

Proposed Development at Church
Road, Lusk, Co. Dublin
Information for Screening for Appropriate
Assessment

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**Brady Shipman
Martin**

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Fingal County Council

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1 Introduction and Background

Fingal County Council (FCC) is seeking permission under Part 8¹ of the Planning and Development Regulations 2001-2019 (hereafter PDR 2001) for development involving the construction of five sheltered housing units and all associated infrastructural works on a brownfield site at Church Road, Lusk, County Dublin.

Brady Shipman Martin was appointed by FCC to undertake a screening exercise for Appropriate Assessment (AA). This will determine the effects, if any, on European sites, of the proposed development. This document constitutes an Appropriate Assessment Screening Report prepared for this purpose.

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA), and are designated for nature conservation. 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 Union (Birds and Natural Habitats) Regulations 2011-2015* and the *Planning and Development Act, 2000* (as amended).

A comprehensive desk study review and a 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 work was carried out by Senior 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 18 years of experience in ecological and environmental consultancy, across a wide range of sectors. He has prepared numerous reports for AA Screening as well as Natura Impact Statements, for projects of all scales, from small residential developments to nationally important infrastructure projects.

Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King's Inns.

2 Methodology

2.1 Baseline data collection and field visit

A desk-based assessment was undertaken in March and April 2020 of the site at Lusk 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. Ecological surveys were undertaken at the site, including habitat, invasive species, mammal and day-time bat surveys, by the author on 18th February 2020.

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;

¹ Provisions with respect to certain development by or on behalf of State authorities

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- *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 in 2020;
- 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 Development Plan 2017 – 2022, including the accompanying Appropriate Assessment documentation (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.

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken. This includes the following documents, among others submitted with the planning application:

- Flood Risk Assessment and Engineering Services Letter (Lohan & Donnelly Consulting Engineers, March 2020);
- Preliminary Examination (for the Purposes of EIA) in Accordance with Article 120 of the Planning and Development Regulations 2001 – 2019 (Brady Shipman Martin, April 2019).

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.

In accordance with sections 177U and 177V of the Planning and Development Act 2000, as amended, the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

Following Screening therefore, 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 a significant 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 potential effect 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 potential effect 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 proposed development site. 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 is located at Church Road, Lusk, approximately 50m to the west of an early medieval ecclesiastical settlement, including St. MacCullins Church and Lusk Round Tower. It currently comprises a single, unoccupied house, with an unmanaged garden and tarmac car parking area, on a small site approximately 0.1ha in area.

The site is located in the Palmerstown sub-catchment of the Nanny-Devlin catchment. There are no watercourses on or in the immediate vicinity of the proposed development site – the nearest watercourse is a small stream known as the Regles Stream², which is located approximately 120m to the south of the site at its closest point. This stream enters Rogerstown Estuary, approximately 2.7km to the south of the proposed development site. There is no link between the proposed development site and this stream or any other watercourse, and therefore no direct link via surface water to any European site.

The proposed development site contains no features of any ecological significance. Further, the site contains no habitats or species and has no potential to contain any habitats or species that correspond to the Qualifying Interests/Special Conservation Interests of any European site.

The proposed development site location is shown in **Figure 1**.



Figure 1: Location of proposed development site (Source: Google Maps. Red line is indicative, refer to accompanying documentation for full details)

² <https://gis.epa.ie/EPAMaps/>

There are 14 European sites located within a 15km radius of the proposed development (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - Rogerstown Estuary SAC (site codes 000208), c.2.3km to the south;
 - Malahide Estuary SAC (site code 000205), c.5.7km to the south;
 - Rockabill to Dalkey Island SAC (site code 003000), c.6.6km to the east;
 - Lambay Island SAC (site code 000204), c.9.7km to the south east;
 - Baldoyle Bay SAC (site code 000199), c.12.0km to the south;
 - Ireland's Eye SAC (site code 002193), c.14.6km to the south east;
- **Special Protection Areas (SPA)**
 - Rogerstown Estuary SPA (site codes 004015), c.2.3km to the south;
 - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.5.7km to the south;
 - Skerries Islands SPA (site code 004122), c.7.0km to the north east;
 - Rockabill SPA (site code 004014), c.8.4km to the north east;
 - Lambay Island SPA (site code 004069), c.9.7km to the south east;
 - Baldoyle Bay SPA (site code 004016), c.12.1km to the south;
 - River Nanny Estuary and Shore SPA (site code 004158), c.14.1km to the north;
 - Ireland's Eye SPA (site code 004117), c.14.2km to the south east;

