

Public Realm Improvements for a Pedestrianised New Street  
Appropriate Assessment Screening Report



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### Appropriate Assessment Screening Report

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## Public Realm Improvements for a Pedestrianised New Street

### Appropriate Assessment Screening Report

#### 1. INTRODUCTION

##### 1.1 Background

Fingal County Council (Environment, Climate Action & Active Travel Department) are proposing public realm improvements for a pedestrianised New Street in Malahide. The development extends to the full length of New Street (being approximately 150m, with an area of 0.22ha) from Main Street/The Mall (also known as The Diamond) in the south to Strand Street to the north at Malahide, Co. Dublin.

Dermot Foley Landscape Architects (DFLA) were appointed by Fingal County Council (FCC) to lead an Integrated Design Team (IDT) for the design of public realm improvements for a pedestrianised New Street in Malahide. The IDT were engaged to develop the project from Stage 1 (Preliminary) through to Stage 2A (Developed Design & Planning).

*Faith Wilson Ecological Consultant* was commissioned by DFLA to prepare an Appropriate Assessment Screening Report for the proposed public realm improvements for a pedestrianised New Street in Malahide, Co. Dublin on behalf of Fingal County Council (FCC).

This report has been completed by Faith Wilson BSc CEnv MCIEEM. Faith is a highly experienced and qualified ecologist, with over twenty five years of experience in ecological and environmental surveys and consultancy, across a wide range of sectors. Faith is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

This report contains information to assist the competent authority to undertake the screening for Appropriate Assessment in respect of the proposed public realm improvements at New Street in Malahide, Co. Dublin. This report was carried out in accordance with the legal context outlined in **Section 1.2**.

##### 1.2 Legislative Background

The aim of the European Habitats Directive (Council Directive 92/43/EEC on the conservation of wild habitats and of wild fauna and flora) is to create a network of protected wildlife sites across Europe, which are to be maintained at a favourable conservation status.

Each member state must designate their most important natural areas as Special Areas of Conservation (SAC). The Directive specifies the scientific criteria on the basis of which SAC sites must be selected and very strictly curtails the grounds that can be used as justification for impacting on a site. The network of sites is referred to as the NATURA 2000 network and

includes SACs (Special Areas of Conservation) for protected habitats and species and SPAs (Special Protection Areas) for birds, which are designated under the European Birds Directive (Council Directive 79/409/EEC as amended by Directive 2009/147/EC).

It is a requirement of the Habitats Directive ((92/43/EEC) that the competent authority must ensure that a proposal, which is likely to have a significant effect on an SAC or SPA, is authorised only where the competent authority is satisfied it will not adversely affect the integrity of the Natura 2000 site and that an appropriate assessment of the implications of the development for the conservation status of the site is undertaken.

The European Parliament, in a communication to the European Council in September 2000, states:

*"The implementation of the European Habitats Directive and Birds Directive, both with respect to species conservation and with respect to the establishment of the Natura 2000 network, is one of the most important tools for achieving the objectives of the Convention on Biological Diversity in the European Union and member states (European Parliament 2000)".*

Article 6 of the Habitats Directive provides a strict assessment procedure for any plan or project not directly connected with or necessary to the management of a European site but is likely to have a significant effect on the site in view of the site's conservation objectives. The proposed public realm improvements are not directly connected with or necessary for the management of any European Site.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to have a significant effect on Natura 2000 sites (Annex 1.1).

Article 6(3) establishes the requirement for Appropriate Assessment (AA):

*"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected 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."*

In Ireland, the requirements of Article 6(3) and (4) of the Habitats Directive have been transposed into Irish law by Part XAB of the Planning and Development Act 2000 (as amended) (the "**2000 Act**") and by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) (as amended) (the "**2011 Regulations**").

In relation to AA Screening, Section 177U(1) of the 2000 Act provides that *"A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site."*

Section 177U(5) of the 2000 Act goes on to provide that *"The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site."*

Similarly, Regulation 42 of the 2011 Regulations provides as follows:-

*"42. (1) A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.*

*(2) A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.*

*...*

*(7) The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site."*

### 1.3 Methodology

This report is based on a desk study, a site visit conducted in August 2022, and a review of the other reports created by the members of the integrated design team which are presented in the Appendices. These include the:

- Site Location and Site Layout Plans prepared by DFLA.
- Archaeological Assessment by Archaeology Plan.
- Architectural Heritage Assessment by Coady Architects.
- Design Rationale - Landscape Architecture by DFLA.
- Environmental Impact Assessment Screening Report by BMA Planning.
- Engineering Planning Report by Punch Consulting Engineers.
- Construction Management Plan by Punch Consulting Engineers.
- Construction & Demolition Waste Management Plan by Punch Consulting Engineers.
- Site Specific Flood Risk Assessment by Punch Consulting Engineers.
- Traffic & Transport Assessment by Punch Consulting Engineers.
- Arboricultural Report by the Tree File Consulting Arborists.
- Mechanical and Electrical Services Installations Report by Axis Consulting Engineers.

The assessment was undertaken in July and August 2022 of the proposed development site at New Street and its environs. The assessment focussed 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) for European Sites. Assessments of habitat suitability for species with links to European Sites were undertaken, in order to appraise the potential for *ex-situ* effects on European Sites.

Information was collated from a variety of data sources, organisations and websites. These include:

- Fingal County Council (FCC)
- Environmental Protection Agency (EPA)
- Google Maps © 2022
- National Biodiversity Data Centre (NBDC)
- National Parks and Wildlife Service (NPWS)
- OpenStreetMap © 2022

This information was then used to determine the potential for likely significant effects arising from the proposed public realm improvements on the European Sites.

If the outcome of the screening exercise is that there are no likely significant effects, then any further stages in the Appropriate Assessment process are not required. If, based upon the currently available information, there are aspects of the proposed development that could have a significant effect on any European Sites, then further analysis in the form of a Natura Impact Statement (NIS) to inform the Appropriate Assessment is required.

The information presented in Section 2 of this report is therefore as follows:

- Description of the proposed development.

- Identification of relevant European Sites within the zone of influence of the proposed development.
- A description of the existing ecological environment/sensitive receptors at the site.
- An assessment of likely significant effects on any European Sites.
- Appropriate Assessment Screening conclusions.

#### 1.4 Guidance and Data Sources

This report has been prepared with regard to the following guidance documents as appropriate:

- *OPR Practice Note PN01. Appropriate Assessment Screening for Development Management.* (Office of the Planning Regulator, 2021).
- *Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC 2021/C 437/01.* (Commission notice C/2021/6913. Dated 28.10.2021).
- *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)
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC* (Commission Notice C(2018) 7621 final, Brussels, 21.11.2018)
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC* (EC Environment Directorate General, 2000)
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities Circular NPW 1/10 & PSSP 2/10.* (Department of Environment, Heritage and Local Government, 2010).
- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision)
- *Guidelines for Good Practice, Appropriate Assessment of Plans under Article 6(3) Habitats Directive* (International Workshop on Assessment of Plans under the Habitats Directive, 2011)
- *Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Over-riding Public Interest, Compensatory Measures, Overall Coherence.* Opinion of the European Commission (European Commission, January 2007)



## 1.5 Stages of Appropriate Assessment

The competent authority is required to carry out a Screening for Appropriate Assessment and, if required, an Appropriate Assessment, as required by Article 6(3) and 6(4) of the Habitats Directive, as follows:

### • Stage 1: Screening for Appropriate Assessment

The first step to establishing if an appropriate assessment is required is referred to as 'screening' and its purpose is to determine, on the basis of objective information and in view of best scientific knowledge and applying the precautionary principle, if the proposed development, either individually or in combination with other plans or projects, and in the absence of mitigation is likely to have a significant effect on a Natura 2000 site in view of the sites conservation objectives. The process identifies any likely impacts upon a Natura 2000 Site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

### • Stage 2: Appropriate Assessment

This is required if it cannot be excluded, on the basis of objective information, and in view of best scientific knowledge and applying the precautionary principle, that the proposed development, individually or in combination with other plans or projects, and in the absence of mitigation, will have a significant effect on a Natura 2000 site.

The appropriate assessment must include a final determination by the competent authority as to whether or not a proposed development would adversely affect the integrity of a Natura 2000 site in view of the site's conservation objectives. In order to reach a final determination, the competent authority must undertake examination, analysis and evaluation, followed by findings, conclusions and a final determination. The appropriate assessment must contain complete, precise and definitive findings and conclusions, and may not have lacunae or gaps.

### • Stage 3: Assessment of Alternative Solutions

This stage examines alternative means of achieving the objectives of the project or plan that aim to avoid adverse impacts on the integrity of the Natura 2000 site.

### • Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain

This stage is the main derogation process outlined in Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project, which will have adverse effects on the integrity of a Natura 2000 site, to proceed.

## 2. SCREENING FOR APPROPRIATE ASSESSMENT

### 2.1 Project Description

New Street (the subject site) is situated in the centre of Malahide Village. New Street is rectangular in shape, approximately 14m wide and 150m in length, with an area of 0.22 ha), stretching from the Diamond junction to the south, to the Malahide Marina and Strand Street junction to the north and interfacing with the recently refurbished Malahide Green as shown on **Figure 2.1** below.

Prior to the outbreak of Covid-19 in March 2020, New Street, Malahide accommodated two-way traffic movement. Following a government mandate to review road networks in urban areas to identify areas that could prioritise pedestrian and cycle movements, New Street was pedestrianised from June 2020 to December 2020. This arrangement was modified to a one-way system for vehicular traffic from December 2020 to June 2021. In June 2021, Fingal County Council pedestrianised New Street. As a result, there is currently time limited one-way access from 7am to 11am each day for deliveries and emergency vehicles from Main Street/ The Diamond to New Street and two-way access from Strand Street to Ross's Terrace via New Street.

The proposed public realm improvements are now being brought forward for a pedestrianised New Street to enhance the public realm in line with local, regional and national land use planning and transportation policies.

The proposed public realm improvements for a pedestrianised New Street will bring positive impacts in terms of enhancing the streetscape at New Street and promoting active travel modes with improved facilities for pedestrians and cyclists. This AA Screening Report considers whether the pedestrianisation and proposed public realm improvements to New Street, either individually or in combination with other plans or projects, are likely to have a significant effect on any European Site(s), in view of the sites' conservation objectives, compared with the position in 2019 when there was two-way traffic on New Street. In addition, and for completeness, this AA Screening Report has also considered whether there are any such likely significant effects arising when comparing the proposed public realm improvements for a pedestrianised New Street with the current position on New Street today.

The proposed public realm improvements involve the widening of footpaths and provision of new kerb edges to the widened footpaths and public spaces on New Street, Malahide (c.150m in length, 0.22ha). The trafficable section of New Street will be realigned and narrowed and control measures will be inserted to provide for revised traffic flow routes, restrictions, car parking and loading arrangements.

All street surfaces will be upgraded and existing street trees replaced with new trees and additional soft landscaping. Outdoor dining zones will be identified and new street furniture installed. New public lighting will be provided and the water services and utilities networks within the street will be upgraded.

The proposed public realm improvement works will comprise: -

- i. Widening of footpaths and provision of new kerb edges with existing kerbstones retained, realigned and protected within the widened footpaths and public spaces.
- ii. Realignment and narrowing of the trafficable section of New Street (c.150m in length) and insertion of control measures and all necessary signage to provide for a pedestrianised street with associated traffic flow routes and restrictions allowing for time limited one-way access from 7am to 11am each day for deliveries and emergency vehicles from Main Street/ The Mall to New Street and a two-way access from Strand Street to Ross's Terrace via New Street.
- iii. Upgrade of all street surfaces.
- iv. Provision of 2no. loading bays at the southern and northern ends of New Street and an accessible parking space in front of the HSE building.
- v. Installation of cycle stands at 6no. locations on New Street with capacity for 23no. cycle parking spaces.
- vi. Removal and replacement of 11no. existing trees with 37no. trees of species appropriate to the location and environment and provision of soft landscaping and green infrastructure with planting zones for seeded, planted and hedging areas and associated bioretention and tree pit areas.
- vii. Provision of outdoor dining zones including tables and chairs and other ancillary moveable structures.
- viii. Provision of street furniture including seating, benches and litter and recycling bins and a water feature.
- ix. New public lighting comprising 12no. fixtures.
- x. Upgrade of the watermain and foul drainage networks and upgrade and relocation of the surface water drainage network including provision of sustainable urban drainage systems (SUDs) features as part of hard and soft landscaping.
- xi. Provision of ducting for utilities and piped infrastructure.
- xii. All associated site and development works.

