

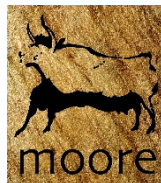
Report for the purposes of Appropriate Assessment Screening

as required under Article 6(3) of the Habitats Directive
(Council Directive 92/43/EEC)

Demolition of existing, fire damaged, community building
and construction of two new dwellings,
at Balbriggan, County Dublin

Prepared by: Moore Group – Environmental Services

17th November 2017



On behalf of Fingal County Council

Client	Fingal County Council
Project	Demolition of existing, fire damaged, community building and construction of two new dwellings, at Pinewood Green Avenue, Balbriggan, County Dublin
Title	Report for the purposes of Appropriate Assessment Screening Demolition of existing, fire damaged, community building and construction of two new dwellings, at Pinewood Green Avenue, Balbriggan, County Dublin


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Appendix A – Finding of No Significant Effects Report

1. Introduction

1.1. General Introduction

This report contains information required for the competent authority to undertake an Appropriate Assessment (AA) process on the effects of a Project consisting of the demolition of an existing, fire damaged, community building and construction of two new dwellings, at Pinewood Green Avenue, Balbriggan, County Dublin.

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- i) whether a plan or project is directly connected to or necessary for the management of the site, and
- ii) whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan or project.

When screening the project, there are two possible outcomes:

- the project poses no risk of a significant effect and as such requires no further assessment; and
- the project has potential to have a significant effect (or this is uncertain) and AA of the project is necessary.

This report has been prepared by Moore Group - Environmental Services for Fingal County Council, and assesses the potential for the proposed development to impact on sites of European-scale ecological importance in accordance with Articles 6(3) and 6(4) of the Habitats Directive. The report was compiled by Ger O'Donohoe (B.Sc. Applied Aquatic Sciences (GMIT, 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has over 20 years' experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements in terrestrial and aquatic habitats.

The report assesses the potential for the proposed development to impact on sites of European-scale ecological importance. It is necessary that the Project has regard to Article 6 of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (referred to as the Habitats Directive). This is transposed into Irish Law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations).

1.2. Legislative Background - The Habitats and Birds Directives

The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the EU. Under the Directive Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a European Union context.

The Birds Directive (Council Directive 79/409/EEC as codified by Directive 2009/147/EC), is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out a further assessment if required (Appropriate Assessment (AA)):

Article 6(3): *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In 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.”*

Article 6(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 a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of the Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to the beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

This Report for Screening is a documentary record of the Appropriate Assessment process on the effects of a Project consisting of the demolition of an existing, fire damaged, community building and construction of two new dwellings, at Pinewood Green Avenue, Balbriggan, County Dublin, referred to in this case as the Project.

2. Methodology

The Commission's methodological guidance (EC, 2002) promotes a four-stage process to complete the AA, and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1-2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

Stage 1 Screening: This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant.

Stage 2 Appropriate Assessment: In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect on the integrity of the Natura 2000 site either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are predicted impacts, an assessment of the potential mitigation of those impacts.

Stage 3 Assessment of Alternative Solutions: This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain: Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the Project complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report for screening of the Project on behalf of Fingal County Council to determine if Stage 2 AA is required.

2.1. Guidance

The AA has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.).

- 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 Natura 2000 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); hereafter referred to as the EC Article Guidance Document.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC Environment Directorate-General, 2000); hereafter referred to as MN2000.

2.2. Data Sources

- Sources of information that were used to collect data on the Natura 2000 network of sites are listed below:
- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie and Google Earth and Bing aerial photography 1995-2017.
- 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; Generic Conservation Objective data;
 - Online database of rare, threatened and protected species,
 - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2013),
- Relevant Development Plans and Local Area Plans in neighbouring areas.

3. Description of the Project

This report presents screening assessment for the proposed Project consisting of the demolition of an existing disused, fire-damaged, community building, remediation of the site, and construction of a pair of new single storey, one bedroom, 2 person dwellings and associated site works.

It is noted that the site slopes down approximately 2 m from South to North, and that retaining walls are required to create a flat site suitable for the construction of 2 No single storey dwellings, which will be accessible from Pinewood Green Avenue. All water utilities, water supply, storm drainage and foul sewer are adjacent to the site.

