

Development of Park behind Seamus Ennis Centre, Naul, County Fingal

Appropriate Assessment (Screening)

In accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC)



Land behind the Seamus Ennis Centre

Prepared by
Dr Mary Tubridy, MCIEEM, MIPI
Mary Tubridy & Associates

Tel 087-2506311 Email: mtubridyassociates@gmail.com

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Appendix 1 Site Synopsis River Nanny Estuary and Shore SPA
No. 004158

1 Introduction

1.1 Background

This report has been written at the request of Ait to assist Fingal County Council in carrying out an Appropriate Assessment of a proposal to provide a public park beside the Seamus Ennis Centre in the Naul, Co Dublin.

Appropriate Assessment is required under the Habitats Directive and has been undertaken in accordance with Section 177U of the Planning and Development Act, 2000, (as amended by the Act of 2010, and by SI 473 of 2011); guidance produced by the National Parks and Wildlife Service, DOEHLG (2009), and documents produced by the EU 'Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites – Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC produced by the European Commission in November 2001.

Dr Mary Tubridy, ecologist, has prepared the report.

The area proposed as a public park is adjacent to the Seamus Ennis Centre in the centre of the Naul village (Fig.1).



Fig. 1. Location of proposed park

1.2 Legislative and Policy Context

Appropriate Assessment was introduced by the EU Habitats Directive as a way of determining during the planning process whether a plan or project is likely to have a significant effect on the Natura 2000 sites so far designated

(i.e. the candidate SAC's and SPA's), or their conservation objectives.

Article 6(3) states “ 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 subject to *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) states ‘If, in spite of a negative assessment of the implications for the [Natura 2000] 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 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 methodology for Appropriate Assessment also has regard for the following legislation and guidance produced by the EC and Irish government:

Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites – Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats' Directive 92/43/EEC produced by the European Commission in November 2001.

Section 177U of the Planning and Development Act, 2000, (as amended by the Act of 2010, and by S.I. 473 of 2011)

Guidance produced by the National Parks and Wildlife Service, DOEHLG (2009).

1.3 Methodology

Guidance produced by the National Parks and Wildlife Service, DOEHLG (2009), clarified the four stages required by an AA.

Stage 1: Screening

This stage identifies the likely impacts upon Natura 2000 sites of the plan either alone or in combination with plans, and considers whether these impacts are likely to be significant. Screening for Appropriate Assessment includes the following:

- Description of the project and its relevance to the management of

Natura sites within 15km radius.

- Characterisation of the Natura 2000 sites and protected species potentially affected.
- Identification and description of individual and cumulative impacts likely to result.
- Assessment of the significance of the impacts identified on site integrity.
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The results of this stage are reported in a Screening Report and submitted to the authorities. If this report suggests that impacts are not likely to be significant the Appropriate Assessment is completed by this stage and a Screening Report is produced and submitted. If the Screening Report suggests otherwise the following stages are carried out.

Stage 2: Preparation of a Natura Impact Statement

A Natura Impact Statement is prepared which considers the impact on the integrity of the Natura 2000 site of the plan, either alone or in combination with plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. This is provided to the planning or regulatory authority, which then conducts an assessment of the information supplied. Examples of significant effects are loss of area of designated habitats, fragmentation of these habitats, disturbance to designated species at the site and along ecological corridors and indirect effects such as changes in water quality.

Stage 3: Assessment of alternative solutions

This stage of the analysis which also forms part of the NIS and examines alternative ways of achieving the objectives of the plan that avoid adverse impacts on the integrity of the Natura 2000 site.

Stage 4: Assessment where adverse impacts remain

An assessment of compensatory measures may also form part of the NIS, where, in the light of an assessment of Imperative Reasons of Overriding Public Interest (IROPI), it is deemed that the plan can proceed by reasons of public interest.

This report covers AA Screening only.

2 Assessment Criteria

2.1 Nearby Natura sites

Fig. 2 shows the location of relevant Natura sites within 15km of the proposed park. Table 1 provides information on the important habitats and species associated with those sites. An account of the nearest Natura (SAC) site River Nanny Estuary and Shore SPA No. 004158 is in Appendix 1.