Fingal County Council will be providing regulatory traffic signs (including regulatory signs which give effect to a pedestrianisation of New Street) in accordance with Section 95 of the Road Traffic Act 1961 (as amended).

The proposed works are further detailed and outlined in the following reports and assessments, which accompany this report and are presented in the Appendices:

- Site Location and Site Layout Plans prepared by DFLA.
- Archaeological Assessment by Archaeology Plan.
- Architectural Heritage Assessment by Coady Architects.

- Design Rationale - Landscape Architecture by DFLA
- Environmental Impact Assessment Screening Report by BMA Planning.
- Engineering Planning Report by Punch Consulting Engineers.
- Construction Management Plan by Punch Consulting Engineers.
- Construction & Demolition Waste Management Plan by Punch Consulting Engineers.
- Site Specific Flood Risk Assessment by Punch Consulting Engineers.
- Traffic & Transport Assessment by Punch Consulting Engineers.
- Arboricultural Report by the Tree File Consulting Arborists.
- Mechanical and Electrical Services Installations Report by Axis Consulting Engineers.

The proposed public realm improvements for a pedestrianised New Street are shown on **Figure 2.2** below and consist of a variety of both soft and hard landscaping elements.

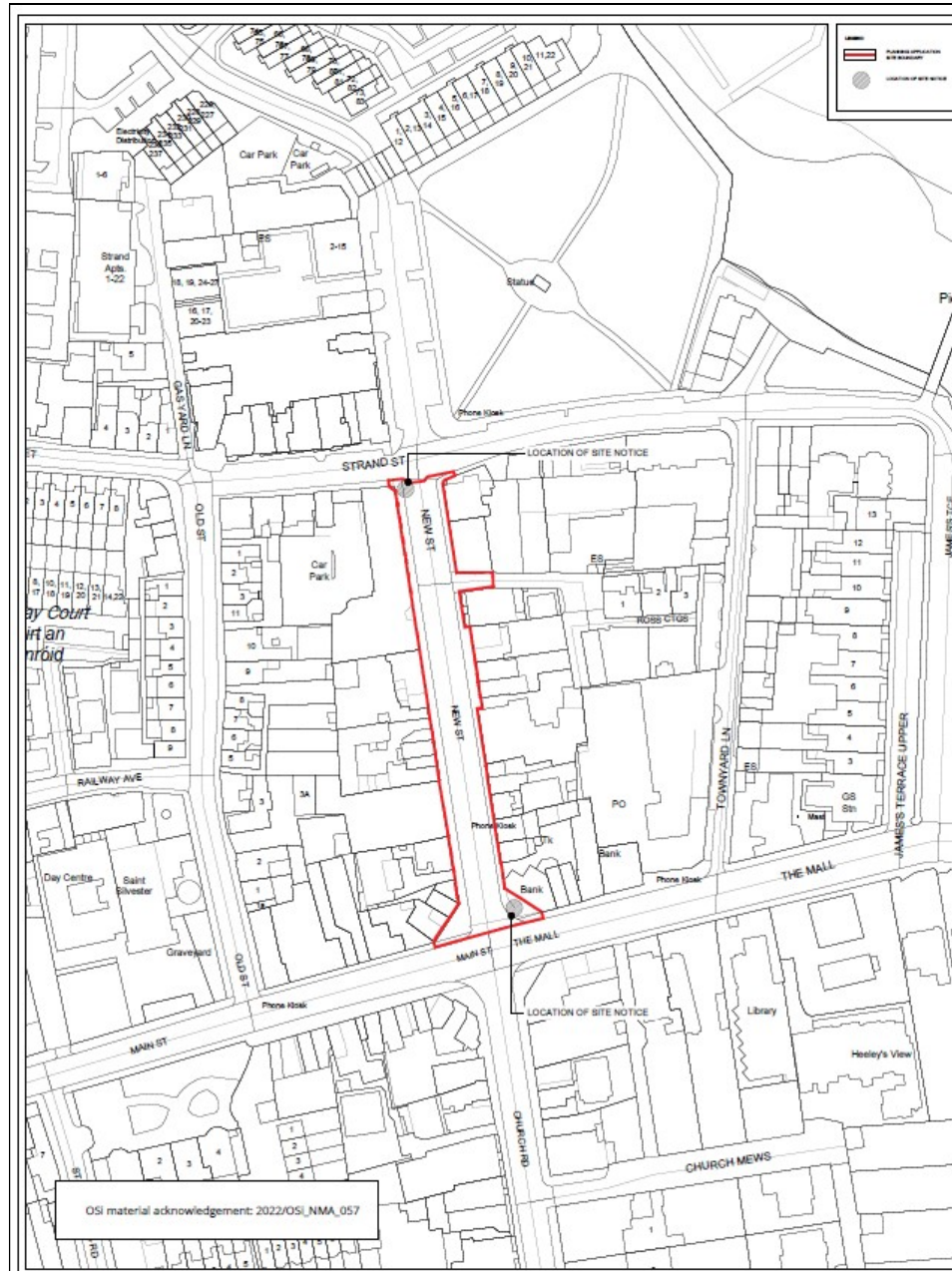


Figure 2.1 Site Location - outlined in red.



Figure 2.2 Proposed Public Realm Improvements at New Street, Malahide, Co. Dublin (Source: DFLA).

## 2.2 Desk Study

In addition to a site visit on 31 August 2022, a desk study was carried out to collate the available information on the ecological environment potentially impacted by the proposed public realm improvements at New Street and to determine the proximity of the proposed development to designated areas for conservation.

A review of existing information on European Sites, their Qualifying Interests and Conservation Objectives, and other available information on the terrestrial and marine ecology in the vicinity of the proposed development was conducted.

Data sources relevant to each European site include the Site Synopsis, Conservation Objectives, the Conservation Objectives backing documents, and the Natura 2000 Standard Data Form, all of which are publicly available online at [www.npws.ie](http://www.npws.ie) were also reviewed.

The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage database of designated conservation areas and NPWS records of rare and protected plant species as listed under the Irish Red List - Vascular Plants (Wyse Jackson, *et al.* 2016) or protected under the Flora (Protection) Order 2022 were checked with regard to the location of the lands at New Street.

Information on protected species of fauna and flora listed for protection under Annex II of the EU Habitats Directive (92/43/EEC), Annex I of the Birds Directive (79/409/EEC) and the Wildlife (Amendment) Act (2000) was also sought from NPWS, the National Biodiversity Data Centre and published sources.

Further ecological information was gathered in relation to the study area by examining GIS datasets, maps and aerial photographs, and by drawing on other existing information.

## 2.3 Description of the Receiving Environment

New Street was visited for the purposes of this AA Screening Report on 31<sup>st</sup> August 2022. The existing public realm at New Street is that of the built environment, which is urban, hard-standing and impervious in nature. From consultation with Fingal County Council and a review of Google Street view imagery the only significant changes to the streetscape since 2020 has been the removal of two-way traffic movement and time limited one-way access from 7am to 11am each day for deliveries and emergency vehicles from Main Street/ The Diamond to New Street and two-way access from Strand Street to Ross's Terrace via New Street. However, this AA Screening Report considers whether the pedestrianisation and proposed public realm improvements to New Street, either individually or in combination with other plans or projects, are likely to have a significant effect on any European Site(s), in view of the sites' conservation objectives, compared with the position in 2019 when there was two-way traffic on New Street. In addition, and for completeness, as is evident from the content of this AA Screening Report, it has also considered



whether there are any such likely significant effects arising when comparing the proposed public realm improvements for a pedestrianised New Street with the current position on New Street today.

There are no areas of natural habitat present except for a treeline of large Norway Maple (*Acer platanoides*), which are of planted origin. These street trees run along the western footpath of the street as shown on the tree survey drawings and arboricultural impact assessment prepared by The Tree File Ltd (2023). An additional smaller alignment is situated at the eastern side, close to the junction with Strand Street. There are 11 no. trees in total within New Street. 3 trees have been identified by the project arborist as 'Category B2' which are of moderate quality and 7 trees are noted as 'Category C2', of generally poor-quality and of limited value. Tree no. 1782, to the north, has been classed as 'Category U'. This tree has been identified as unsuitable for retention due to extensive damage and decay/fracture of underlying timber observed. A series of window boxes, planters, etc. containing ornamental planting are found throughout the streetscape.



Plate 1. Photo taken from the centre of New Street, looking south, towards the Diamond.





**Plate 2. Photo taken from New Street, looking east, towards the laneway to the Ross Cottages.**



**Plate 3. Photo taken at the entrance to Malahide Green, looking towards the Marina.**

#### **2.4 Identification of European Sites**

In line with the guidance documents listed above in **Section 1.4** a review of all European Sites that could be potentially affected by the proposed project was made using the NPWS online map viewer. These included any European Sites within or adjacent to the lands at New Street and any European Sites within the zone of impact of the proposed development

(using the source – pathway – receptor model) including any downstream. These are summarised in **Table 2.5.1** below.

The source-pathway-receptor model, dictates that, for an 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 two (such as a watercourse). If there is a possibility of ecological or environmental impacts occurring this is identified as a potential effect. The level and significance of that effect depends upon the nature and exposure to the potential effect and the characteristics of the receptor. Although there may be a risk of an effect, it may not necessarily occur, and if it does occur, it may not be significant.

There are no set recommended distances for projects to consider European Sites as being relevant for assessment. DoEHLG (2010, pp. 31 – 32) states that:

*"The approach to screening is likely to differ somewhat for plans and projects, depending on scale and on the likely effects, but the following should be included:*

1. *Any Natura 2000 sites within or adjacent to the plan or project area*
2. *Any Natura 2000 sites within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must 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*
3. *Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the cases of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment."*

It is common practice to include all European Sites within 15 km when conducting a screening for appropriate assessment. In some situations a whole river catchment or a groundwater aquifer may need to be included if there are hydrological connections. In some situations such as where bird flight paths are involved and potential barriers such as wind turbines are proposed, there may be the potential for impacts on SPAs more than 15 km away. In this assessment both sites within a 15km radius of New Street and those identified using the source-pathway-receptor model have been considered.

## 2.5 Site Location and European Sites

The lands at New Street, Malahide are not currently designated for any nature conservation purposes. A number of European designated sites occur in the vicinity of Malahide as shown on **Figure 2.3** below. There are nineteen European Sites designated for nature conservation (nine Special Areas of Conservation (SACs) and ten Special Protection Areas (SPAs)) within the general environs of New Street and Malahide Village. These are known collectively as Natura 2000 sites and are as follows;

- Baldoyle Bay SAC (Site Code: 000199)
- Baldoyle Bay SPA (Site Code: 004016)
- Howth Head Coast SPA (Site Code: 004113)
- Howth Head SAC (Site Code: 000202)
- Ireland's Eye SAC (Site Code: 002193)
- Ireland's Eye SPA (Site Code: 004117)
- Lambay Island SAC (Site Code: 000204)
- Lambay Island SPA (Site Code: 004069)
- Malahide Estuary SAC (Site Code: 000205)
- Malahide Estuary SPA (Site Code: 004025)
- North Bull Island SPA (Site Code: 004006)
- North Dublin Bay SAC (Site Code: 000206)
- Rockabill SPA (Site Code: 004014)
- Rockabill to Dalkey Islands SAC (Site Code: 003000)
- Rogerstown Estuary SAC (Site Code: 000208)
- Rogerstown Estuary SPA (Site Code: 004015)
- Skerries Islands SPA (Site Code: 004122)
- South Dublin Bay SAC (Site Code: 000210)
- South Dublin Bay/Tolka Estuary SPA (Site Code: 004024)

The most relevant of these for the purposes of this AA Screening Report is the Malahide Estuary SAC (Site Code: 000205) and Malahide Estuary SPA (Site Code: 004025), the boundaries of which are shown on **Figure 2.4** and **2.5** below. They are located within 200m of New Street as shown on **Figure 2.6** and **2.7** below. Surface waters from New Street currently provide a hydrological link (using the source - pathway - receptor model) from New Street to these sites.