Figure 1 shows the location of the proposed development in Balbriggan, County Dublin. Figure 2 shows a detailed view of the location of the proposed Project, on Bing aerial photography. Figure 3 shows a drainage plan for the proposed Project with foul sewer and surface water connections indicated.

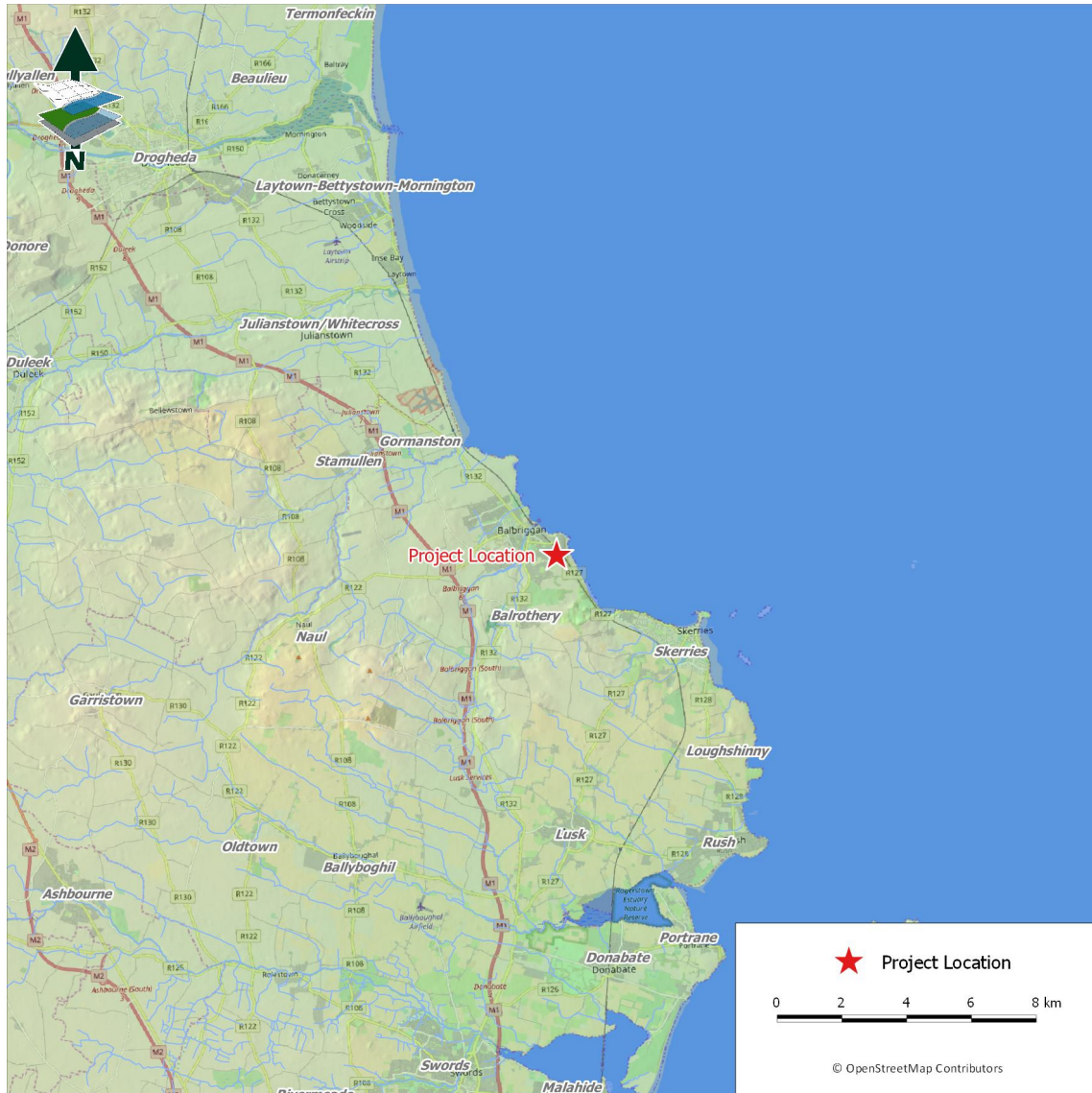
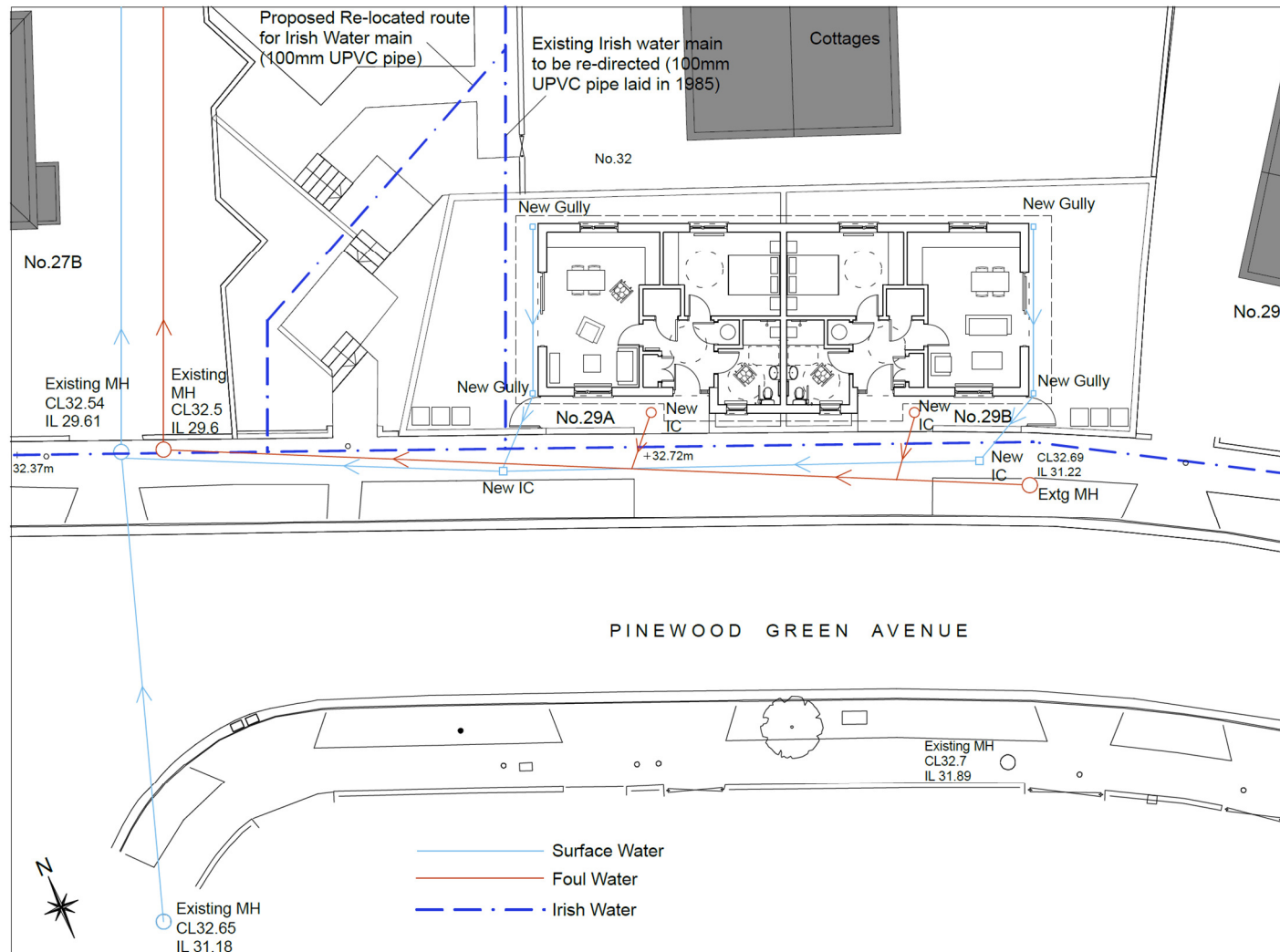


Figure 1. Showing the Project location at Balbriggan, County Dublin.



