

Replacement of public toilets at
South Beach, Rush,
Co Dublin

Appropriate Assessment (screening)

Report prepared for Fingal County Council

July 2023

1. INTRODUCTION

The purpose of this report is to examine the proposed development for possible ecological impacts on the integrity of the Natura 2000 network. It is submitted as part of a Part 8 application and was requested by Fingal County Council through Axis Architecture.

The site is beside Rogerstown Estuary, an SAC and SPA, and the development has to have due regard to Article 6 (3) of the EU Habitats Directive which states:

Article 6 (3): Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the [Natura 2000] site in view of the [Natura 2000] site's conservation objectives.

This is transposed into national legislation by Regulation 31 of the European Communities (Natural Habitats) Regulations 1997.

The site was visited in June 2023, having examined the available files and online sources of information for the local Natura 2000 sites. All work was undertaken by Roger Goodwillie, a full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM). He is qualified in Botany as B.A. (Mod.), M.Sc. and has been a practising ecologist for 40 years.

The sources of information used to collect data on the Natura 2000 network of sites include:

- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie, Google Earth and Bing aerial photography.
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including the Natura 2000 network Data Form, Site Synopsis and Generic Conservation Objective data.
- Online database of rare, threatened and protected species in Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2013).

2. DESCRIPTION OF SITE

The site is on the eastern side of Convent Lane and north of the coastal carpark. It is surrounded by trampled, disturbed ground so contains transient plant communities of weed or ruderal species without relevance to its coastal location. It is 35m or so from the effective shoreline – the limit of high tides.

The shore at this point is rock armouring and sand on the seaward edge of the carpark and there are steps down to beach itself which is sandy (see below).



Position of current toilet (coloured blue) in relation to beach

Plants growing in this coastal fringe include sea beet *Beta vulgaris*, sand couch *Elymus junceiformis*, wild carrot *Daucus carota*, ryegrass *Lolium perenne* and alexanders *Smyrniololium olusatrum*. Further east where bedrock intervenes there is abundant, and in many places dominant, tealplant *Lycium barbarum* with some lyme grass *Leymus arenarius* and wild radish *Raphanus raphanistrum*.

2.2 Fauna

The sandy nature of the beach does not attract as many birds as the muddy habitats of the estuary but the beach would be used on occasion by numbers of brent geese, ringed plover, sanderlings, curlew, oystercatcher and redshank. The numbers would depend on the state of the tide and the presence of walkers/dogs on the beach.

2.3 Evaluation

The site contains little botanical interest but would be used by some estuary birds of interest.

3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining if a planned project is likely to have a significant effect on the integrity of one of the Natura 2000 sites so far designated (i.e. the candidate SAC's and SPA's), or their conservation objectives. In this case there are fifteen Natura sites within 15km of the site. These are shown on the map at end. They are:

Name of Site	Site Code	
Rogerstown Estuary SPA	4015	30m
Rogerstown Estuary SAC	0208	40m
Rockabill to Dalkey Island SAC	3000	1km
Lambay Island SPA	4069	3.8km
Lambay Island SAC	0204	4.0km
Malahide Estuary SAC	0205	5.6km
Skerries Islands SPA	4122	5.7km
Malahide Estuary SPA	4025	6.9km
Baldoyle Bay SAC	0199	11.6km
Baldoyle Bay SPA	4016	11.6km
Ireland's Eye SPA	4117	12.4km
Ireland's Eye SAC	2193	12.8km
North Dublin Bay SAC	0206	14.5km
North Dublin Bay SPA	4006	14.5km
Howth Head coast SPA	4113	14.6km

In the Irish context the assessment has been interpreted as a four-stage process. Firstly, a screening exercise (Stage 1) determines if a project could have significant effects on a Natura site. If it does or the situation is unclear a Natura Impact Statement (Stage 2) is provided to the planning or regulatory authority, giving details of necessary mitigation. Examples of significant effects are a loss of habitat area, fragmentation of the habitat, disturbance to species using the site and changes in water resources or quality. If such negative effects come to light in the assessment, alternative solutions are investigated by the proponent (Stage 3) and modifications made unless the project is deemed to be driven by 'imperative reasons of overriding public interest' in its current form. In this case Stage 4 then deals with compensatory action.

The following guidance documents have been used in the screening process:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DEHLG 2009, Revised February 2010).
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (EC, 2007).

- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2002).
- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 9. (EC 2000).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10.
- Guidelines for Good Practice Appropriate Assessment of Plans under Article 6(3) Habitats Directive (International Workshop on Assessment of Plans under the Habitats Directive, 2011).
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC.
- The Status of EU Protected Habitats and Species in Ireland 2013 (Department of Arts, Heritage and the Gaeltacht, 2013). 2/43/EEC (EC, 2000.)
- Court of Justice EU Case C-323/17. Directive 92/43/EEC Article 6(3) — Screening in order to determine whether or not it is necessary to carry out an assessment of the implications, for a special area of conservation, of a plan or project — Measures that may be taken into account for that purpose.
- Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021

3.2 Project description

The application is for a new block of public toilets to replace the current facilities on the site. The current structure will be removed.

The construction is a timber framed modular building that is fabricated off site. The construction period on site will be two weeks long.

3.3 Relevant Natura sites

Two of the Natura sites are very close to the development site (see map at end) and could be affected by disturbance or outflows from a construction site. All others are out of range of disturbance and, because of the high dilution that would occur to effluents in the sea, cannot be considered in the zone of potential influence of the project.

Once complete there will be no possibility of impacts. Wastewater will be pumped into the public system and treated before discharge while there will be no increase in disturbance levels because of this development.

3.4 Natura sites (site synopses on NPWS website)

Rogerstown Estuary is listed as an SPA because it holds large bird populations in winter. It is an important link in the chain of estuaries on the east coast, supporting an internationally important population of Light-bellied Brent Goose and nationally important populations of a further 10 species. The presence of Little Egret and Golden Plover is of note as these species are listed on Annex I of the E.U. Birds Directive. Rogerstown Estuary is also a Ramsar Convention site, and part of Rogerstown Estuary SPA is designated as a Statutory Nature Reserve and a Wildfowl Sanctuary.

Rogerstown Estuary SAC contains seven habitats included in Annex I of the EU Habitats Directive in its variety of estuaries, mudflats, saltmarshes and sand dunes. It also has two protected plant species.

3.5 Conservation objectives

SPA

The conservation objective (NPWS 2013a) is to maintain or restore to favourable conservation condition each of the items listed below – the qualifying features. The target for the birds is that the population trend is stable or increasing and that the species' distribution over the site is stable apart from natural habitat changes.

For wetlands it is to maintain the favourable conservation condition of wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it.

- A043 Greylag Goose *Anser anser*
- A046 Brent Goose *Branta bernicla hrota*
- A048 Shelduck *Tadorna tadorna*
- A056 Shoveler *Anas clypeata*
- A130 Oystercatcher *Haematopus ostralegus*
- A137 Ringed Plover *Charadrius hiaticula*
- A141 Grey Plover *Pluvialis squatarola*
- A143 Knot *Calidris canutus*
- A149 Dunlin *Calidris alpina alpina*
- A156 Black-tailed Godwit *Limosa limosa*
- A162 Redshank *Tringa totanus*
- A999 Wetlands

SAC

The conservation objectives for the SAC are expressed in *attributes* such as area and habitat quality, and *targets* which should be attained. The qualifying interests are (NPWS 2013b)

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 (*Glauco-Puccinellietalia maritimae*)
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*

The objectives are expressed in the general form of

1. To maintain the Annex I habitats for which the SAC has been selected at favourable conservation condition
2. To maintain the Annex II species for which the SAC has been selected at favourable conservation status.

3.5 Likely effects

The development site is located beside the Natura 2000 sites but is isolated and visibly shielded from birdlife on the beach by the carpark and shoreline in front of it. It does not support habitats or species that are qualifying interests of the sites.

The construction and presence of the new toilet will not cause significant disturbance to birdlife on the beach. Visitors/dogs on foot are the chief cause of such impacts and are much more important than vehicles or noise by itself. Construction will not add cumulatively to this disturbance.

The change to the footprint of the building is irrelevant to the ecology of the estuary.

4. CONCLUSION

The potential likely significant effects of this development (to use the terminology of the Habitats Directive) are minimal and it cannot be said that it is likely to have a significant impact on the nearby (or any) European site, or on the integrity of the Natura 2000 network. It will also not compromise the attainment of the conservation objectives for any site.

This finding is based on the best scientific information available and holds for the project by itself or in combination with other projects in the vicinity.

The further, more detailed, stages of appropriate assessment are not required.

References

DEHLG. 2009. Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Revised February 2010).