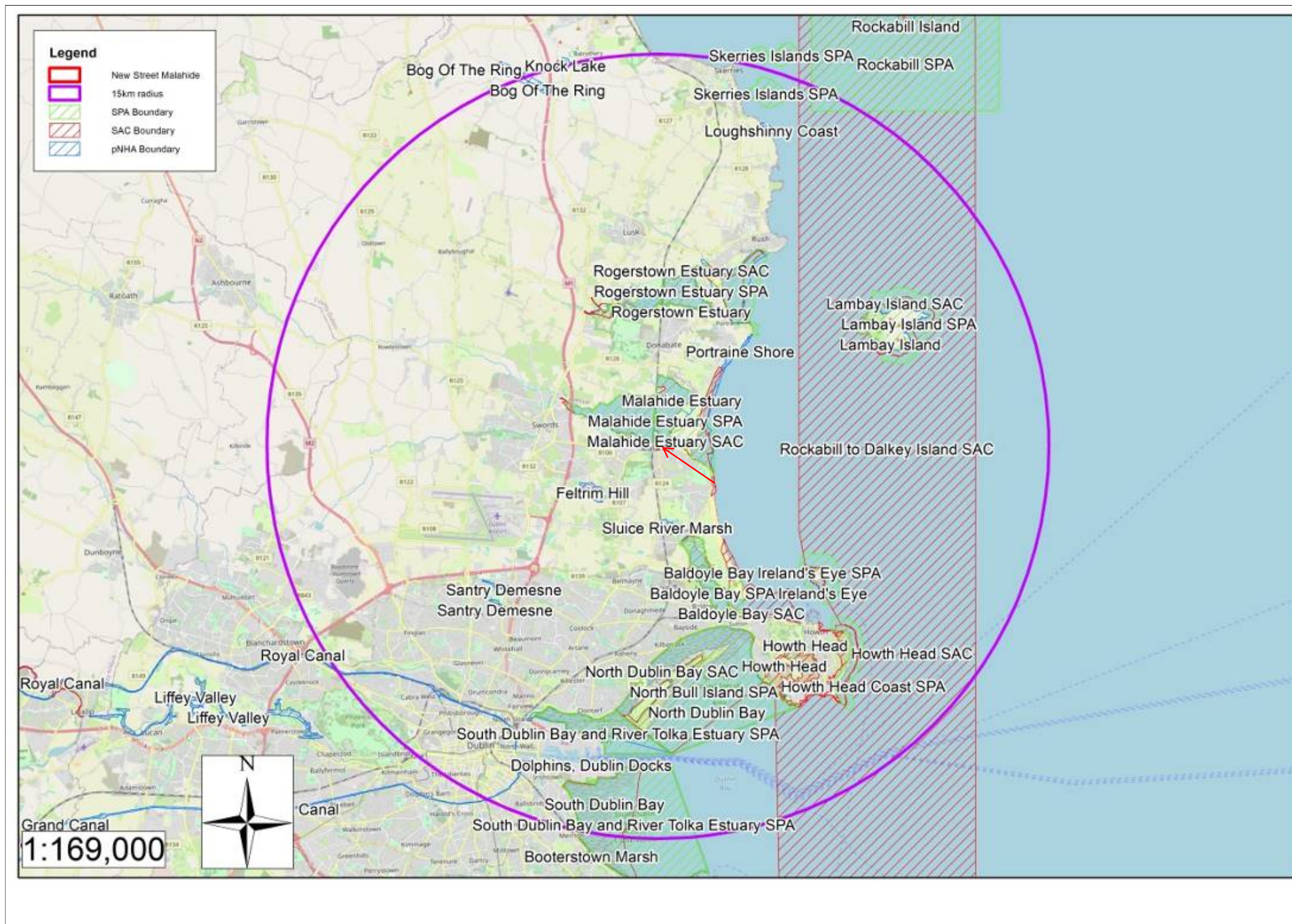


Figure 2.3. Natura 2000 sites and pNHAs within the zone of influence (sites within a 15km radius of New Street and those identified using the source-pathway-receptor model) of the New Street public realm improvements. The indicative location of New Street is indicated by the red arrow.



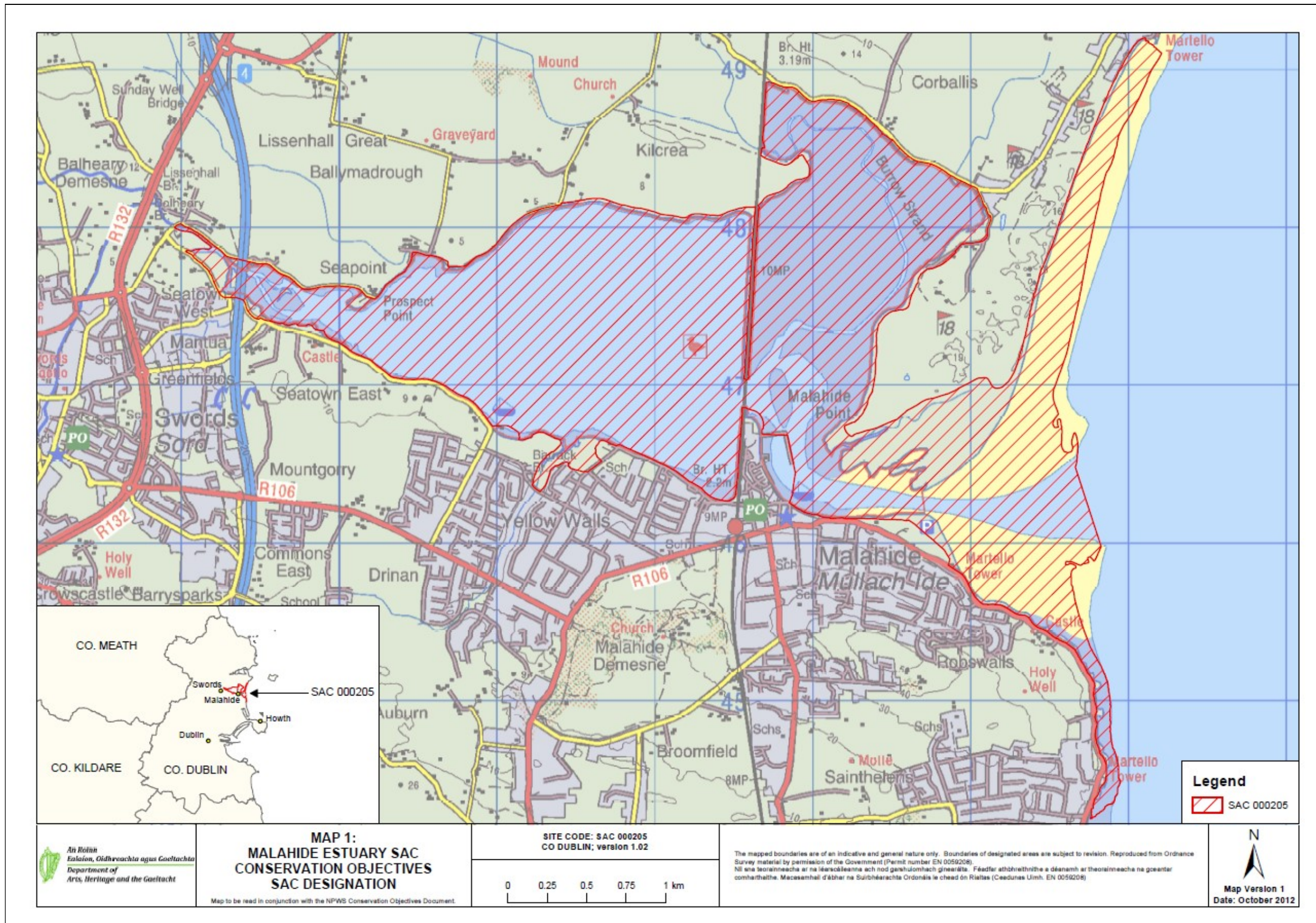


Figure 2.4. Malahide Estuary SAC (Site Code: 000205). (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205).



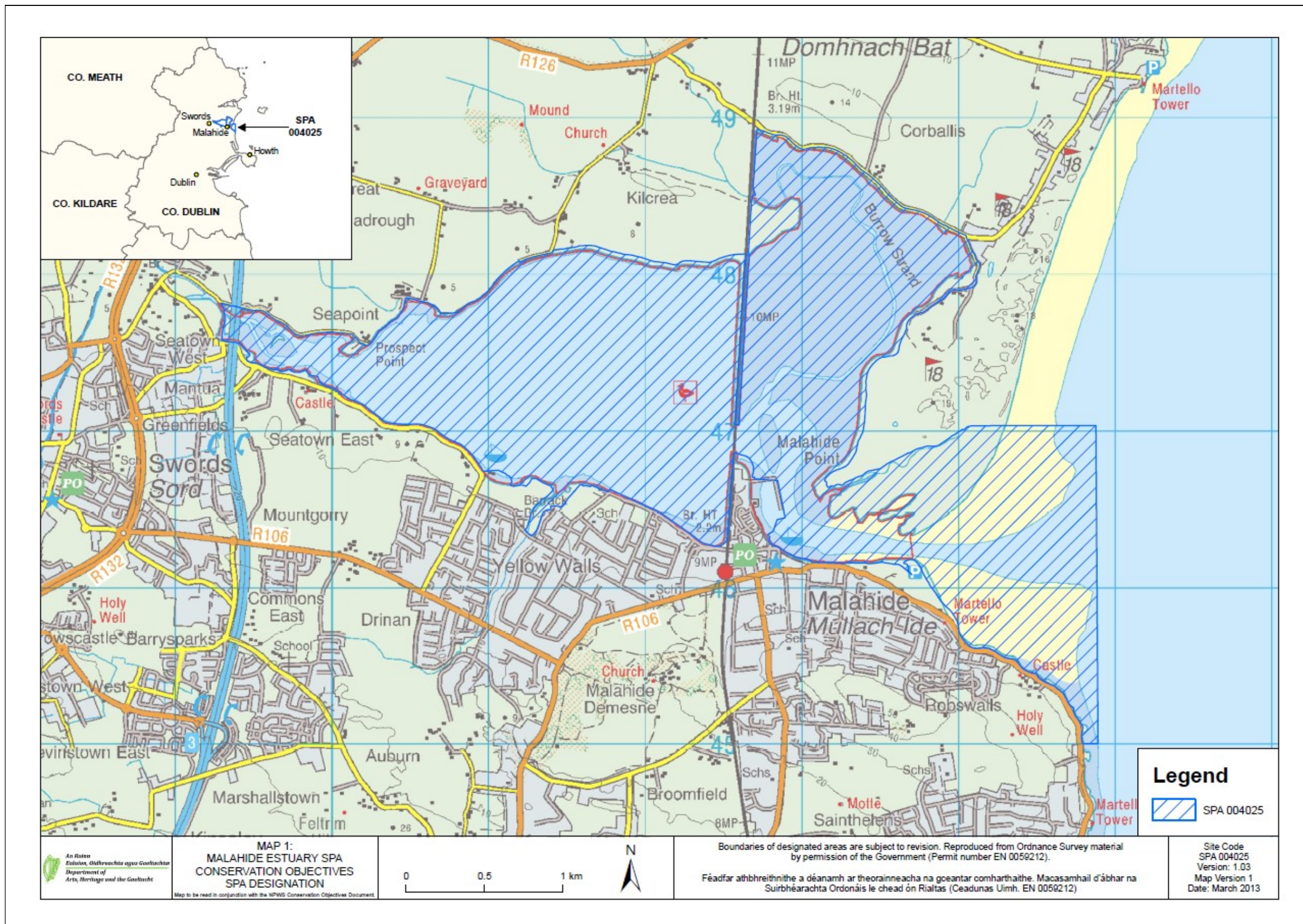


Figure 2.5. Malahide Estuary SPA (Site Code: 004025). (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SPA 004025.)



