

Proposed Housing Development,
Churchfields 2B, Mulhuddart, Dublin 15
Information for Screening for Appropriate
Assessment

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Fingal County Council

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1 Introduction

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 construction of 70 dwellings, including associated site development works, at Churchfields 2B, Mulhuddart, Dublin 15.

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 2011-2015* and the *Planning and Development Act, 2000* (as amended).

Brady Shipman Martin was commissioned to prepare this report. The work was carried out by consultant ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is a highly experienced and qualified ecologist, with a master's degree in Ecosystem Conservation and Landscape Management. He has over 17 years of experience in ecological and environmental consultancy, across a wide range of sectors. He is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew recently completed an Advanced Diploma in Planning and Environmental Law, at King's Inns.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken of the site at Mulhuddart 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 by the author on 14th October 2019. This included a habitat, large mammal and day-time bat survey of the site itself, as well as an examination of a patch of scrub and woodland associated with the Pinkeen River, in close proximity to the western boundary of the site. There are no buildings on the site and it was not necessary to undertake an inspection of buildings or other structures. Birds present on the site were recorded during the survey and an assessment of habitat suitability for European protected species and 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);
- 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;
- 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 and Species in Ireland (Article 17 report) (NPWS, August 2019);
- Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
- Fingal County Development Plan 2017 – 2023, including the associated 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 2011-2015.

This report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposal was undertaken.

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 site designated 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'*. 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 Churchfields, Mulhuddart. 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 site proposed for development is located in Churchfields, Mulhuddart, Dublin 15. It is situated to the north east of Mulhuddart itself, between the Avondale Park residential development to the east, and Damastown Way industrial area to the west. Immediately to the west and south is the Pinkeen River and its riparian corridor. To the north (south of Damastown Avenue) is an open area of land, zoned RS (Residential) in the Fingal County Development Plan 2017-2-23.

The proposed development site is divided into two parts by 1.8m tall bow top railing. To the east of the railing is a field of amenity grassland, regularly mown, to the west is an area of unmanaged rank grassland which slopes down to the scrub associated with the Pinkeen River corridor.

The location of the proposed development (see **Figure 1**) is shown in Figure 1.

