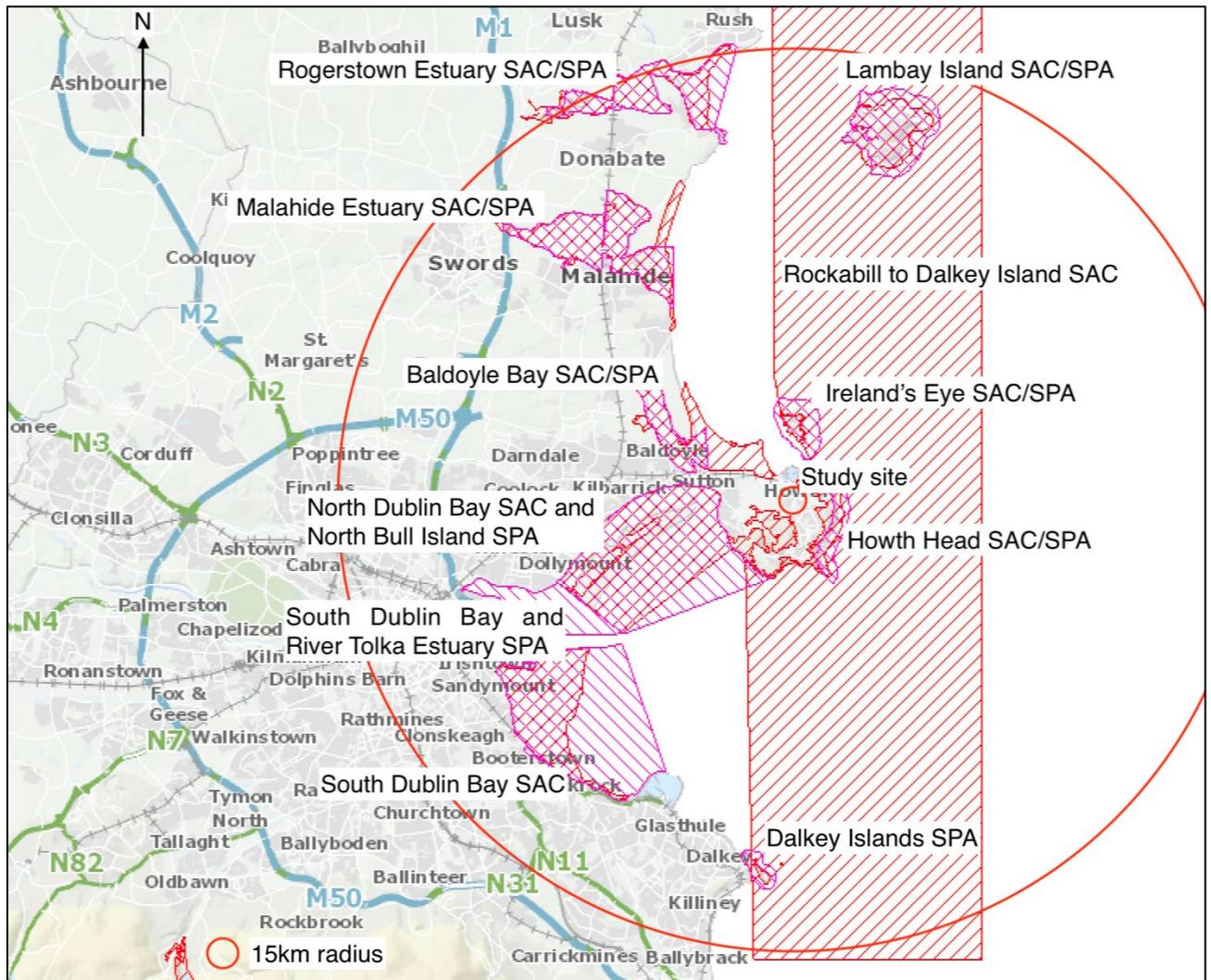


Figure 2: Study site at Tuckett's Lane showing European sites

3.3.2 Other designated areas (other than European sites)

The nearest site designated for nature conservation, not otherwise designated as a European site, is Sluice River Marsh proposed Natural Heritage Area (pNHA site code 001763), 6.7km to the northwest.

4 Description of the proposed development

The proposed development will comprise the construction of a two-storey, brick-faced residential building with four number one bedroom dwellings at ground floor level and four number two bedroom dwellings at first floor level, all with own-door access; a green flat roof with solar panels; car parking; boundary walls; landscaping; a public open space with seating and sculpture; SuDs drainage and infrastructure; and all associated works.