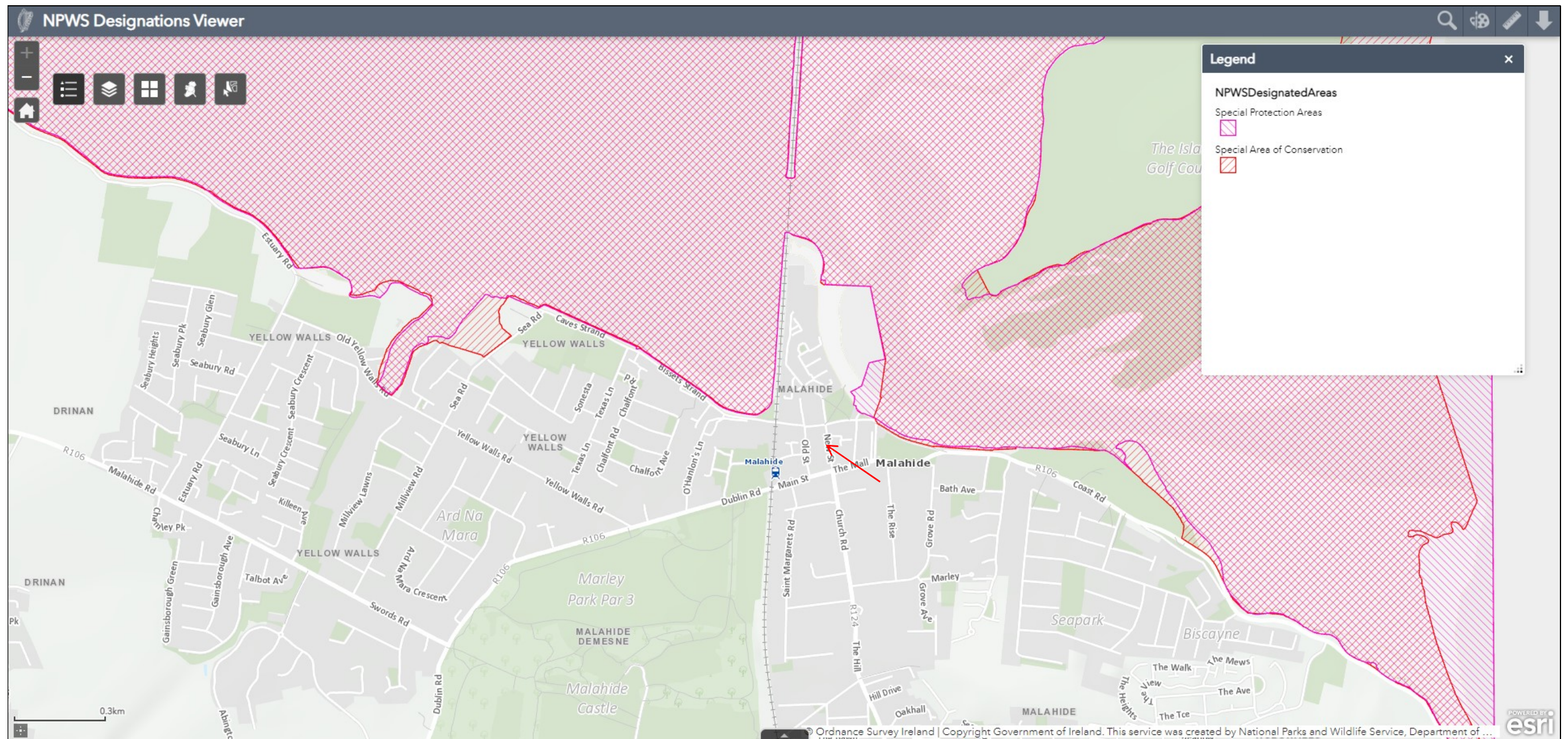


Figure 2.6. Malahide Estuary SAC (Site Code: 000205) (shown in red hatching) and Malahide Estuary SPA (Site Code: 004025) (shown in pink hatching) are in close proximity to and downslope of New Street (indicated by the red arrow). (Source: National Parks and Wildlife Service).



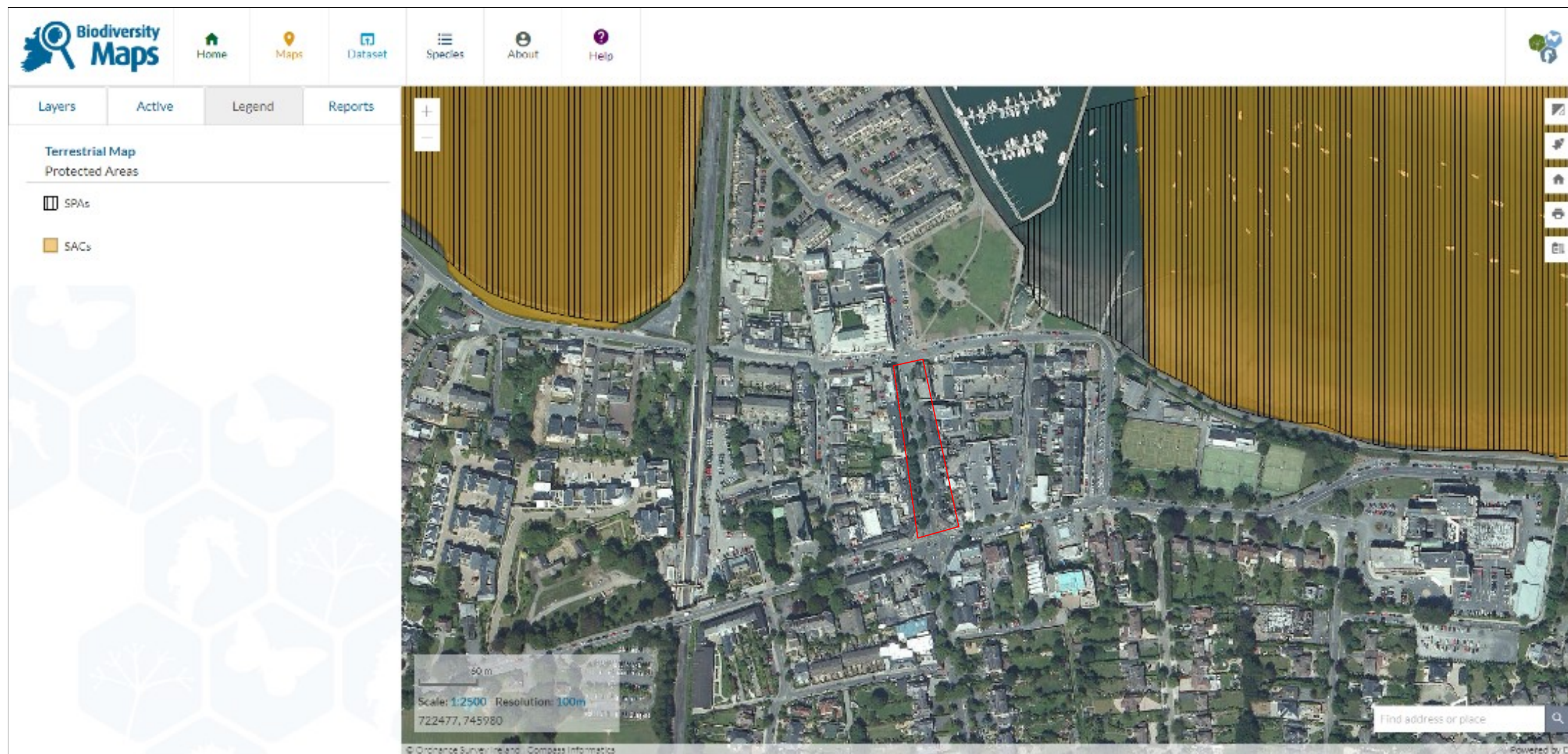


Figure 2.7. Malahide Estuary SAC (Site Code: 000205) (shown in orange hatching) and Malahide Estuary SPA (Site Code: 004025) (shown in black hatching) are in close proximity to and downslope of New Street (indicated by the red outline). (Source: National Biodiversity Data Centre).



### **Conservation Objectives:**

Detailed site specific conservation objectives are available for the European Sites within the zone of influence of the proposed development. The conservation objectives for each of the European Sites outlined above were examined on the 18<sup>th</sup> October 2022 and rechecked on 13<sup>th</sup> February 2023 and are summarised below in **Table 2.5.1**.

### **Hydrological Links to European Sites:**

The current surface water system from New Street outfalls into the estuary at the marina and near the Strand Street/James Terrace corner. There is therefore an existing hydrological link between New Street and the Malahide Estuary SAC (Site Code: 000205) and Malahide Estuary SPA (Site Code: 004025).

### **National Designations for Nature Conservation**

Some of these Natura 2000 sites and a number of other sites in the area are also designated as proposed Natural Heritage Areas (pNHAs). There are eighteen in total, as shown on **Figure 2.3** below, include:

- Baldoyle Bay pNHA (Site Code: 000199),
- Bog of the Ring pNHA (Site Code: 001204),
- Dolphins, Dublin Docks pNHA (Site Code: 000201),
- Feltrim Hill pNHA (Site Code: 001218),
- Grand Canal pNHA (Site Code: 002104),
- Howth Head pNHA (Site Code: 000202),
- Ireland's Eye pNHA (Site Code: 000203),
- Knock Lake pNHA (Site Code: 001203),
- Lambay Island pNHA (Site Code: 000204),
- Loughshinny Coast pNHA (Site Code: 002000),
- Malahide Estuary pNHA (Site Code: 000205),
- North Dublin Bay pNHA (Site Code: 000206),
- Portraine Shore pNHA (Site Code: 001215),
- Rogerstown Estuary pNHA (Site Code: 000208),
- Royal Canal pNHA (Site Code: 002103),
- Santry Demesne pNHA (Site Code: 000178),
- Sluice River Marsh pNHA (Site Code: 001763),
- South Dublin Bay pNHA (Site Code: 000210).