European Commission. 2000. Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.

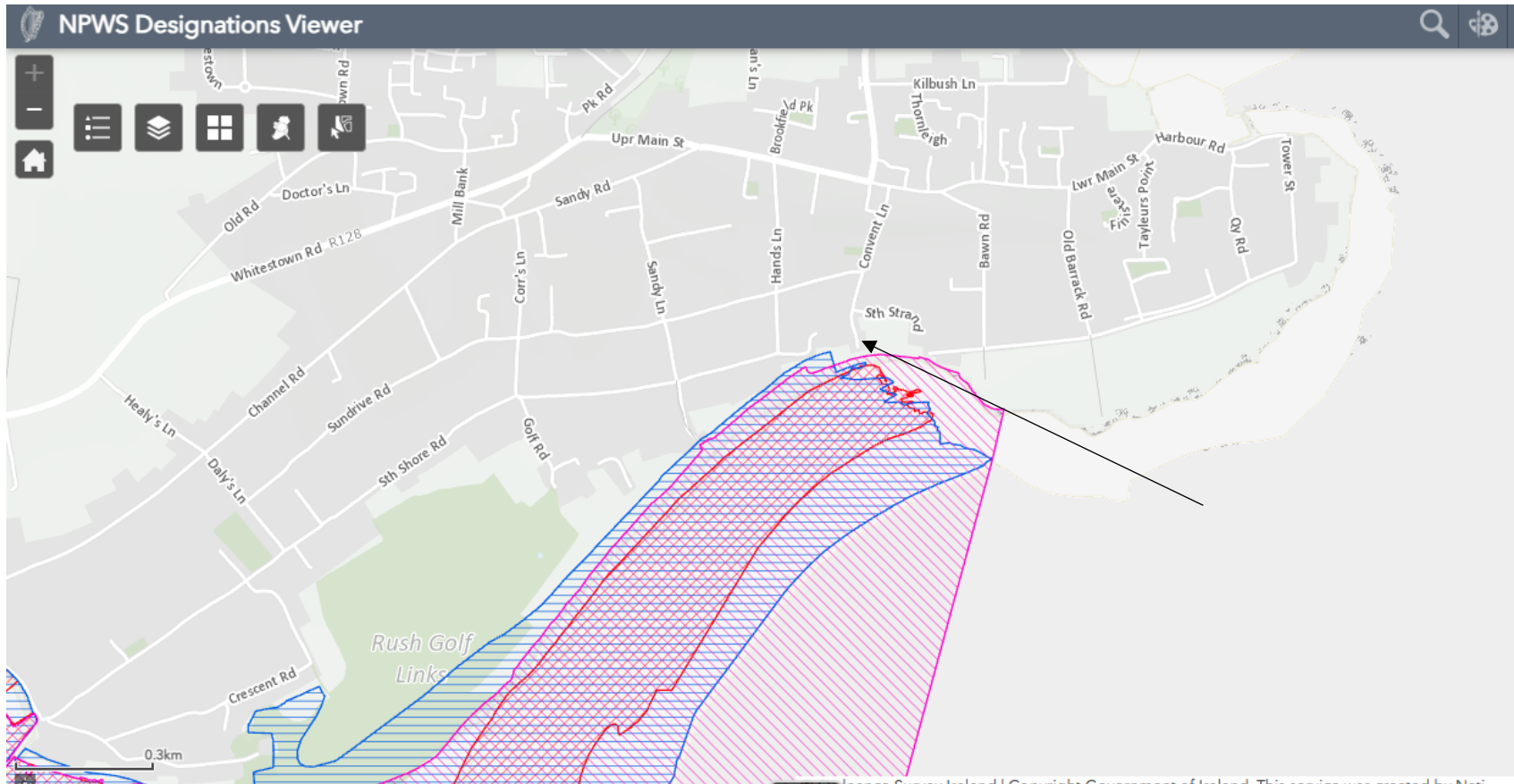
European Commission. 2002. Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg.

European Commission. 2007. EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the Commission. IEEM. 2006.

Guidelines for Ecological Impact Assessment in the United Kingdom. Institute of Ecology and Environmental Management.

NPWS (2013a) Conservation Objectives: Rogerstown Estuary SPA 004015. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2013b) Conservation Objectives: Rogerstown Estuary SAC 000208. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.



Position of replacement toilet block in relation to Natura 2000 site boundaries