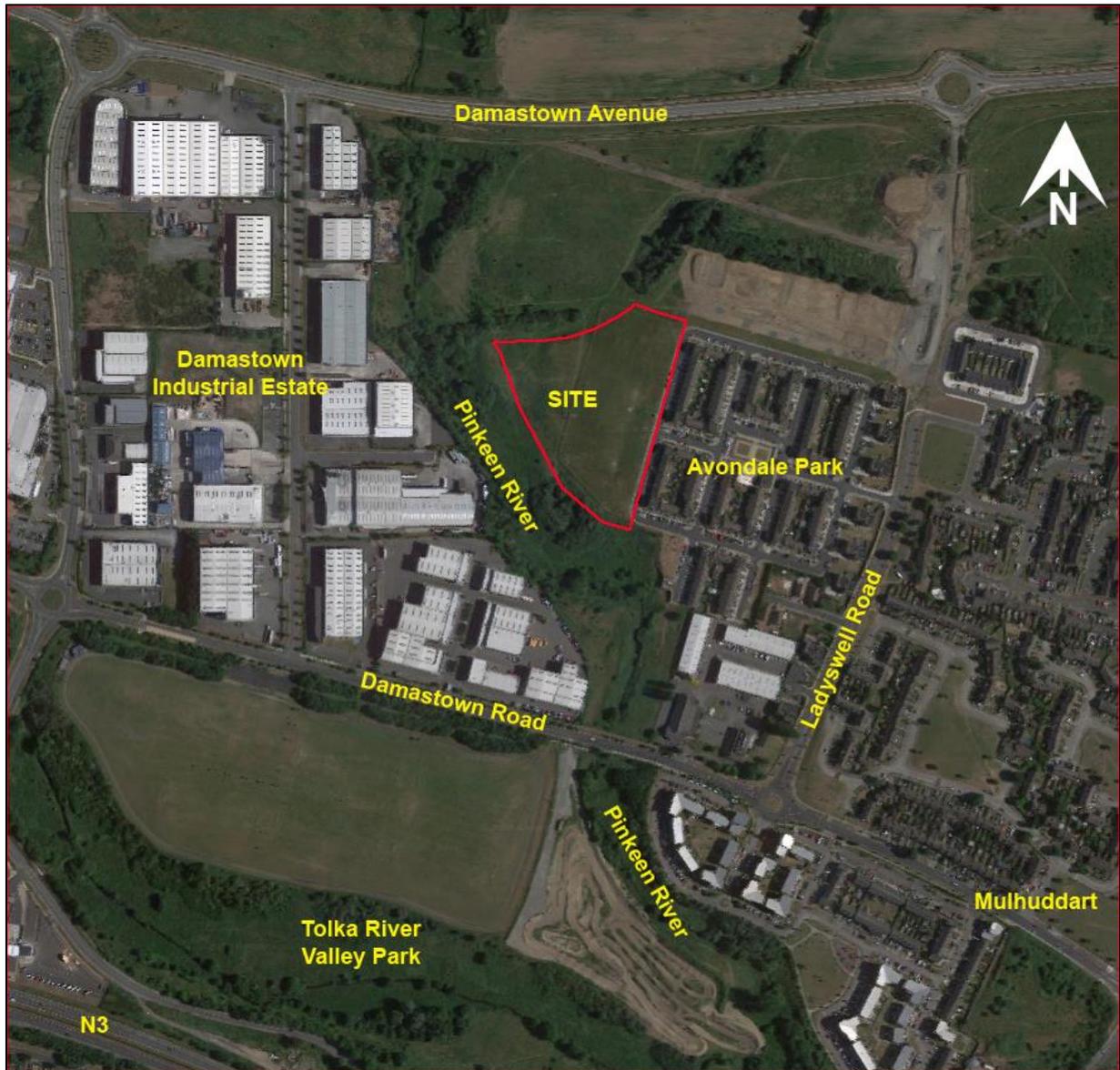


Figure 1: The location of the proposed development site at Churchfields, Mulhuddart (red line shows indicative site area – refer to project documentation for full details)

There are 4 European sites located within a 15km radius of the proposed development (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - Rye Water Valley/Carton SAC (site code 001398), c.7.5km to the south west;
 - Malahide Estuary SAC (site code 000205), c.14.3km to the north east;
- **Special Protection Areas (SPA)**
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.12.9km to the south east;
 - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.14.4km to the north east;

There are an additional 15 European sites between 15km and 25km from the site:

- South Dublin Bay SAC (site code 000210), c.15.1km to the south east;
- North Dublin Bay SAC (site code 000206), c.15.6km to the south east;

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- Rogerstown Estuary SAC (site code 000208), c.16.9km to the north east;
- Glenasmole Valley SAC (site code 001209), c.17.1km to the south;
- Baldoyle Bay SAC (site code 000199), c.17.2km to the east;
- Wicklow Mountains SAC (site code 002122), c.19.3km to the south;
- Howth Head SAC (site code 000202), c.20.6km to the east;
- Rockabill to Dalkey Island SAC (site code 003000), c.21.4km to the east;
- Ireland’s Eye SAC (site code 002193), c.12.0km to the east;
- North Bull Island SPA (site code 004006), c.15.6km to the east;
- Baldoyle Bay SPA (site code 004016), c.17.2km to the east;
- Rogerstown Estuary SPA (site code 004015), c.17.6km to the north east;
- Wicklow Mountains SPA (site code 004040), c.20.3km to the south;
- Ireland’s Eye SPA (site code 004117), c.21.8km to the east;
- Howth Head Coast SPA (site code 004113), c.23.1km to the east;

The European sites are shown in **Figure 2**.