5 Links to European sites, including cumulative effects

5.1 European sites and habitats with links to European sites

The proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the *Irish Red Data Book 1 – Vascular Plants (Curtis & McGough, 1988)*, the *Flora Protection Order, 2015* or the *EU Habitats Directive*, are known to occur within the site.

No features of any ecological significance are present on the proposed development site. There are no features potentially suitable for use by roosting bats, and the trees and shrubs present are of no more than minor importance for commuting/foraging bat species. In addition no evidence of any protected species such as badger, or rare or protected plants, was recorded during the survey carried out, and the habitats present are not suitable for such species.

Overall, the site has no key ecological receptors as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA/TII, 2009 (Rev. 2))*.

No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no 'reservoir' type habitats are present. There will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the works. There is, therefore, no potential for the cumulative effects of habitat loss or fragmentation to occur. There will be no significant effects on the European sites as a result of:

- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

A potential surface water pathway exists between the proposed development site and coastal European sites within 1km of the proposed development boundary. This pathway is via the local surface water drainage network, although it is not considered that there is any direct link (pathway) between the site and the culverted stream that flows along Main Street.

5.1.1 Potential impacts during construction

All site clearance and construction activities pose a potential risk to watercourses as **surface water** arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network during construction.

However, no watercourses are present within or connected to the site proposed for development. While theoretically there are potential links between the proposed development site and coastal European sites via surface water run-off, no significant impacts on water quality are predicted during the construction phase.

Given the limited nature and minor scale of the proposed development the risk of contamination of any watercourses is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that **this would not be perceptible in the offshore European sites**, for the following reasons:

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

- The distance to the European sites – although Howth Head SAC is within 250m (straight-line distance to the east), there is no direct pathway between the site and this European site;
- The fact that a significant level of dilution and mixing of surface and sea water would occur.

No construction-related impacts, on European sites or otherwise, are envisaged as a result of the proposed development.

5.1.2 Potential impacts during operation

The development of the site will result in increased paved and impermeable areas and increased volumes of **surface water** run-off. However, the proposed development is being designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS) designed in accordance with the policies of the '*Greater Dublin Strategic Drainage Study (GSDSDS)*'.

The surface water management strategy includes the provision of green roofs and is designed to cater for the 100 year return storm with a 20% increase for climate change. Surface water will discharge by gravity flow to soakaways located partially beneath the proposed car park and partially beneath the landscaped areas near the site entrance. Once the proposed development is operational the volume of run-off will be limited to pre-development green field volumes.

No operational impacts related to surface water management, on European sites or otherwise, are envisaged as a result of the proposed development.

The **foul water** drainage system for the proposed development will be separate from the surface water drainage system. Foul sewage from the development will discharge, via the existing gravity sewer on Tuckett's Lane, to Howth Road and Sutton pumping stations and on to the Ringsend Wastewater Treatment Plant (WwTP) for treatment and ultimate disposal. The loadings produced by the proposed development, with a population equivalent (PE) of 24, and a flow of 6,000litres/day can be accommodated in Ringsend WwTP. Foul sewers have been designed in accordance with Building Regulations and specifically in accordance with the principles and methods set out in EN 752:2008 and DOE '*Recommendations for Site Development Works*'.

There will be no operational phase impacts related to foul water management, on European sites or otherwise, as a result of the proposed development.

Full details of the potential impacts of the proposed development on European sites are presented in **Table 1**.

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

Table 1 lists relevant European sites and outlines their reasons for designation

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
Howth Head SAC (site code 000202), c.235m to the east	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths	No. There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.
Baldoyle Bay SAC (site code 000199), c.770m to the north west	1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	No. No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at Tuckett's Lane could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the surface water drainage network and from there, eventually, via the local surface water drainage network, to Howth Harbour. However, there would be no significant effects on the conservation objectives of the European site should this occur, given the nature, scale, and location of the proposed development. Even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible at Baldoyle Bay SAC. This is due to the separation between the proposed development site and the European site (770m straight line distance between the site on Tuckett's Lane and the SAC)) and the fact that dilution and mixing of surface and sea water would occur. Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.
Rockabill to Dalkey Island SAC (site code 003000), c.1.1km to the east;	1170 Reefs 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)	No. No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at Tuckett's Lane could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the surface water drainage network and from there, eventually, via the local surface water drainage network, to Howth Harbour. However, there would be no significant effects on the conservation objectives of the European site should this occur, given the nature, scale, and location of the proposed development. Even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible at Rockabill to Dalkey Island SAC. This is due to the separation between the proposed development site and the European site (1.1km straight line distance



Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
		<p>between the site on Tuckett's Lane and the SAC)) and the fact that dilution and mixing of surface and sea water would occur.</p> <p>Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.</p>
Ireland's Eye SAC (site code 002193), c.1.6km to the north	<p>1220 Perennial vegetation of stony banks</p> <p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at Tuckett's Lane could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the surface water drainage network and from there, eventually, via the local surface water drainage network, to Howth Harbour.</p> <p>However, there would be no significant effects on the conservation objectives of the European site should this occur, given the nature, scale, and location of the proposed development. Even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible at Ireland's Eye SAC. This is due to the separation between the proposed development site and the European site (1.6km straight line distance between the site on Tuckett's Lane and the SAC)) and the fact that dilution and mixing of surface and sea water would occur.</p> <p>Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.</p>
North Dublin Bay SAC (site code 000206), c.2.3km to the south west	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>2190 Humid dune slacks</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p> <p>In addition, no operational impacts on this European site related to foul water management are envisaged as a result of the proposed development. Foul water arising at the site will be directed to the existing sewer on Tuckett's Lane and from there to Ringsend Wastewater Treatment Plant, which can accommodate the foul discharge from the proposed development.</p>
Malahide Estuary SAC (site code 000205),	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p>	<p>No.</p>



Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
c.6.6km to the north west	1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.
South Dublin Bay SAC (site code 000210), c.8.3km to the south west	1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes	No. There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site related to foul water management are envisaged as a result of the proposed development. Foul water arising at the site will be directed to the existing sewer on Tuckett's Lane and from there to Ringsend Wastewater Treatment Plant, which can accommodate the foul discharge from the proposed development.
Lambay Island SAC (site code 000204), c.11.0km to the north east	1170 Reefs 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 1364 Grey Seal (<i>Halichoerus grypus</i>) 1365 Harbour Seal (<i>Phoca vitulina</i>)	No. There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.
Rogerstown Estuary SAC (site code 000208), c.12.2km to the north	1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	No. There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.
Howth Head Coast SPA (site code 004113), c.675m to the east	A188 Kittiwake (<i>Rissa tridactyla</i>)	No. The species for which the SPA is designated is potentially sensitive to direct disturbance due to noise and anthropogenic activity.



Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
		However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is approximately 675mm from the European site, and is completely unconnected to it.
Ireland's Eye SPA (site code 004117), c.1.2km to the north	A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>)	No. The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity. However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is over 1km from the European site, and is completely unconnected to it.
North Bull Island SPA (site code 004006), c.2.3km to the south west	A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Wetlands	No. There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SPA. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site related to foul water management are envisaged as a result of the proposed development. Foul water arising at the site will be directed to the existing sewer on Tuckett's Lane and from there to Ringsend Wastewater Treatment Plant, which can accommodate the foul discharge from the proposed development.
Baldoyle Bay SPA (site code 004016), c.2.8km to the north west	A137 Ringed Plover (<i>Charadrius hiaticula</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Wetlands	No. No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at Tuckett's Lane could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
		<p>water could potentially discharge to the surface water drainage network and from there, eventually, via the local surface water drainage network, to Howth Harbour.</p> <p>However, there would be no significant effects on the conservation objectives of the European site should this occur, given the nature, scale, and location of the proposed development. Even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible at Baldoyle Bay SPA. This is due to the separation between the proposed development site and the European site (2.8km straight line distance between the site on Tuckett's Lane and the SPA)) and the fact that dilution and mixing of surface and sea water would occur.</p> <p>Furthermore there will be no loss of wetland habitat or species, or disturbance to the special conservation interests of this site as a result of the proposed development</p>
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.7.1km to the south west</p>	<p>A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at Tuckett's Lane and this SPA. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p> <p>In addition, no operational impacts on this European site related to foul water management are envisaged as a result of the proposed development. Foul water arising at the site will be directed to the existing sewer on Tuckett's Lane and from there to Ringsend Wastewater Treatment Plant, which can accommodate the foul discharge from the proposed development.</p>
<p>Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.7.2km to the north west</p>	<p>A048 Shelduck (<i>Tadorna tadorna</i>) A054 Pintail (<i>Anas acuta</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A162 Redshank (<i>Tringa totanus</i>) A143 Knot (<i>Calidris canutus</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is over 7km from the European site, and completely unconnected to it.</p>