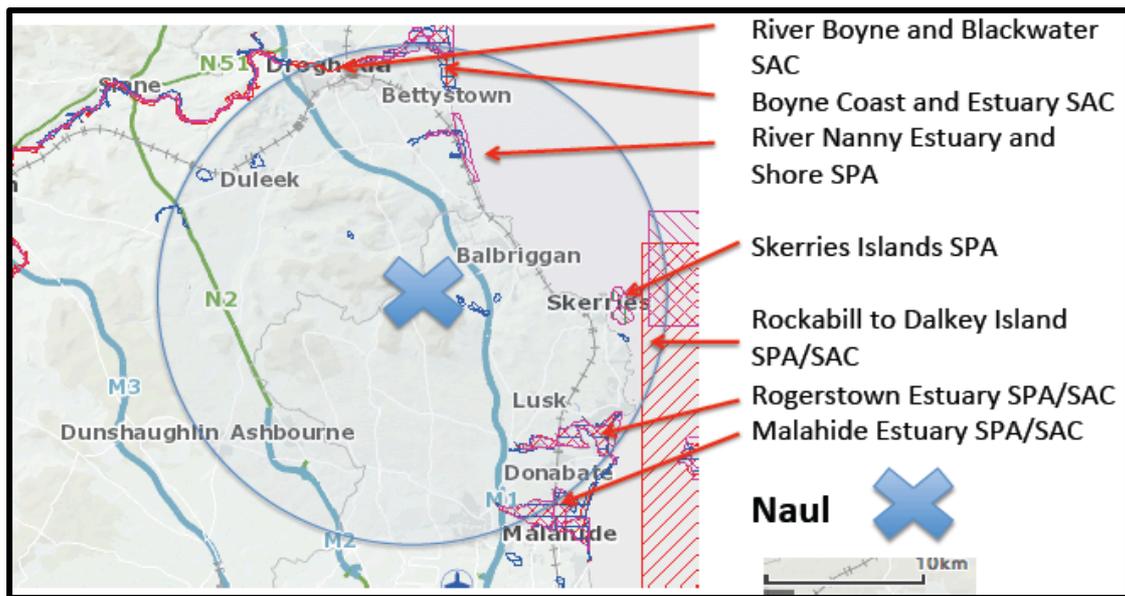


Fig. 2 Natura sites within 15km of proposed park

Table 1 Characteristics of Natura sites within 15km of Naul Park

Site Name and Code	Distance (km)	Qualifying interests
River Boyne and River Blackwater SAC No. 002299	15	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]
Boyne Coast and Estuary SAC No 001957	13.4	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Public Park, Naul: AA Screening

Site Name and Code	Distance (km)	Qualifying interests
River Nanny Estuary and Shore SPA 004158	9	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]
Skerries Islands SPA 004122	13	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Turnstone (<i>Arenaria interpres</i>) [A169] Herring Gull (<i>Larus argentatus</i>) [A184]
Rockabill to Dalkey Island SAC 003000	15	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Rogerstown Estuary SPA and SAC 004015	12	Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]

Site Name and Code	Distance (km)	Qualifying interests
Malahide Estuary SPA and SAC 000205	14.3	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>

A candidate Special Area of Conservation is designated under the EU Habitats Directive (92/43/EEC) for the protection of certain habitats and species as listed in the Directive i.e. Annexed habitats and species
A special Protection Area is designated under the EU Birds Directive (79/409EEC) for the protection of birds as listed in the Directive i.e. annexed species.

* Priority Habitat

The Conservation Objective for Natura sites is:

1 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 and which are listed in Table 1. It should be noted that almost all these Natura sites are wetlands principally associated with the coast. The exception is the Boyne / Blackwater rivers north of the Naul.

2.2 Existing Environment at the Site

Biodiversity at the site was assessed through desk research and fieldwork.

Desk research involved an examination of historic maps using Ordnance Survey historic map viewer (1836; 1868), aerial photos (dated 1990, 2000, 2005 from various sources) and current aerials (Bing and Google) Fieldwork involved an inspection of the site by Mary Tubridy and assistant on December 18th 2020. Desk research did not suggest that any semi natural habitats of value with the exception of a hedgerow were present at the site.

Direct inspection revealed that most of this site has experienced drastic disturbance over the last 20-30 years. Considerable reprofiling has occurred adjacent to the Seamus Ennis Centre. Most of the site has been used as a storage depot for building materials involving the removal of soil. The principal features of biodiversity interest were an isolated hedgerow at the eastern end of the site and a bramble thicket in the northwest corner. Both are

dominated by native plant and could be used for nesting and feeding by common birds and pollinators. Due to the history off disturbance the flora and fauna is dominated by opportunistic native species all of which are common in this locality. Field inspection did not reveal any signs of the presence of badger or invasive species.

2.3 Development Proposal

Preliminary design proposals are shown in Fig. 3



Fig. 3 Design proposal

This design was informed by a biodiversity audit. As a result the principal feature of biodiversity interest, the hedgerow, has been retained and its enhancement is proposed.

Provision has been made for community activities including performance areas, an outdoor market, community garden, naturalistic playground and the provision of car parking on permeable paving.

During construction a 5m buffer will be established around the hedgerow. Any works affecting the hedgerow will occur between 1st September and 1st March to avoid disturbance to nesting birds. Best practice construction methods will be adhered to, to avoid causing pollution and damaging trees. Potentially polluting materials will be carefully stored and managed.

2.4 Direct, indirect or secondary impacts to Natura sites

Direct impacts are the removal of recently established semi-natural vegetation at the site dominated by opportunistic common species. The removal of these habitats and species associated with them will not have any direct, indirect or secondary impacts to Natura sites.