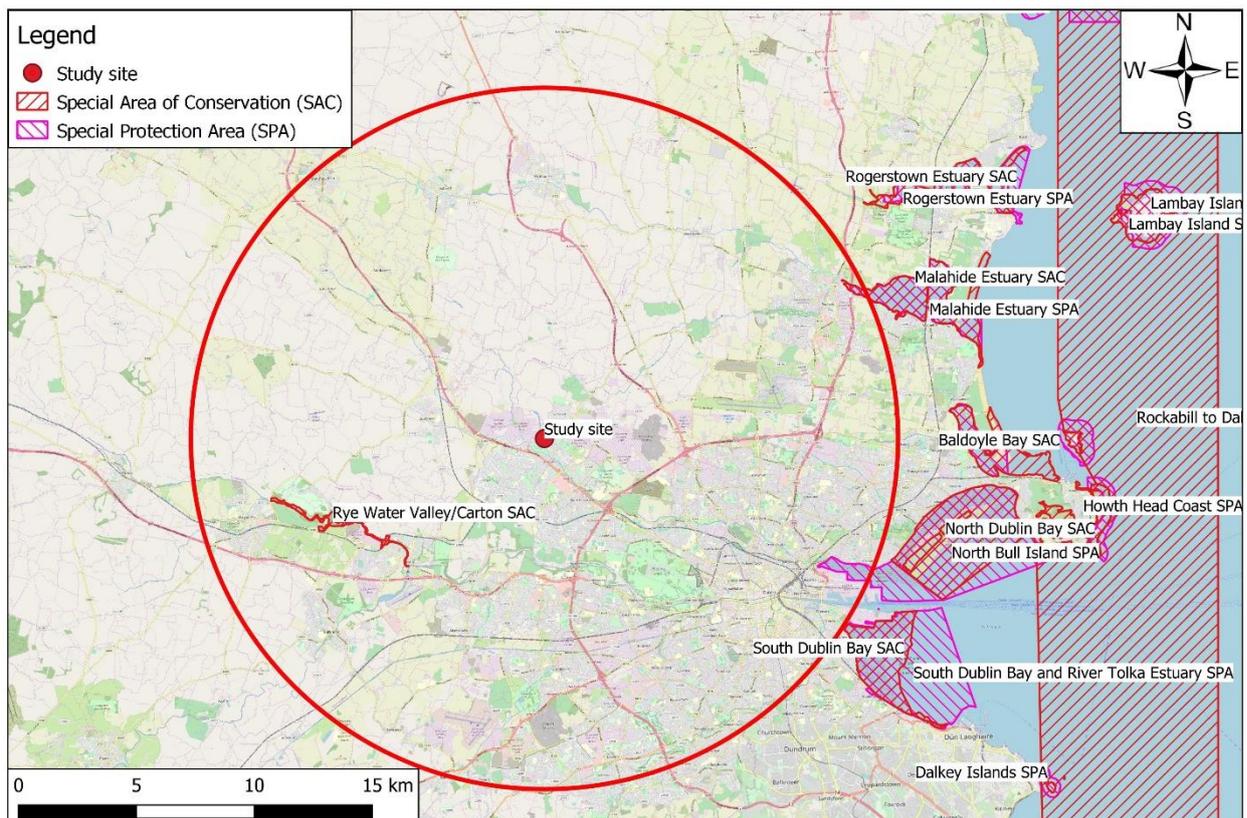


Figure 2: Study site at Churchfields, Mulhuddart showing European sites

3.3.2 Other designated areas (other than European sites)

The nearest sites designated for nature conservation, not otherwise designated as European sites, are Royal Canal proposed Natural Heritage Area (pNHA site code 001753), c.3.4km to the south, Liffey Valley pNHA (site code 000128), c.4.7km to the south and Santry Demesne pNHA (site code 000178), c.9.9km to the east west.

These sites are included in this report in order to appraise their potential to act support the European sites, for example by acting as stepping stones or feeding areas for species moving between the European sites.