**Table 2.5.1. Designated European Sites of relevance to the proposed public realm proposals at New Street.**

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
000205	Malahide Estuary SAC	0.2km N	<p>Source: NPWS (2013). Conservation Objectives: Malahide Estuary SAC 000205. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (1140) Mudflats and sandflats not covered by seawater at low tide</li> <li>• (1310) <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>• (1320) Spartina swards (<i>Spartinion maritimae</i>)</li> <li>• (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• (2130) Fixed coastal dunes with herbaceous vegetation (grey dunes)*</li> <li>• (2120) Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> </ul>	<p>The surface waters (i.e. the run-off from the hard surfaces associated with New Street) from New Street currently discharge in an untreated manner to the waters of the Malahide Estuary SAC via the existing stormwater network thereby forming a Source-Pathway-Receptor Link between the proposed development and this Natura 2000 site.</p> <p>It is likely that private foul pipes are currently discharging to the stormwater network given the absence of a dedicated foul line on New Street.</p> <p>The surface water runoff from New Street is currently likely to contain foul waste as well as contaminants and pollutants such as vehicle fuel, oils and other hydro-carbons from vehicles, as well as other waste and litter.</p> <p>During the construction phase, any emission of surface waters from the streetscape to the existing surface water infrastructure will be minor given the nature of the works and are not likely to have a significant effect on any European Site.</p> <p>During the operational phase, the proposed public realm improvements will not lead to any increase in the</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
				<p>amount of surface water run-off from New Street or the amount of contaminants and pollutants it contains. Therefore, even without taking into account any SUDs measures, there is no possibility of any likely significant effects on the European Site arising from the proposed development (either during the construction or operational phase) and there is no reasonable scientific doubt in relation to this conclusion.</p> <p>In fact, the permanent pedestrianisation of New Street, with limited vehicular access for deliveries to the street, is to be welcomed as some of these pollutants will be reduced from the streetscape resulting in a positive effect.</p> <p>Furthermore, the project design includes the provision of a dedicated foul line serving New Street which will remove any foul effluent from the surface water network with positive effects on the qualifying interests of the Malahide Estuary SAC.</p> <p>The water quality of surface waters leaving the street will be further improved by the public realm design as the surface waters will pass through the proposed bio-retention areas prior to discharge and the water quality within the surface water run-off will be significantly improved as a result.</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
004025	Malahide Estuary SPA	0.2km N	<p>Source: NPWS (2013). Conservation Objectives: Malahide Estuary SPA 004025. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Goldeneye (<i>Bucephala clangula</i>) [A067]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Wetland and Waterbirds [A999]</li> </ul> <p>To maintain the favourable conservation condition of the wetland habitat in Malahide Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>	<p>The surface waters (i.e. the run-off from the hard surfaces associated with New Street) from New Street currently discharge in an untreated manner to the waters of the Malahide Estuary SPA via the existing stormwater network thereby forming a Source-Pathway-Receptor Link between the proposed development and this Natura 2000 site.</p> <p>It is likely that private foul pipes are currently discharging to the stormwater network given the absence of a dedicated foul line on New Street.</p> <p>The surface water runoff from New Street is currently likely to contain foul waste as well as contaminants and pollutants such as vehicle fuel, oils and other hydro-carbons from vehicles, as well as other waste and litter.</p> <p>During the construction phase, any emission of surface waters from the streetscape to the existing surface water infrastructure will be minor given the nature of the works and are not likely to have a significant effect on any European Site.</p> <p>During the operational phase, the proposed public realm improvements will not lead to any increase in the amount of surface water run-off from New Street or the amount of</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
				<p>contaminants and pollutants it contains. Therefore, even without taking into account any SUDs measures, there is no possibility of any likely significant effects on the European Site arising from the proposed development (either during the construction or operational phase) and there is no reasonable scientific doubt in relation to this conclusion.</p> <p>In fact, the permanent pedestrianisation of New Street, with limited vehicular access for deliveries to the street, is to be welcomed as some of these pollutants will be reduced from the streetscape resulting in a positive effect.</p> <p>Furthermore, the project design includes the provision of a dedicated foul line serving New Street which will remove any foul effluent from the surface water network with positive effects on the qualifying interests of the Malahide Estuary SPA.</p> <p>The water quality of surface waters leaving the street will be further improved by the public realm design as the surface waters will pass through the proposed bio-retention areas prior to discharge and the water quality within the surface water run-off will be significantly improved as a result.</p>
000199	Baldoyle Bay SAC	3.7km SE	Source: NPWS (2012). Conservation Objectives: Baldoyle Bay SAC 000199. Version 1.0. National Parks and Wildlife Service,	There is no direct or in-direct Source-Pathway-Receptor link between this site

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<p>Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (1140) Mudflats and sandflats not covered by seawater at low tide</li> <li>• (1310) <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>• (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> </ul>	<p>and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary not in a southerly direction to Baldoyle Bay. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Baldoyle Bay.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004016	Baldoyle Bay SPA	3.7km SE	<p>Source: NPWS (2013). Conservation Objectives: Baldoyle Bay SPA 004016. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Wetland and Waterbirds [A999]</li> </ul> <p>To maintain the favourable conservation condition of the wetland habitat in Baldoyle Bay SPA.</p>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary not in a southerly direction to Baldoyle Bay. Surface waters from New Street drain in a northerly direction to Malahide Estuary not in a southerly direction to Baldoyle Bay. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Baldoyle Bay.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
003000	Rockabill to Dalkey Islands SAC	5.4km E	<p>Source: NPWS (2013). Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I habitat and the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (1170) Reefs</li> <li>• (1351) Harbour Porpoise (<i>Phocoena phocoena</i>)</li> </ul>	<p>northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Rockabill to Dalkey Islands SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
000208	Rogerstown Estuary SAC	5.4km N	<p>Source: NPWS (2013). Conservation Objectives: Rogerstown Estuary SAC 000208. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (1130) Estuaries</li> <li>• (1140) Mudflats and sandflats not covered by seawater at low tide</li> <li>• (1310) <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>• (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• (2120) Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• (2130) Fixed coastal dunes with herbaceous vegetation (grey dunes)*</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Rogerstown Estuary SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004015	Rogerstown Estuary SPA	5.4km N	<p>Source: NPWS (2013). Conservation Objectives: Rogerstown Estuary SPA 004015. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<p>To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Greylag Goose (<i>Anser anser</i>) [A043]</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Wetland and Waterbirds [A999]</li> </ul> <p>To maintain the favourable conservation condition of wetland habitat in Rogerstown Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p>	<p>Estuary and hence the Irish Sea would be diluted before reaching Rogerstown Estuary SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004117	Ireland's Eye SPA	6.8km SE	<p>Source: NPWS (2022). Conservation objectives for Ireland's Eye SPA [004117]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Herring Gull (<i>Larus argentatus</i>) [A184]</li> <li>• Kittiwake (<i>Rissa tridactyla</i>) [A188]</li> <li>• Guillemot (<i>Uria aalge</i>) [A199]</li> <li>• Razorbill (<i>Alca torda</i>) [A200]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Ireland's Eye SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
000206	North Dublin Bay SAC	7.3km SE	<p>Source: NPWS (2013). Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service,</p>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site</p>



Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<p>Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>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> <ul style="list-style-type: none"> <li>• (1140) Mudflats and sandflats not covered by seawater at low tide</li> <li>• (1210) Annual vegetation of drift lines</li> <li>• (1310) <i>Salicornia</i> and other annuals colonizing mud and sand</li> <li>• (1320) <i>Spartina</i> swards (<i>Spartinion maritimae</i>)</li> <li>• (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• (1395) Petalwort (<i>Petalophyllum ralfsii</i>)</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• (2110) Embryonic shifting dunes</li> <li>• (2120) Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• (2130) Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> <li>• (2190) Humid dune slacks</li> </ul>	<p>and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching North Dublin Bay SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004006	North Bull Island SPA	7.3km SE	<p>Source: NPWS (2015). Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching North Bull Island SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<ul style="list-style-type: none"> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Sanderling (<i>Calidris alba</i>) [A144]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>	
002193	Ireland's Eye SAC	7.4km SE	<p>Source: NPWS (2017). Conservation Objectives: Ireland's Eye SAC 002193. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• Perennial vegetation of stony banks [1220]</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Ireland's Eye SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
000204	Lambay Island SAC	9.1km NE	<p>Source: NPWS (2013). Conservation Objectives: Lambay Island SAC 000204. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the Annex I</p>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<p>habitat and the Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (1230) Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>• (1170) Reefs</li> <li>• (1364) <i>Halichoerus grypus</i></li> <li>• (1265) <i>Phoca vitulina</i></li> </ul>	<p>diluted before reaching Lambay Island SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004069	Lambay Island SPA	9.1km NE	<p>Source: NPWS (2022) Conservation objectives for Lambay Island SPA [004069]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Fulmar (<i>Fulmarus glacialis</i>) [A009]</li> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Shag (<i>Phalacrocorax aristotelis</i>) [A018]</li> <li>• Greylag Goose (<i>Anser anser</i>) [A043]</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] ^</li> <li>• Herring Gull (<i>Larus argentatus</i>) [A184] ^</li> <li>• Kittiwake (<i>Rissa tridactyla</i>) [A188]</li> <li>• Guillemot (<i>Uria aalge</i>) [A199]</li> <li>• Razorbill (<i>Alca torda</i>) [A200]</li> <li>• Puffin (<i>Fratercula arctica</i>) [A204]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Lambay Island SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
000202	Howth Head SAC	9.2km SE	<p>Source: NPWS (2016). Conservation Objectives: Howth Head SAC 000202. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Howth Head SAC.</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<ul style="list-style-type: none"> <li>European dry heaths [4030]</li> </ul>	Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.
004113	Howth Head Coast SPA	9.4km SE	<p>Source: NPWS (2022). Conservation objectives for Howth Head Coast SPA [004113]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>Kittiwake (<i>Rissa tridactyla</i>) [A188]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Howth Head Coast SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004024	South Dublin Bay and River Tolka Estuary SPA	10.3km S	<p>Source: NPWS (2015). Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Qualifying Interests for this SPA:</p> <ul style="list-style-type: none"> <li>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>Knot (<i>Calidris canutus</i>) [A143]</li> <li>Sanderling (<i>Calidris alba</i>) [A144]</li> <li>Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching South Dublin Bay and River Tolka Estuary SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<ul style="list-style-type: none"> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Roseate Tern (<i>Sterna dougallii</i>) [A192]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> <li>• Wetland and Waterbirds [A999]</li> </ul> <p>To maintain the favourable conservation condition of wetland habitat in South Dublin and the River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p>	
000210	South Dublin Bay SAC	12.3km S	<p>Source: NPWS (2013). Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Annual vegetation of drift lines [1210]</li> <li>• <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>• Embryonic shifting dunes [2110]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching South Dublin Bay SAC.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004122	Skerries Islands SPA	13.6km NE	<p>Source: NPWS (2022) Conservation objectives for Skerries Islands SPA [004122]. First Order Site specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Skerries Islands SPA.</p>

Site Code	Site Name and Designation	Approximate distance from New Street	Qualifying Interest and Conservation Objectives	Discussion of Source-Pathway-Receptor Link/Potential for Likely Significant Effects
			<ul style="list-style-type: none"> <li>• Shag (<i>Phalacrocorax aristotelis</i>) [A018]</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>• Purple Sandpiper (<i>Calidris maritima</i>) [A148]</li> <li>• Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>• Herring Gull (<i>Larus argentatus</i>) [A184]</li> </ul>	<p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>
004014	Rockabill SPA	14.1km NE	<p>Source: NPWS (2013) Conservation Objectives: Rockabill SPA 004014. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 18<sup>th</sup> October 2022 and checked on 13<sup>th</sup> February 2023.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Purple Sandpiper (<i>Calidris maritima</i>) [A148]</li> <li>• Roseate Tern (<i>Sterna dougallii</i>) [A192]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> </ul>	<p>There is no direct or in-direct Source-Pathway-Receptor link between this site and the proposed development. Surface waters from New Street drain in a northerly direction to Malahide Estuary. Any surface waters entering Malahide Estuary and hence the Irish Sea would be diluted before reaching Rockabill SPA.</p> <p>Therefore there is no possibility of any likely significant effects and there is no reasonable scientific doubt in relation to this conclusion.</p>

## 2.6 Identification of Potential Likely Significant Effects on European Sites

### 2.6.1 Overview of the Proposed Development

As set out in **Section 2.1** above, Fingal County Council intends to undertake public realm improvements for a pedestrianised New Street, Malahide.

The nature and extent of the proposed development is as follows:

- i. Widening of footpaths and provision of new kerb edges with existing kerbstones retained, realigned and protected within the widened footpaths and public spaces.
- ii. Realignment and narrowing of the trafficable section of New Street (c.150m in length) and insertion of control measures including all necessary signage to provide for a pedestrianised street with associated traffic flow routes and restrictions allowing for time limited one-way access from 7am to 11am each day for deliveries and emergency vehicles from Main Street/ The Mall to New Street and a two-way access from Strand Street to Ross's Terrace via New Street.
- iii. Upgrade of all street surfaces.
- iv. Provision of 2no. loading bays at the southern and northern ends of New Street and an accessible parking space in front of the HSE building.
- v. Installation of cycle stands at 6no. locations on New Street with capacity for 23no. cycle parking spaces.
- vi. Removal and replacement of 11no. existing trees with 37no. trees of species appropriate to the location and environment and provision of soft landscaping and green infrastructure with planting zones for seeded, planted and hedging areas and associated bioretention and tree pit areas.
- vii. Provision of outdoor dining zones including tables and chairs and other ancillary moveable structures.
- viii. Provision of street furniture including seating, benches and litter and recycling bins and a water feature.
- ix. New public lighting comprising 12no. fixtures.
- x. Upgrade of the watermain and foul drainage networks and upgrade and relocation of the surface water drainage network including provision of sustainable urban drainage systems (SUDs) features as part of hard and soft landscaping.
- xi. Provision of ducting for utilities and piped infrastructure.
- xii. All associated site and development works.