Beyond the 15km zone, there are a number of additional European sites:

- North Dublin Bay SAC (site code 000206), c.15.7km to the south;
- Howth Head SAC (site code 000202), c.16.8km to the south east;
- North Bull Island SPA (site code 004006), c.15.7km to the south;
- Howth Head Coast SPA (site code 004113), c.16.9km to the south east;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.18.5km to the south.

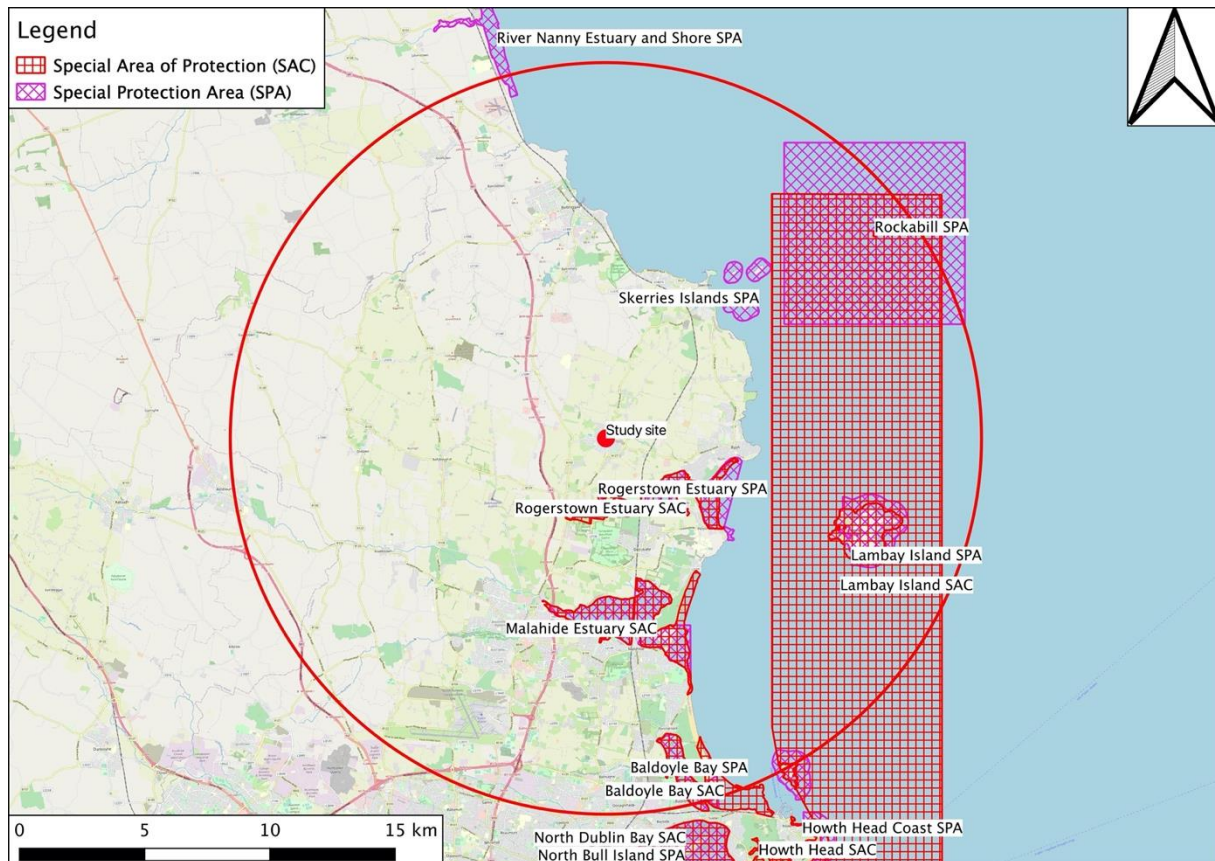


Figure 2: Study site at Church Road, Lusk showing European sites (Source: OpenStreetMap)

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 Portraine Shore proposed Natural Heritage Area (pNHA site code 001215), approximately 6km to the south east. Bog of the Ring pNHA (site code 001204) is approximately 6.2km to the north west and Loughshinny Coast pNHA (site code 002000) is approximately 6.8km to the northeast. These are included in this report in order to address their potential to act as supporting sites for the European sites.