Neither will the landscaping scheme lead to the fragmentation of the habitat used by species associated with the Natura sites. A field inspection by Mary Tubridy showed that the site does not have any potential to provide feeding, roosting or nesting for these species.

As there are no hydrological links between the site and nearby Natura sites no indirect impacts can occur. If water is required for landscaping it will be provided through the council's supply. The proposed SUDS (permeable paving) measures will protect the local drainage network from the negative impacts of surface water drainage.

If necessary to disturb any sections of hedgerow this will occur between 1st September and 1st March to avoid disturbance to nesting birds. Best practice in hedgerow management will be followed to rejuvenate the hedgerow.

2.5 Other plans and projects

Other plans and projects relevant to these Natura sites are:

1 Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022
As well as confirming the importance of Natura sites and requirements for AA the Regional Planning guidelines highlight Green Infrastructure values

3 Finding of no significance impacts matrix

Name of project or plan	Development of an amenity area behind Seamus Ennis Center Naul
Name and location of Natura 2000 sites	River Boyne and River Blackwater SAC No. 002299 Boyne Coast and Estuary SAC No 001957 River Nanny Estuary and Shore SPA 004158 Skerries Islands SPA 004122 Rockabill to Dalkey Island SAC 003000 Rogerstown Estuary SPA and SAC 004015 Malahide Estuary SPA and SAC 000205
Description of the project or plan.	Landscaping and development of a derelict site behind the Seamus Ennis centre to provide community facilities and performance areas.
Is the project or plan directly connected with or necessary to the management of the sites (provide details)?	No
Are there other projects or plans that together with the project or plan being assessed could affect the sites?	Other plans have been examined. All of which have been subject to AA
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites.	No negative impact
Explain why these effects are considered significant	Not relevant
List of agencies consulted: (provide contact name and telephone or email)	
Data Collected to Carry Out the Assessment	
Who carried out the assessment?	Dr Mary Tubridy, MCIEEM, MIPI
Level of Assessment	AA screening
Where can the full results of the assessment be accessed and viewed	Attached report
Overall conclusion	Stage 1 Screening indicates that the proposal will not have a significant negative impact on the Natura 2000 network.

References

CEC (1992) Directive 92/43/EEC, of 21st May, on the conservation of natural habitats and of wild fauna and flora. Official Journal of the European Union, L 206, 22.7.1992.

CEC (2009). Council Directive 2009/147/EC, of 30th November, on the conservation of wild birds (codified version). Official Journal of the European Union, L 20/7, 26.1.2010.

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Directive 92/43/EEC.
(ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

NPWS (6/10/2014). Site Synopsis for the River Nanny and Estuary SAC.
(www.npws.ie)

Appendix 1

River Nanny Estuary and Shore SPA No. 004158

The site comprises the estuary of the River Nanny and sections of the shoreline to the north and south of the estuary (c. 3 km in length), in Co. Meath. The estuarine channel, which extends inland for almost 2 km, is narrow and well sheltered. Sediments are muddy in character and edged by saltmarsh and freshwater marsh/wet grassland. The saltmarsh is best developed in the eastern portion of the estuarine channel, with species such as Sea Plantain (*Plantago maritima*), Sea Aster (*Aster tripolium*), Red Fescue (*Festuca rubra*) and Sea Purslane (*Halimione portulacoides*) occurring. Further up the estuary, the marsh habitats support species such as Bulrush (*Typha latifolia*) and Yellow Flag (*Iris pseudacorus*). The shoreline, which is approximately 500 m in width to the low tide mark, comprises beach and intertidal habitats. It is a well-exposed shore, with coarse sand sediments. The well-developed beaches, which are backed in places by clay cliffs, provide high tide roosts for the birds. The village of Laytown occurs in the northern side of the River Nanny estuary.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling and Herring Gull. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

This is an important site for wintering waders, with nationally important populations of Golden Plover (1,759), Oystercatcher (1,014), Ringed Plover (185), Knot (1,140) and Sanderling (240) present (all figures are mean peaks for the 5 year period 1995/96-1999/2000). The populations of Knot and Sanderling are of particular note as they represent approximately 4% of their respective national totals. Herring Gull (609) also occurs here in nationally important numbers. A range of other waterbirds also occurs, including Cormorant (35), Light-bellied Brent Goose (145), Mallard (76), Grey Plover (55), Lapwing (1,087), Dunlin (721), Bar-tailed Godwit (59), Curlew (107), Redshank (150), Turnstone (59), Black-headed Gull (926), Common Gull (66) and Great Black-backed Gull (70). The site is of most importance as a roost area for the birds but the intertidal flats also provide feeding habitat. The River Nanny Estuary and Shore SPA is of ornithological importance as it supports five species of wintering waterbirds and one gull species in numbers of national importance. The regular occurrence of two species listed on Annex I of the E.U. Birds Directive, i.e. Golden Plover and Bar-tailed Godwit, is of note.

Assessment dated
20.1.2015