Fingal County Council will be providing regulatory traffic signs (including regulatory signs which give effect to a pedestrianisation of New Street) in accordance with Section 95 of the Road Traffic Act 1961 (as amended).

The construction of the proposed public realm improvements at New Street will involve typical construction activities associated with developments of this nature and scale. These include; site preparation, removal of the 11 no. trees on New Street, clearance of existing street surfaces, excavation of topsoil and

subsoil, ground works, construction of new street surfaces, landscaping and finishes. As this is an urban developed site, no demolition works will be required. An on-site construction compound will be provided for materials storage areas and facilities for site personnel, situated within the lands made available (LMA) to the contractor, which will be within the streetscape.

### **2.6.2 Potential Impacts from the Proposed Development on European Sites**

The construction phase of the Public Realm improvements at New Street, will require the removal of existing surfaces and the excavation of soil to allow for the diversion of services. These works will result in typical environmental effects, including elevated levels of noise, emission of surface waters from the streetscape to the existing surface water infrastructure, emissions of dust, direct and indirect greenhouse gas emissions, localised impacts on public amenity, etc.

There will also be environmental risks associated with the presence of potential pollutants associated with the construction industry, plant and machinery (hydrocarbon, solvents, cementitious materials, etc.).

During the construction phase of the project standard best practice construction methods will be used to protect the general environment. The project has incorporated these methods as standard, irrespective of any effect on any European Sites. They are widely implemented on construction sites, have been shown to be effective and there is widespread practical experience of their use. There are no mitigation measures required to protect any of the identified European Sites during the construction phase of the project.

In relation to traffic, given (i) that construction related traffic will be minor relative to existing traffic, (ii) that there is no additional traffic generated by the proposed development (such that there is no increase in traffic-related emissions), (iii) that traffic will be redistributed to other junctions, and (iv) that that redistribution has not resulted in any significant impacts on the operational capacity of the surrounding network of roads and junctions (so there will be no increase in traffic congestion or associated emissions), there is essentially no alteration to the existing scenario vis a vis traffic related effects on any European site arising from the proposed development and therefore there will be no likely significant effects on any European Site arising from the proposed public realm improvements for a pedestrianised New Street.

During the operational phase, typical traffic related impacts on projects include emissions of CO<sub>2</sub> and NO<sub>2</sub>, however the proposed development includes measures to encourage Active Travel through walking and cycling, which will likely cause a positive and long term impact on air and climate during the operational phase of the development.

During the operational phase the proposed development will not generate any increased traffic on the road network. On the contrary, the pedestrianisation and



proposed public realm improvements insofar as they discourage use of the private car in Malahide village, will promote modal shift towards public transport, walking and cycling.

During the operational phase, typical environmental effects associated with the presence and operation of the Public Realm improvements are also predicted, however these are limited to the emission of attenuated surface waters. There will be no additional surface waters discharging from the Public Realm improvements during the operational phase and therefore there is no possibility of any likely significant effects on any European Site arising from the proposed development and there is no reasonable scientific doubt in relation to this conclusion. In fact, water quality within the surface water run-off will be improved as a result of the provision of a new foul water line serving New Street, which will remove any existing private foul pipes that are currently discharging to the stormwater network. There will be no additional foul water loading arising from the Public Realm improvements. The provision of a new foul water line serving New Street will remove any existing private foul pipes that are currently discharging to the stormwater network given the absence of a dedicated foul line on New Street.

The predicted environmental effects will be typical of and commensurate of a development of this nature and small scale. No likely significant effects will occur at either stage.

The site of the proposed development (New Street) is an existing urban streetscape with no natural habitats of ecological value. It is not listed under any wildlife or conservation designation. No rare, threatened or legally protected plant species, as listed in the *Ireland Red List No. 10: Vascular Plants* (Wyse Jackson *et al.*, 2016); the Flora (Protection) Order, 2022; or the Annexes of the Habitats Directive; are present within the site.

Within the outer estuary of the Malahide/Broadmeadow Estuary downslope of New Street (and connected to same via the source-pathway-receptor model) are areas of the Annex I habitat '1140 Mudflats and sandflats not covered by seawater at low tide', which support the marine communities of 'Fine sand with oligochaetes, amphipods, bivalves and polychaetes community complex'. Other Annex I habitats present (as listed in the qualifying interests of the Malahide Estuary SAC) are areas of 1310 *Salicornia* and other annuals colonising mud and sand, 1310 / 1330 *Salicornia* and other annuals colonising mud and sand / Atlantic salt meadows (*Glaucopuccinellietalia maritimae*), 1330 / 1410 Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) / Mediterranean salt meadows (*Juncetalia maritimi*), 1330 Atlantic salt meadows (*Glaucopuccinellietalia maritimae*) and 1410 Mediterranean salt meadows (*Juncetalia maritimi*). These habitats support the following marine communities - Estuarine sandy mud with *Chironomidae* and *Hediste diversicolor* community complex, *Mytilus*-dominated community complex, Sand to muddy sand dominated by *Peringia ulvae*, *Tubificoides benedii* and *Cerastoderma edule* community complex and *Zostera*

dominated community. At the seaward side of the estuary on Malahide Island, are areas of sand dune and saltmarsh communities including the Annex I habitats 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'), 2130 \*Fixed coastal dunes with herbaceous vegetation ('grey dunes') and 2110 Embryonic shifting dunes. The location and extent of these habitats and marine communities within the boundaries of the Malahide Estuary SAC/SPA are shown on **Figures 2.8, 2.9, 2.10** and **2.11** below.

The potential impacts of the proposed public realm improvements for a pedestrianised New Street, Malahide on the European Sites identified in **Table 2.5.1** above, including any potential impacts arising from the pedestrianisation of New Street, were assessed using the following factors:

- size and scale
- land-take
- distance from the European site or key features of the site
- resource requirements (water abstraction etc.)
- emissions (disposal to land, water or air)
- excavation requirements
- transportation requirements
- duration of construction, operation, decommissioning, etc.
- reduction of habitat area
- disturbance to key species
- habitat or species fragmentation
- reduction in species density
- changes in key indicators of conservation value (water quality etc.)
- climate change
- key relationships that define the structure of the sites
- key relationships that define the function of the site

These potential impacts on those European Sites are summarised below in **Table 2.7.1**.

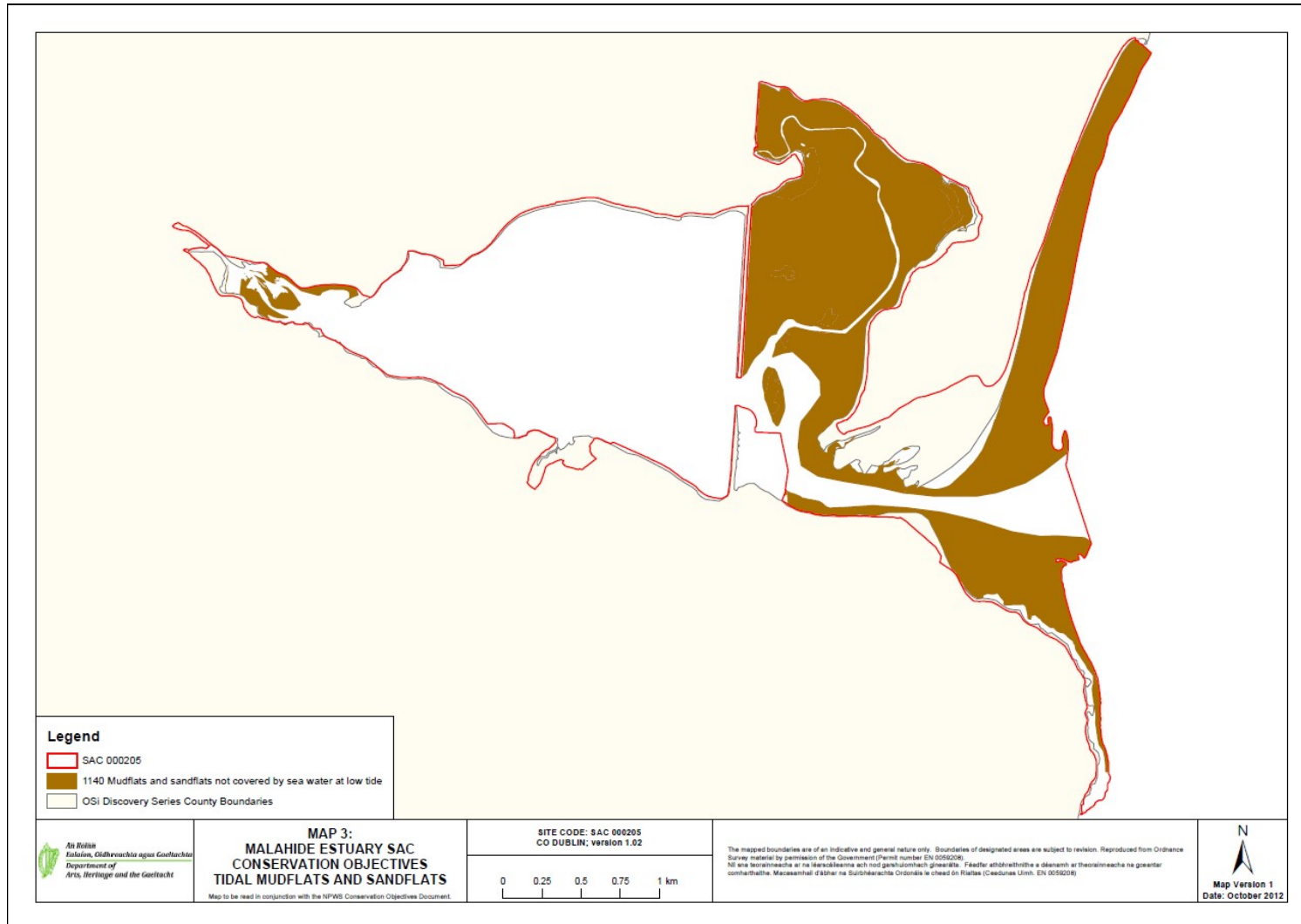


Figure 2.8. Areas of Tidal Mudflats and Sandflats within the Malahide Estuary SAC. (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205).