Proposed Housing Development at Tuckett's Lane, Howth, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 22 nd November 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
	A149 Dunlin (<i>Calidris alpina</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A069 Red-breasted Merganser (<i>Mergus serrator</i>) A005 Great Crested Grebe (<i>Podiceps cristatus</i>) Wetlands	
Lambay Island SPA (site code 004069), c.10.8km to the north east	A043 Greylag Goose (<i>Anser anser</i>) A200 Razorbill (<i>Alca torda</i>) A184 Herring Gull (<i>Larus argentatus</i>) A009 Fulmar (<i>Fulmarus glacialis</i>) A204 Puffin (<i>Fratercula arctica</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>)	No. The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity. However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is almost 11km from the European site, and completely unconnected to it.
Rogerstown Estuary SPA (site code 004015), c.11.7km to the north west	A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A043 Greylag Goose (<i>Anser anser</i>) A143 Knot (<i>Calidris canutus</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A056 Shoveler (<i>Anas clypeata</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) Wetlands	No. The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity. However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is almost 12km from the European site, and completely unconnected to it.
Dalkey Islands SPA (site code 004172), 11.8km to the south	A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>)	No. The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity. However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is almost 12km from the European site, and completely unconnected to it.



6 Other issues

While no invasive plant species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011* (such as Japanese knotweed or giant hogweed) were identified on site there is a risk that during construction such species could be introduced to the site. Avoidance of such risk will be managed during the construction period and no such species will be planted or deliberately imported to the site.

Additionally, for the reasons outlined in this report for the European sites, no impacts on any other designated sites including proposed Natural Heritage Areas, are likely.

7 Mitigation specific to European sites

In relation to European sites, there will be no impacts as a result of the proposed development. Therefore no mitigation is necessary or proposed for the protection of European sites.

8 In-combination effects

It is a requirement of the *Birds and Natural Habitats Regulations, 2011* that when considering whether a plan or project will adversely affect the integrity of a European site the assessment must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

- If it can be clearly demonstrated that the plan or project will not result in any effects at all that are relevant to the integrity of a European site then the plan or project should proceed without considering the in-combination test, further;
- If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

It is concluded in this report there will be no likelihood of significant effects on any European sites during the construction or operation of the proposed development, in combination with other plans or projects.

The Fingal County Development Plan 2017-2023 has a series of objectives intended to protect and enhance the county's flood plains, to prevent development in flood plains without satisfying the appropriate justification test and to require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving in order to reduce the potential impact of existing and predicted flooding risks. The proposed development is in compliance with these objectives.

As appraised in this report the proposed development will not have any significant effects on any European sites. As such it can be concluded that the development either on its own or in-combination with other developments will have no impact on the European sites.

9 Screening conclusion

This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the project will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives.

As such no mitigation measures are required for the protection of these European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (Fingal County Council) to carry out an AA Screening, and reach a determination that the proposed development will not affect the integrity of any of the relevant European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.

Appendix I: Background

The European² network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

(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 social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of European is protected. It shall inform the Commission of the compensatory measures adopted.”

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Communities (Birds and Natural Habitats) Regulations 2011* (hereafter referred to as the *Birds and Habitats Regulations*)³ and by the *Planning and Development Act 2000*, as amended.

In Ireland, the statutory agency responsible for the designated areas is NPWS.

Stages in the assessment

European Commission guidance (2001)⁴ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

Stage 1: Screening is the process which initially identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

Stage 2: Appropriate Assessment is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site’s

² The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European”

³ SI No. 477 of 2011

⁴ European Commission (2001) *Assessment of Plans and Projects Significantly Affecting European Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC*

conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

Stage 3: Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.

Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Guidance from the European Commission⁵ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;
4. Assess the likely significance of any effects on European sites.

⁵ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

Brady Shipman Martin

DUBLIN

Canal House
Canal Road
Dublin 6
+353 1 208 1900

CORK

Penrose Wharf Business Centre
Penrose Wharf
Cork
+353 21 242 5620

LIMERICK

11 The Crescent
Limerick
+353 61 315 127

mail@bradyshipmanmartin.com
www.bradyshipmanmartin.com