Figure 2. Showing the location of the proposed works within the urban environment of Balbriggan.



Proposed Drainage Plan
Scale: 1:200

Figure 3. Proposed drainage plan with foul sewer and surface water connections indicated.

4. Identification of Natura 2000 Sites

4.1. Description of Natura 2000 Sites Potentially Affected

Departmental guidance suggests an assessment of Natura 2000 sites within a zone of influence of 15 km which can be revised depending on the nature and location of the proposed development and the connectivity with Natura 2000 sites. The project is located within the urban environment of Balbriggan, which is located on the east coast of Ireland, overlooking to the Irish Sea. Rogerstown Estuary, with its associated Natura 2000 sites, is located over 10 km to the south of the Project and the River Nanny Estuary and Shore SPA (Site Code 004158) is over 6 km to the north along the coast. The closest Natura 2000 site, Skerries Islands SPA (Site Code 004122) is located off the coast, in the Irish Sea, as is the Rockabill to Dalkey Island SAC (Site Code 003000). It is evident there is no meaningful biological or hydrological connectivity to any Natura 2000 site within the potential zone of influence of the proposed Project (Figure 4). Natura 2000 sites that are located within 15 km of the Project are listed in Table 1.

Given the above analysis, Natura 2000 sites have been excluded from the assessment at this pre-screening stage.

Table 1. Natura 2000 sites located within 15km of the Project.

Site Code	Site name	Distance (km)
000204	Lambay Island SAC	14.86
000205	Malahide Estuary SAC	14.09
000208	Rogerstown Estuary SAC	10.28
001957	Boyne Coast And Estuary SAC	11.89
003000	Rockabill to Dalkey Island SAC	6.94
004014	Rockabill SPA	7.43
004015	Rogerstown Estuary SPA	10.28
004025	Broadmeadow/Swords Estuary SPA	14.08
004069	Lambay Island SPA	14.54
004080	Boyne Estuary SPA	13.78
004122	Skerries Islands SPA	5.35
004158	River Nanny Estuary and Shore SPA	6.15

Spatial boundary data on the Natura 2000 network was extracted from the NPWS website on the 17th November 2017.