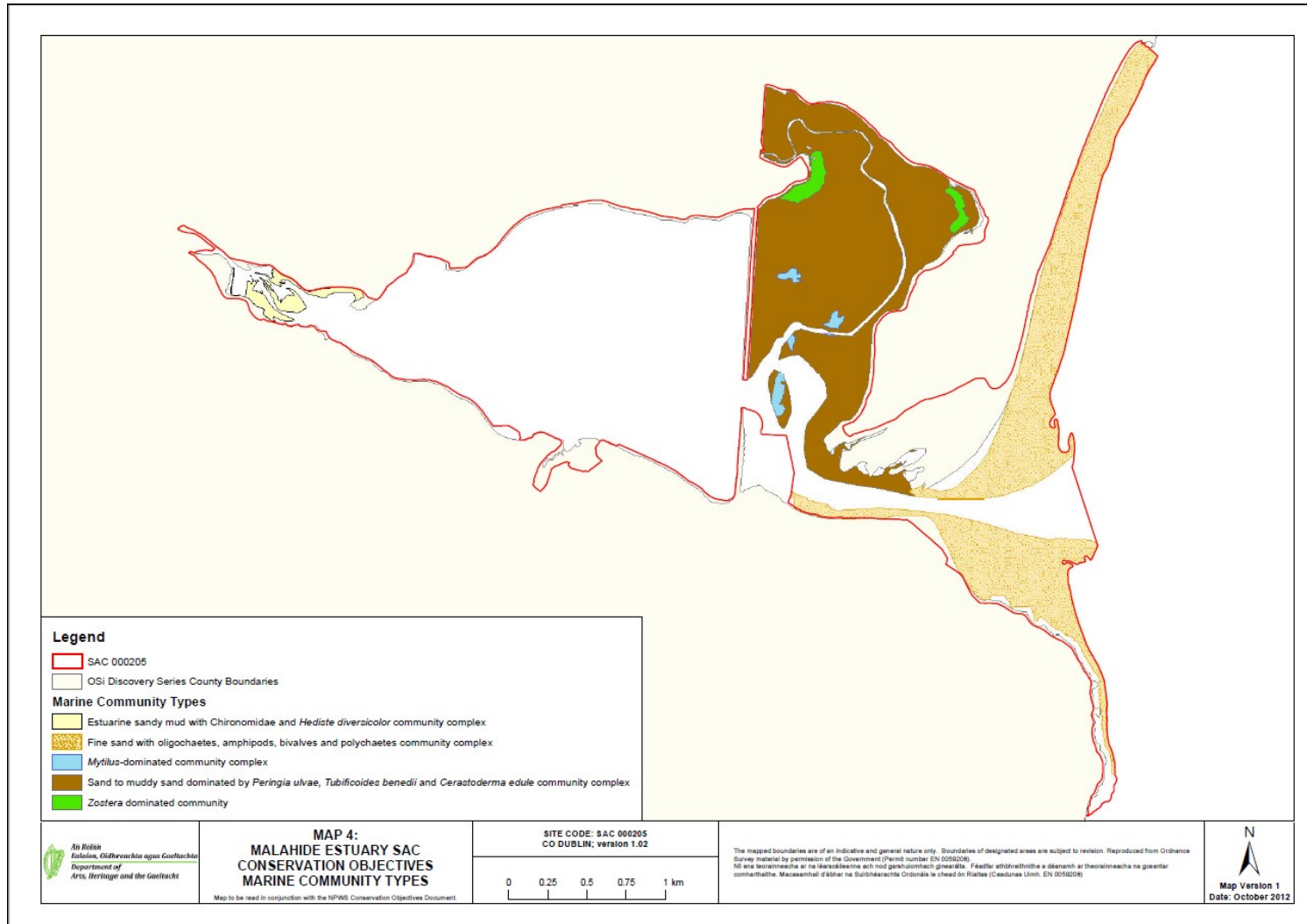


Figure 2.9. Areas of Marine Community Types within the Malahide Estuary SAC. (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205).

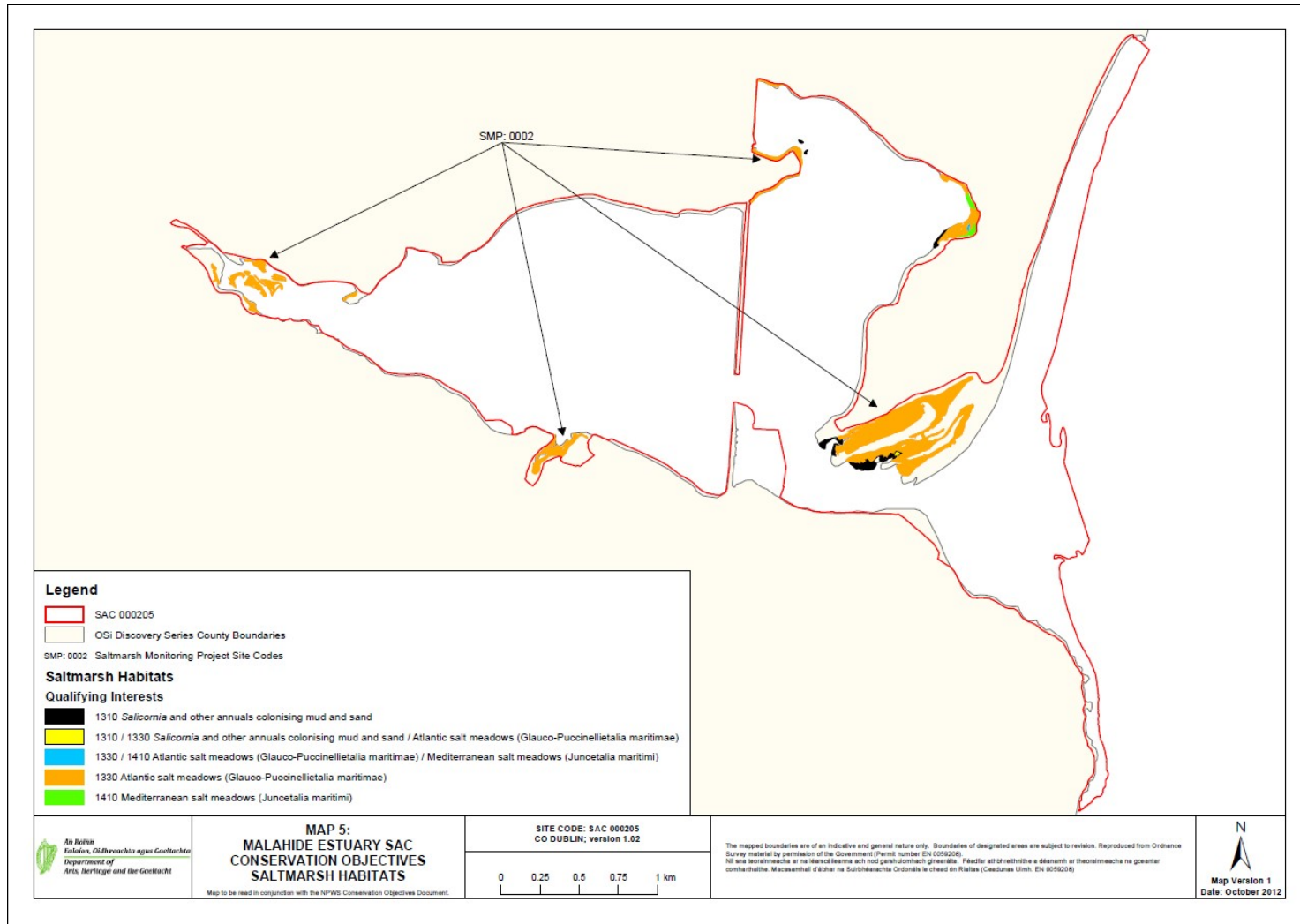


Figure 2.10. Areas of Saltmarsh Habitats within the Malahide Estuary SAC. (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205).

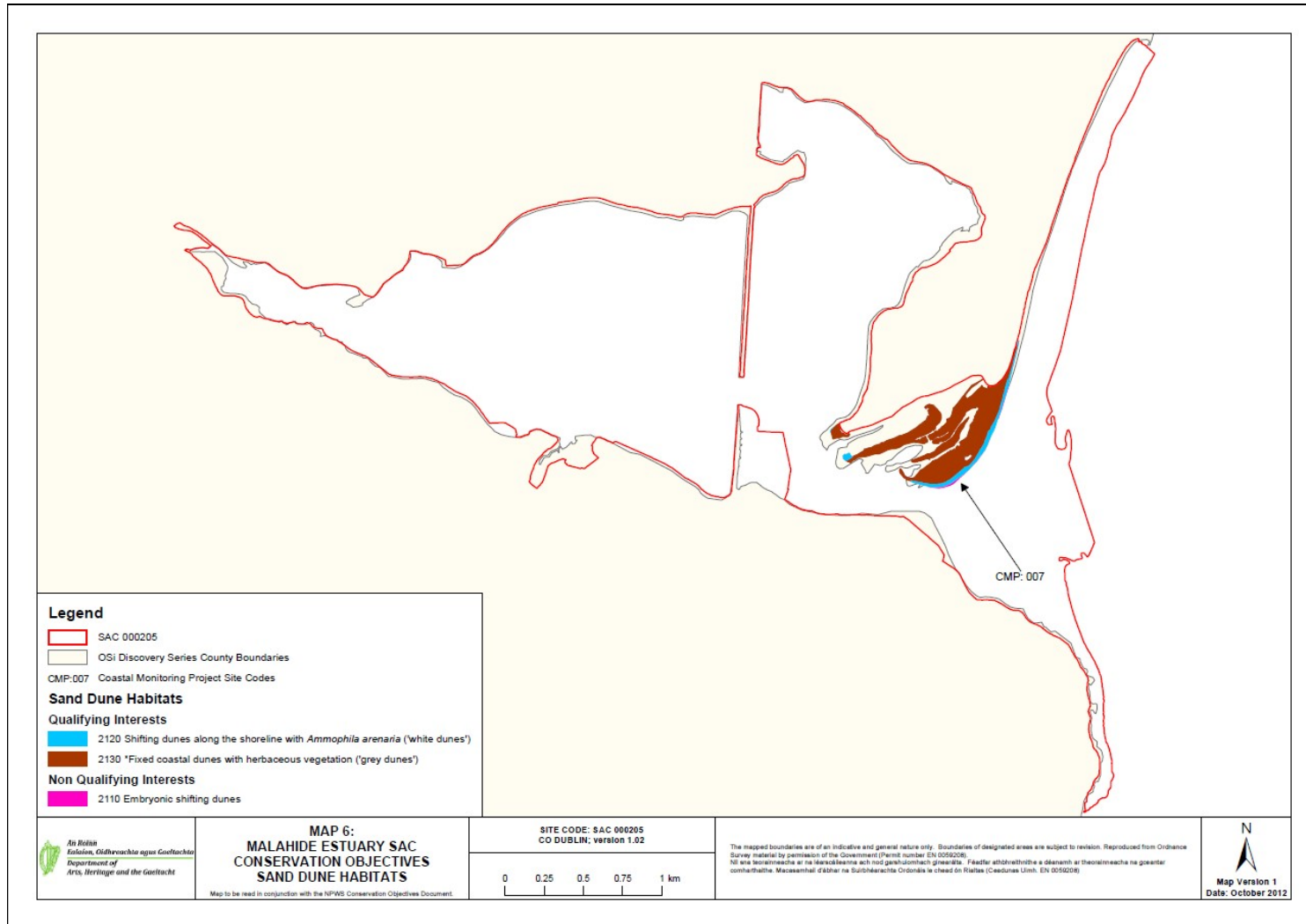


Figure 2.11. Areas of Sand Dune Habitats within the Malahide Estuary SAC. (Source: NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205).