4 Description of the proposed development

The proposal consists of the construction of 70 no. dwellings and all associated site works on a greenfield site at Churchfields Phase 2B, Mulhuddart, Dublin 15.

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.

The proposed development site comprises amenity grassland (east of an internal fence) and unmanaged rough grassland (outside the fence). It contains no features of ecological significance. No evidence of badgers or other protected mammals was recorded, and there are no features potentially suitable for use by roosting bats. In addition no evidence of any other protected animal species such as amphibians, lizards or hedgehogs, or rare or protected plants, was recorded during the survey carried out, and the habitats present are not of significance for such species.

The Pinkeen River corridor, which is located to the west of the proposed development site and which will be retained intact, is of local ecological value for breeding birds and as a wildlife corridor. However this area will be unaffected by the development. The site proposed for development 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 surveys 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.

Despite their distance (approximately 15km), potential surface water pathway exist between the proposed development site and the European sites of Dublin Bay. This potential pathway is via the local surface water drainage network, which is potentially linked to lower order tributaries of the River Tolka (the Pinkeen River (Powerstown 09), a tributary to the Tolka, is within 50m of the western site boundary).

No other European sites are considered to be sensitive ecological receptors in the context of the proposed development site at Churchfields, Mulhuddart. In particular this includes the Rye Water Valley/Carton SAC which, although closer to the site than Dublin Bay, is entirely unconnected to it.

5.2 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 local watercourses during construction.

While theoretically there are potential links between the proposed development site and the European sites of Dublin Bay via surface water, no significant impacts on water quality are predicted during the construction phase.

Given the limited nature and relatively small scale of the proposed development the risk of contamination of any watercourses, such as the Pinkeen River, 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 European sites** for the following reasons:

- The separation between the proposed development site and the nearest watercourse (The Pinkeen River), which is separated from the site by an area of open grassland and woodland/scrub;
- The distance to the European sites (the River Tolka River enters the sea at Dublin Port, approximately 13km straight line distance from the site at Mulhuddart);
- 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.

5.3 Potential impacts during operation

Operational **Surface water** management for the proposed development has been designed by Lohan & Donnelly Consulting Engineers, who have prepared a report on the proposed drainage and civil works (October 2019). The drainage report has been reviewed in the preparation of this document, along with the Surface Water Management Plan (comprising a Strategic Flood Risk Assessment (SFRA) and Sustainable Drainage Strategy (SDS) for the Churchfields area, prepared by Roughan & O'Donovan Consulting Engineers (May 2019).

The SFRA confirms that the majority of the Churchfields lands are within Flood Zone C as defined in the OPW Guidelines (*The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (Office of Public Works, 2009), where the probability of flooding from rivers and the sea is low (<1 in 1000 years). It is therefore an appropriate location for highly vulnerable developments such as housing and infrastructure.

The development is designed to comply with the *Greater Dublin Strategic Drainage Strategy (GSDSDS)* (2005), the *Greater Dublin Regional Code of Practice for Drainage Works* (2012) and the requirements of Fingal County Council.

According to the Lohan & Donnelly drainage report the site is not deemed suitable for infiltration. Therefore traditional soakaways and infiltration trenches are not suitable for the site, and it is proposed to attenuate all surface water from the development's hard standing areas. Attenuation storage has been sized for the 1% AEP (1 in 100 year) scenario, with an allowance for climate change, in line with GSDSDS requirements. All surface water arising on site will discharge after attenuation, via a petrol interceptor, to a new manhole and finally to the Pinkeen River, with flow rates limited by hydrobrakes to existing green field rates (2l/s/ha).

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

It is proposed to provide a 225mm diameter **foul sewer** to serve the new development. An existing 750mm foul sewer runs from the south-west of the site to the south-east, and an existing 225mm foul sewer runs adjacent to the site in Avondale Park. The proposed development will be connected to these public sewers

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Foul sewage from the development will eventually discharge to Ringsend Wastewater Treatment Plant (WwTP) for treatment and ultimate disposal. FCC Water Services Department has advised that there are no foul sewer capacity concerns in the vicinity and there is sufficient capacity in the receiving network. Foul sewers are in accordance with Irish Water standard details document IW-CDS-5033-01 and Irish Water Code of Practice IW-CDS-0530-03.