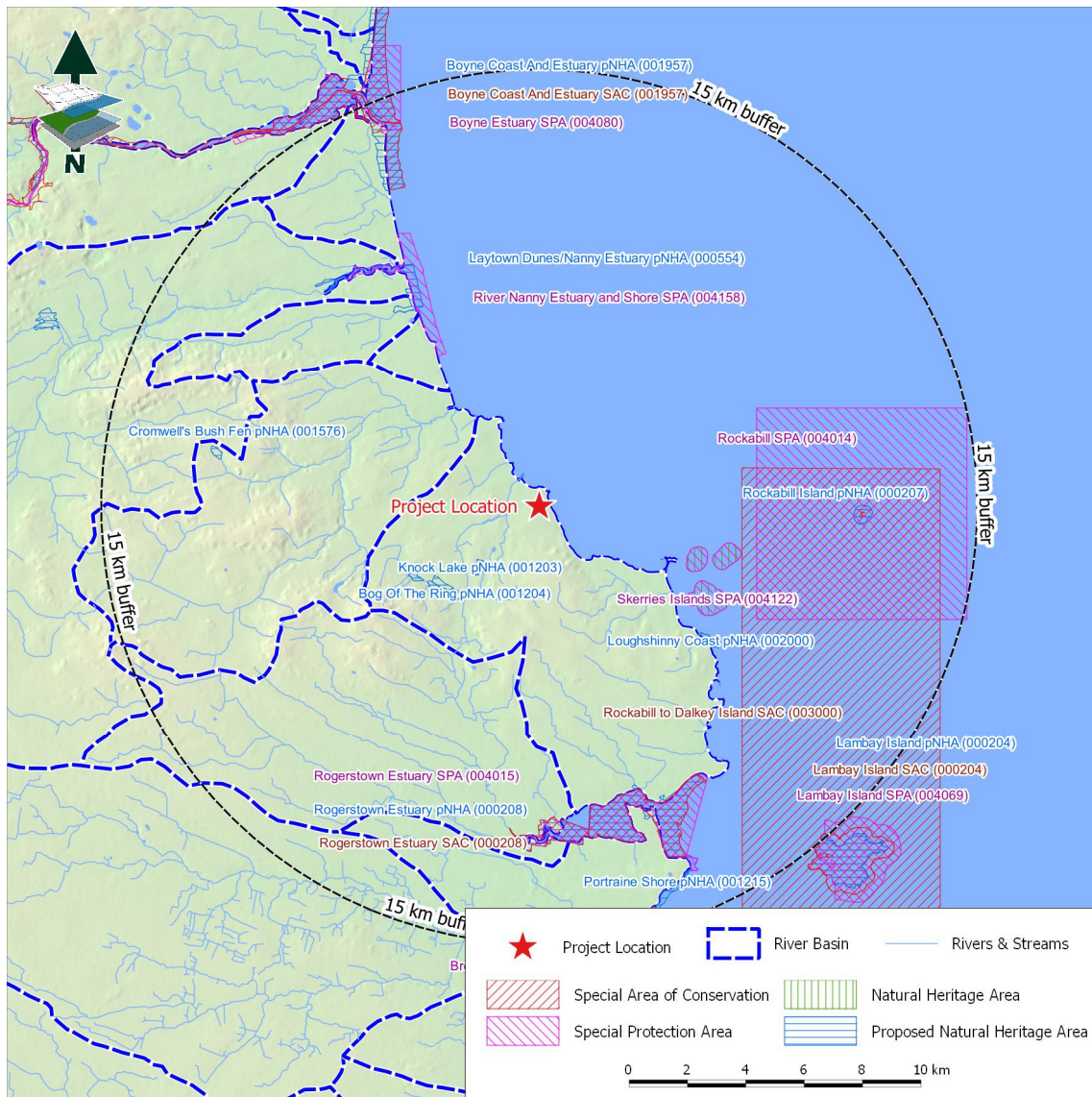


Figure 4. Showing Natura 2000 sites and NHAs/pNHAs in the vicinity of the Project

4.2. Ecological Network Supporting Natura 2000 Sites

An analysis of the proposed Natural Heritage Areas and designated Natural Heritage Areas in terms of their role in supporting the species using Natura 2000 sites was undertaken. It was assumed that these supporting roles mainly related to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the rest of the AA process.

There are no conservation sites with biological connectivity to the subject site that would be affected by the proposed project.

5. Identification of Potential Impacts & Assessment of Significance

5.1. Potential Impacts

It has been noted that the proposed Project is located within the urban environment of Balbriggan, on the east coast of Ireland, overlooking the Irish Sea. The proposed Project is to be connected to existing municipal sewers for foul and surface water. A review of Natura 2000 sites within the potential zone of influence of the Project indicates that there is no meaningful biological or hydrological connectivity. Given the lack of connectivity of the Project to any Natura 2000 sites, potential effects have been ruled out at the pre-screening stage.

5.2. Assessment of Potential Cumulative Effects

Cumulative impacts or effects are changes in the environment that result from numerous human-induced, small-scale alterations. Cumulative impacts can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

As part of the Screening for an Appropriate Assessment, in addition to the proposed works, other relevant projects and plans in the region must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination or cumulative effects / impacts of the proposed development with other such plans and projects on the Natura 2000 sites.

The proposed development will have no predicted impacts on European sites, therefore in-combination impacts can be ruled out.

The Fingal County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of influence of the project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the project area will be assessed on a case by case basis by Fingal County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

6. Screening Statement

It has been objectively concluded by Moore Group Environmental Services that:

1. The project is not directly connected with, or necessary to the conservation management of the Natura 2000 sites considered in this assessment.
2. The proposed development is unlikely to indirectly, significantly affect the Qualifying interests or Conservation Objectives of the Natura 2000 sites considered in this assessment.
3. The project, alone or in combination with other projects, is not likely to have significant effects on the Natura 2000 sites considered in this assessment in view of their conservation objectives.
4. It is possible to rule out likely significant impacts on any Natura 2000 sites considered in the assessment.
5. It is possible to conclude that there would be no adverse effects on site integrity resulting from the project and that there would be no significant effects, no potentially significant effects and no uncertain effects if the project were to proceed.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.

A finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance (European Commission, 2001).

7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

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

European Commission Environment DG (2001) 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. European Commission, Brussels.

European Commission (2007) 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 interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

NPWS (2013) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

Appendix A

FINDING OF NO SIGNIFICANT EFFECTS REPORT

Finding no significant effects report matrix

Name of project or plan

Demolition of existing, fire damaged, community building and construction of two new dwellings, at Pinewood Green Avenue, Balbriggan, County Dublin.

Name and location of the Natura 2000 site(s)

The project is located within the urban environment of Balbriggan, which is located on the east coast of Ireland, overlooking to the Irish Sea. Rogerstown Estuary, with its associated Natura 2000 sites, is located over 10 km to the south of the Project and the River Nanny Estuary and Shore SPA (Site Code 004158) is over 6 km to the north along the coast. The closest Natura 2000 site, Skerries Islands SPA (Site Code 004122) is located off the coast, in the Irish Sea, as is the Rockabill to Dalkey Island SAC (Site Code 003000). It is evident there is no meaningful biological or hydrological connectivity to any Natura 2000 site within the potential zone of influence of the proposed Project.

Given the above analysis, Natura 2000 sites have been excluded from the assessment at this pre-screening stage.

Description of the project or plan

This report presents screening assessment for the proposed Project consisting of the demolition of an existing disused, fire-damaged, community building, remediation of the site, and construction of a pair of new single storey, one bedroom, 2 person dwellings and associated site works.

It is noted that the site slopes down approximately 2 m from South to North, and that retaining walls are required to create a flat site suitable for the construction of 2 No single storey dwellings, which will be accessible from Pinewood Green Avenue. All water utilities, water supply, storm drainage and foul sewer are adjacent to the site.

Is the project or plan directly connected with or necessary to the management of the site(s)

No

Are there other projects or plans that together with the projects or plan being assessed could affect the site

The proposed development will have no predicted impacts on European sites, therefore in-combination impacts can be ruled out.

The Fingal County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of influence of the project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the project area will be assessed on a case by case basis by Fingal County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.

It has been noted that the proposed Project is located within the urban environment of Balbriggan, on the east coast of Ireland, overlooking the Irish Sea. The proposed Project is to be connected to existing municipal sewers for foul and surface water. A review of Natura 2000 sites within the potential zone of influence of the Project indicates that there is no meaningful biological or hydrological connectivity. Given the lack of connectivity of the Project to any Natura 2000 sites, potential effects have been ruled out at the pre-screening stage.

Explain why these effects are not considered significant.

See above.

List of agencies consulted: provide contact name and telephone or e-mail address

The requirement for Appropriate Assessment Screening was determined by Fingal County Council.

Response to consultation

N/A.

DATA COLLECTED TO CARRY OUT THE ASSESSMENT

Who carried out the assessment

Moore Group Environmental Services.

Sources of data

NPWS database of designated sites at www.npws.ie

National Biodiversity Data Centre database <http://maps.biodiversityireland.ie>

Level of assessment completed

Desktop Assessment.

Where can the full results of the assessment be accessed and viewed

Fingal County Council Planning Section.

OVERALL CONCLUSIONS

It has been objectively concluded by Moore Group Environmental Services that:

1. The project is not directly connected with, or necessary to the conservation management of the Natura 2000 sites considered in this assessment.
2. The proposed development is unlikely to indirectly, significantly affect the Qualifying interests or Conservation Objectives of the Natura 2000 sites considered in this assessment.
3. The project, alone or in combination with other projects, is not likely to have significant effects on the Natura 2000 sites considered in this assessment in view of their conservation objectives.
4. It is possible to rule out likely significant impacts on any Natura 2000 sites considered in the assessment.
5. It is possible to conclude that there would be no adverse effects on site integrity resulting from the project and that there would be no significant effects, no potentially significant effects and no uncertain effects if the project were to proceed.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.