4 Description of the proposed development

The development consists of the demolition of the existing two storey dwelling, construction of 5no. dwellings, en-curtilage parking and all associated site works.

5 Potential impacts from the proposed development, including in-combination 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. Although the abandoned garden may have some value for breeding birds there are no habitats of any importance on the site. 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 in March 2020 and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

5.1.1 Potential impacts during construction

All site clearance and construction activities pose a potential risk to water as **surface/ground 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.

There are no watercourses present on the site. Nevertheless a theoretical potential surface water pathway, via the local surface water drainage network (such as the Regles Stream, 120m to the south), exists between the proposed development site and coastal European sites associated with Rogerstown Estuary (c.2.3km from the proposed development boundary). There is also a potential groundwater pathway between the proposed development site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses or groundwater 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:

- The distance to the European sites – although for example the designated sites of Rogerstown Estuary are within 2.5km (straight-line distance to the south), the only pathway between the proposed development site and these European sites is a stream – the Regles Stream – that has no connection to the proposed development site. Any pollution entering this stream from the construction site would be so diluted as to be undetectable by the time the water enters the Estuary;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the estuary waters;
- In addition, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

5.1.2 Potential impacts during operation

Surface water from the site will be attenuated via a hydro-brake. Flows will be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy. Storage volume will be provided via stone fill with 30% void ratio. The stone fill is to be located under the proposed car park which has a permeable asphalt surface.

Attenuation is sized for the 1 in 100 year storm event with a 20% increase in storage volume to allow for climate change.

A **flood risk assessment** has been prepared by Lohan & Donnelly Consulting Engineers. This illustrates that there have been no previous floods recorded in the area around the proposed development site, and that it is located in Flood Zone C (suitable for development) and has a low probability of experiencing a flood.

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

The **foul sewage** generated from the new apartments will flow via gravity to and discharge to the public sewer on Church road. Irish Water has confirmed that, subject to a valid connection agreement being put in place, the proposed connection to the Irish Water Network can be facilitated, and that a new wastewater connection to the existing network can be facilitated without upgrade. The Irish Water letter is included as an appendix to the Engineering Services Letter prepared by Lohan & Donnelly Consulting Engineers and included as part of the overall Part 8 submission.

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

There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Operation-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

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

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Table 1 lists relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
Rogerstown Estuary SAC (site code 000208), c.2.3km to the south	<p>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)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 14th August 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 significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Church Road site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network (for example the Regles Stream to the south) and from there, eventually, to Rogerstown Estuary.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in Rogerstown Estuary SAC.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is almost 2.5km (straight line distance) from the SAC and any pollution entering any stream during construction would be so diluted as to be undetectable by the time the water enters the Estuary. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the estuary waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.</p> <p>There will be no loss of habitat or species, fragmentation 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>
Malahide Estuary SAC (site code 000205), c.5.7km to the south	<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 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)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th May 2013), for each of the listed QIs, the</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road site and this SAC. It is almost 6km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation 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>

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European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	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.	
Rockabill to Dalkey Island SAC (site code 003000), c.6.6km to the east;	1170 Reefs 1351 Harbour porpoise (<i>Phocoena phocoena</i>) According to this SAC's site Conservation Objectives document (Version 1, dated 07 th May 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site at the Church Road site and this SAC. It is almost 7km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.
Lambay Island SAC (site code 000204), c.9.7km to the South 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>) According to this SAC's site Conservation Objectives document (Version 1, dated 22 nd July 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site at the Church Road site and this SAC. It is almost 10km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.
Baldoyle Bay SAC (site code 000199), c.12km to the south	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>) According to this SAC's site Conservation Objectives document (Version 1, dated 19 th November 2012), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	There is no hydrological link or any other pathway between the proposed development site at the Church Road site and this SAC. It is approximately 12km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.
Ireland's Eye SAC (site code 002193), c.14.6km to the south east	1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	There is no hydrological link or any other pathway between the proposed development site at the Church Road site and this SAC. It is almost 15km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.