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

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Table 1 lists all European Sites within 15km and outlines their reasons for designation*

European Site	Reasons for designation (information correct as of 15 th September 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
Rye Water Valley/Carton SAC (site code 001398), c.7.5km to the south west	<p>7220 Petrifying springs with tufa formation (Cratoneurion)* 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) 1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>)</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at Mulhuddart 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>
Malahide Estuary SAC (site code 000205), c.14.3km to the north east	<p>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>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th May 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at Mulhuddart 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>
South Dublin Bay SAC (site code 000210), c.15.1km to the south east	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <p>(1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes)</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 Mulhuddart could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and the Pinkeen to the River Tolka and from there, eventually, to the sea.</p> <p>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</p>



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European Site	Reasons for designation (information correct as of 15 th September 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SAC's site Conservation Objectives document (Version 1, dated 22nd August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible in South Dublin Bay SAC.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site at Mulhuddart is over 15km (straight line distance) from the SAC. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>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> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>North Dublin Bay SAC (site code 000206), c.15.6km to the southeast</p>	<p>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 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks 1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06th November 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</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 Mulhuddart could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and the Pinkeen to the River Tolka and from there, eventually, to the sea.</p> <p>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 in North Dublin Bay SAC.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site at Mulhuddart is over 15.5km (straight line distance) from the SAC. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>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> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024),</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>)</p>	<p>No.</p> <p>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 Mulhuddart could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such</p>

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European Site	Reasons for designation (information correct as of 15 th September 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
c.12.9km to the south east	<p>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>According to this SPA's site Conservation Objectives document (Version 1, dated 9th March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>contaminated water could potentially discharge to the local surface water drainage network and the Pinkeen to the River Tolka and from there, eventually, to the sea.</p> <p>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 in South Dublin Bay and River Tolka Estuary SPA.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is approximately 13km (straight line distance) from the SPA. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>In addition the site at Mulhuddart is entirely unsuited to use by SCI birds, such as light-bellied Brent goose, even on an occasional basis.</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>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.14.4km to the north east	<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>) 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>) A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 16th August 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation</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 almost 15km from the European site, and completely unconnected to it.</p>

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Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 15 th September 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	condition of the species and wetland habitat for which the SPA has been selected.	
North Bull Island SPA (site code 004006), c.15.6km to the east	<p>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</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9th March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>No.</p> <p>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 Mulhuddart could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and the Pinkeen to the River Tolka and from there, eventually, to the sea.</p> <p>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 in North Bull Island SPA.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 16km (straight line distance) from the SPA. In addition, significant dilution and mixing of surface and sea water would occur.</p> <p>In addition the site at Mulhuddart is entirely unsuited to use by SCI birds, such as light-bellied Brent goose, even on an occasional basis.</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>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>

*For completeness, this table includes all sites within 15km of the site and in Dublin Bay, downstream of the site via the River Tolka. As confirmed in Section 5.1, only the offshore sites associated with Dublin Bay (North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA) are linked in any way to the proposed development site. None of the other listed sites, and no sites further afield, are remotely linked to the proposed development site, by virtue of distance, lack of a pathway and the reasons for their designation.



6 Other issues

No invasive plant species (*i.e.* those species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011-2015*, such as Japanese knotweed or giant hogweed) were identified on 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, 2011-2015* 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 natural environment. For example the CDP includes policies for the protection of 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 all of the relevant Plan objectives.

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 likely significant impact on 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 have any likely significant effects on European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.

Appendix I: Background

The European¹ 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 Union (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*)² 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)³ 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

¹ 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”

² SI No. 477 of 2011 and subsequent amendments

³ 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 Commission⁴ 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.

⁴ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

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