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European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	According to this SAC's site Conservation Objectives document (Version 1, dated 27 th January 2017), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.	No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.
Rogerstown Estuary SPA (site code 004015), c.2.3km to the south	<p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A043 Greylag Goose (<i>Anser anser</i>)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A048 Shelduck (<i>Tadorna tadorna</i>)</p> <p>A056 Shoveler (<i>Anas clypeata</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p> <p>A162 Redshank (<i>Tringa totanus</i>)</p> <p>A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Wetlands</p> <p>According to this SPA's site Conservation Objectives document (dated 20th May 2013), 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 significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Church Road site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network (for example the Regles Stream to the south) and from there, eventually, to Rogerstown Estuary.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in Rogerstown 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 almost 2.5km (straight line distance) from the SPA and any pollution entering any stream during construction would be so diluted as to be undetectable by the time the water enters the Estuary. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the estuary waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.</p> <p>There will be no loss of wetland habitat or species, fragmentation 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>



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European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.5.7km to the south	<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 condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is almost 6km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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>
Skerries Islands SPA (site code 004122), c.7km to the north east	<p>A169 Turnstone (<i>Arenaria interpres</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A148 Purple Sandpiper (<i>Calidris maritima</i>) A018 Shag (<i>Phalacrocorax aristotelis</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is approximately 7km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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>
Rockabill SPA (site code 004014), c.8.4km to the north east	<p>A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>)</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is almost 8.5km distant and is completely unconnected. Furthermore</p>

Proposed Development at Church Road, Lusk, Co. Dublin

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>A148 Purple Sandpiper (<i>Calidris maritima</i>)</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 8th May 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species habitat for which the SPA has been selected.</p>	<p>there will be no loss of wetland habitat or species, fragmentation 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>
Lambay Island SPA (site code 004069), c.9.7km to the south east	<p>A043 Greylag Goose (<i>Anser anser</i>)</p> <p>A200 Razorbill (<i>Alca torda</i>)</p> <p>A184 Herring Gull (<i>Larus argentatus</i>)</p> <p>A009 Fulmar (<i>Fulmarus glacialis</i>)</p> <p>A204 Puffin (<i>Fratercula arctica</i>)</p> <p>A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)</p> <p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p> <p>A199 Guillemot (<i>Uria aalge</i>)</p> <p>A018 Shag (<i>Phalacrocorax aristotelis</i>)</p> <p>A017 Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is almost 10km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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>
Baldoyle Bay SPA (site code 004016), c.12.1km to the south	<p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A048 Shelduck (<i>Tadorna tadorna</i>)</p> <p>A140 Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 27th February 2013), 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>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is over 12km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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>

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Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 16 th April 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
River Nanny Estuary and Shore SPA (site code 004158), c.14.1km to the north	<p>A143 Knot (<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A184 Herring Gull (<i>Larus argentatus</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 21st September), 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>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is over 14km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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>
Ireland's Eye SPA (site code 004117), c.14.2km to the south east	<p>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>)</p> <p>According to this SPA's Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at the Church Road and this SPA. It is over 14km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation 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, however, as confirmed in Section 5.1, only Rogerstown Estuary SAC and SPA 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.



5.2 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as a QI or SCI of any designated site as a consequence of the proposed development. There is, therefore, no potential for the effects of habitat loss or fragmentation to occur.

There will also be no significant effects on any European sites as a result of:

- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

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, will occur.

7 Mitigation specific to European sites

In relation to European sites, there will be no impacts as a result of the proposed development. Therefore the likelihood of significant effects on European sites can be excluded without any mitigation measures.

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 have a significant effect on a European site the assessment must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

- 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.

No developments are proposed within the immediate vicinity of the site that would, in combination with the development under appraisal in this report, give rise to significant effects.

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 will not impact on the flow of water through the area, nor increase potential flood impacts. It is in compliance with all of the relevant Plan objectives.

On the basis of objective information it can be excluded that the construction and operational phases of the proposed development, individually or in-combination with other plans or projects, will have a significant effect on a European site.

9 Screening conclusion

In view of best scientific knowledge this report concludes that the development, individually or in combination with another plan or project, is not likely to have a significant effect on the European site.

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

Appendix I: Background

The European³ 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 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 beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest”

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Communities (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*) 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

³ 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”

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*

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 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;

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)

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