**Table 2.7.1. Likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects as detailed in Section 2.8) on nearby European Sites by virtue of:**

<b>Size and scale</b>	None – none of the works are proposed within any Natura 2000 site and given the small size and scale of the public realm improvements (a street 150m long and an area of 0.22ha) no direct, indirect or secondary impacts are likely.
<b>Land-take</b>	There will be no land take within any Natura 2000 site. The proposed public realm improvement works are located within an existing public road, which is in the charge of Fingal County Council.
<b>Distance from European Sites</b>	<p>There are nineteen European Sites within the zone of influence of the proposed public realm improvements for a pedestrianised New Street as presented in <b>Table 2.5.1</b> above.</p> <p>Only one European Site, which is designated as both an SAC and SPA (Malahide Estuary SAC/SPA) is located within 200m of New Street and has a direct Source-Pathway-Receptor Link via surface waters from New Street.</p> <p>The remainder of the European Sites identified in <b>Table 2.5.1</b> are located greater than 3km away with no direct Source-Pathway-Receptor Link between them and New Street and any indirect impacts on them arising from surface water runoff would be insignificant on account of the dilution impacts of the Irish Sea.</p>
<b>Resource requirements (water abstraction, etc.)</b>	<p><b>Water Supply</b></p> <p>This determination relies on the information provided in the report and associated drawings prepared by PUNCH Consulting Engineers Limited.</p> <p>PUNCH Consulting Engineers report (Public Realm Improvements and Associated Works for Pedestrianised New Street Engineering Services Report 222126-PUNCH-XX-XX-RP-C-000, dated February 2023) states that:</p> <p>‘an existing 3” cast iron watermain (installed in 1925) running along New Street will be replaced/renewed with a modern 150mm diameter ductile iron watermain. The renewal of this watermain asset is provided as contingency to cater for possible increases in watermain loading demands in the future and to avoid the need to replace/upgrade the watermain following the</p>

	<p>establishment of the new public realm. There will be no increases in watermain loading demands arising from the public realm improvements’.</p> <p>There will be no extraction from natural surface or ground water sources required to supply the public realm improvements and therefore there will be no impacts on the water levels or the hydrology of any European Site.</p>
<p><b>Emissions (disposal to land, water or air)</b></p>	<p><b><u>Construction Phase:</u></b> There are no mitigation measures required to protect any European Sites during the construction phase of the project.</p> <p>During the construction phase of the project standard best practice construction methods will be used to protect the general environment. The project has incorporated these methods as standard, irrespective of any effect on any European Sites. They are widely implemented on construction sites, have been shown to be effective and there is widespread practical experience of their use.</p> <p>There are no likely significant effects on any European Site arising from emissions during the construction phase of the proposed public realm improvements.</p> <p><b><u>Operational Phase</u></b> There are no mitigation measures required to protect any of the identified European Sites during the operational phase of the project as set out below.</p> <p>This determination relies on the information provided in the report and associated drawings prepared by PUNCH Consulting Engineers Limited which is summarised below.</p> <p><b>Stormwater</b> The PUNCH Consulting Engineers report ((Public Realm Improvements and Associated Works for Pedestrianised New Street Engineering Services Report 222126-PUNCH-XX-XX-RP-C-000, dated February 2023) states that:</p> <p>“It is likely that private foul pipes are currently discharging to the stormwater network given the</p>



	<p>absence of a dedicated foul line on New Street. The project design seeks to rectify this through the provision of a dedicated foul line serving New Street”.</p> <p>The surface water runoff from New Street is currently likely to contain foul waste (as well as contaminants and pollutants such as vehicle fuel, oils and other hydro-carbons from vehicles, as well as other waste and litter from the streetscape) and to carry these to the outer estuary.</p> <p>However, the proposed public realm improvements will not lead to any increase in the amount of surface water run-off from New Street or the amount of contaminants and pollutants it contains. Therefore, even without taking into account any SUDs measures, there is no possibility of any likely significant effects on the European Site arising from the proposed development and there is no reasonable scientific doubt in relation to this conclusion.</p> <p>In fact, the permanent pedestrianisation of New Street, with limited vehicular access for deliveries to the street, is to be welcomed as some of these pollutants will be reduced from the streetscape, resulting in a positive effect. The design includes the provision of a dedicated foul line serving New Street which will remove any foul effluent from the surface water network with positive effects on the qualifying interests of the Malahide Estuary SAC.</p> <p>Furthermore, the water quality of surface waters leaving the street will be improved by the public realm design as the surface waters will pass through the proposed bio-retention areas prior to discharge and the water quality within the surface water run-off will be significantly improved as a result.</p> <p><b>Foulwater</b></p> <p>The PUNCH Consulting Engineers report (Public Realm Improvements and Associated Works for Pedestrianised New Street Engineering Services Report 222126-PUNCH-XX-XX-RP-C-000, dated February 2023) states that a new dedicated 300mm diameter foul sewer is proposed along New Street in parallel with the proposed stormwater drainage line. The introduction of this dedicated foul sewer will allow for foul connections directly from premises along New Street, thereby</p>
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	<p>reducing the foul sewer effluent which exists in the pre-existing stormwater system with subsequent improvements to water quality in any stormwater discharges. The foul sewer pipe is purposely provided with excess capacity to create contingency for further foul loading in the future and to avoid the need to replace/upgrade the sewer following the public realm improvements.</p> <p>No additional foul water loading requirements will arise from the public realm improvements. The public realm improvements will not have any likely significant effects on any European Site and there is no reasonable scientific doubt in relation to this conclusion.</p>
<p><b>Excavation requirements</b></p>	<p>There are no excavation requirements within any European site. There will be excavation within the boundaries of the development site, but this will be localised and will not have any likely significant effect on any European Site.</p>
<p><b>Transportation requirements</b></p>	<p>The Traffic &amp; Transport Assessment by Punch Consulting Engineers assesses the impact of the proposed New Street pedestrianisation on the existing local transport network in comparison with the pre-pedestrianised scenario.</p> <p>During the construction phase of the development, the Traffic &amp; Transport Assessment by Punch Consulting Engineers states that volumes of construction related traffic generated will be small in comparison to existing traffic volumes in the area. This will not have any likely significant effect on any European Site.</p> <p>An assessment of operational impacts was undertaken with regard to the pre-pedestrianised baseline position with two-way traffic on New Street (2019). The Traffic &amp; Transport Assessment by Punch Consulting Engineers undertook capacity analysis for 12no. junctions in 2019, 2020 and 2023 and confirms that there will be no additional traffic generated by the proposed development.</p> <p>As cars can no longer use New Street, vehicular traffic will be redistributed to other junctions in the area and this redistribution of traffic was considered on a junction-by-junction basis.</p> <p>The analysis of the modelling results contained within the Traffic &amp; Transport Assessment by Punch Consulting Engineers concludes that the pedestrianisation of New Street has had little</p>

	<p>impact on the operational capacity of the surrounding network of roads and junctions. When comparing the 2023 post-pedestrianisation with the 2019 pre-pedestrianisation scenarios, there are minimal effects on the capacity for surrounding road network and junctions.</p> <p>Given that</p> <ol style="list-style-type: none"><li>1. there is no additional traffic generated by the proposed development (such that there is no increase in traffic-related emissions),</li><li>2. that traffic will be redistributed to other junctions, and that</li><li>3. that redistribution has not resulted in any significant impacts on the operational capacity of the surrounding network of roads and junctions (so there will be no increase in traffic congestion or associated emissions),</li></ol> <p>There is essentially no alteration to the existing scenario vis a vis traffic related effects on any European site arising from the proposed development and therefore there will be no likely significant effects on any European Site arising from the proposed public realm improvements for a pedestrianised New Street.</p> <p>Further, in assessing the current situation in 2023, the Traffic &amp; Transport Assessment by Punch Consulting Engineers also confirms that the existing traffic arrangements do not give rise to any likely significant effects. These traffic arrangements will be the same when the pedestrianisation with public realm improvements is implemented and therefore will not give rise to any likely significant effects on any European Sites.</p> <p>The likely significant effects of both the construction and operational phases of the public realm improvements have also been assessed throughout this AA Screening Report which concludes that there are no likely significant effects on any European Site arising from the public realm improvements for a pedestrianised New Street.</p>
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<b>Duration of construction, operation, decommissioning, etc.</b>	Construction is likely to last for 15 months and will not have any likely significant effect on any European Site. There are no disturbance impacts envisaged from the construction or operation of the proposed public realm improvements and pedestrianisation on completion (see <b>Table 2.7.2</b> below).
<b>Reduction of habitat area</b>	There will be no reduction of habitat area within any European Site. All works are to take place within the development area of New Street and there will not be any likely significant effect on any European Site arising from same.

As set out in **Table 2.7.2** there will be no changes to any European Sites arising as a result of disturbance, fragmentation, etc.

**Table 2.7.2. Description of likely changes to the site arising as a result of:**

<b>Disturbance to key species</b>	<p><b>Disturbance to Birds:</b></p> <p>The potential for activities associated with either the construction or operation of the proposed public realm improvements, is ruled out for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is a sufficient separation distance from New Street to the adjoining estuary, to be satisfied that activities associated with both the construction and operation (use) of the proposed public realm improvements will not cause any visual disturbance to birds using the Malahide Estuary;</li> <li>• New Street was trafficable prior to 2020 and was an existing busy thoroughfare with people, traffic and human activity. These levels of activity will be permanently decreased as a result of the proposed public realm improvements and the pedestrianisation of New Street. There will be no new or increased levels of noise disturbance and human activity as a result of the proposed public realm improvements and there will not be any likely significant effects on birds using the Malahide Estuary;</li> <li>• No works which could generate significant noise above already occurring background levels will occur during the construction phase.</li> </ul>
<b>Habitat or species fragmentation</b>	There will be no fragmentation of habitat or species arising from the proposed public realm improvements at New Street.

<p><b>Reduction in species density</b></p>	<p>There will be no reduction in species density arising from the proposed public realm improvements for a pedestrianised New Street.</p> <p>As noted above, no additional foul water loading requirements will arise from the public realm improvements and in fact the proposed provision of a new foul water main will ensure that any foul sewer effluent, which exists in the pre-existing stormwater system in New Street, will be eliminated and diverted to the Malahide WWTP for treatment with subsequent beneficial effects for the habitats and species in the identified European Sites.</p> <p>During the construction phase, any emission of surface waters from the streetscape to the existing surface water infrastructure will be minor given the nature of the works and are not likely to have a significant effect on any European Site.</p> <p>During the operational phase, the proposed public realm improvements will not lead to any increase in the amount of surface water run-off from New Street or the amount of contaminants and pollutants it contains. Therefore, even without taking into account any SUDs measures, there is no possibility of any likely significant effects on the European Site arising from the proposed development (either during the construction or operational phase) and there is no reasonable scientific doubt in relation to this conclusion.</p> <p>Furthermore, the water quality of surface waters leaving the street will be improved by the public realm design as the surface waters will pass through the proposed bio-retention areas prior to discharge and the water quality within the surface water run-off will be significantly improved as a result.</p> <p>This will result in a net improvement/benefit to the habitats in the downstream receiving environments (i.e. a net positive impact) and there will be no reduction in species density.</p>
<p><b>Changes in key indicators of conservation value (water quality etc.)</b></p>	<p>There will be no negative changes in key indicators of conservation value (water quality etc.) arising from the proposed public realm improvements at New Street. As set out above, surface waters from New Street currently discharge in an untreated manner to Malahide Estuary via the existing stormwater network and this run-off is likely to contain foul waste as well as</p>

	<p>contaminants and pollutants such as vehicle fuel, oils and other hydro-carbons from vehicles, as well as other waste and litter.</p> <p>During the construction phase, any emission of surface waters from the streetscape to the existing surface water infrastructure will be minor given the nature of the works and are not likely to have a significant effect on any European Site.</p> <p>During the operational phase, the proposed public realm improvements will not lead to any increase in the amount of surface water run-off from New Street or the amount of contaminants and pollutants it contains. Therefore, even without taking into account any SUDs measures, there is no possibility of any likely significant effects on the European Site arising from the proposed development (either during the construction or operational phase) and there is no reasonable scientific doubt in relation to this conclusion.</p> <p>In fact, the proposed provision of a new foul water main will ensure that any foul sewer effluent which exists in the pre-existing stormwater system in New Street, will be eliminated and diverted to the Malahide WWTP for treatment with subsequent beneficial effects for the identified European Sites.</p> <p>Furthermore, the surface waters from the public realm will be discharged through a series of bioretention areas, which will result in a reduction in loading of the downstream Surface Water network during low intensity rainfall events and an improvement in water quality. This will result in a net improvement/benefit to the downstream receiving environments.</p>
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<b>Climate change</b>	<p>The Traffic and Transport Assessment [Punch Consulting Engineers] has considered the volumes of traffic that will be generated during the construction phase and concludes that these will be small in comparison to existing traffic flows in the general area. In terms of climate impacts, construction traffic will generate emissions during the construction phase of the development. Vehicle engines and other equipment will cause emissions of CO<sub>2</sub> and N<sub>2</sub>O. These emissions will be short term and therefore not likely to be significant in relation to climate.</p> <p>In relation to the operational phase of the development, the proposed development includes measures to encourage Active Travel through walking and cycling, thereby leading to a reduction in greenhouse gas emissions as required by the actions and targets contained within the Climate Action Plan 2023. These impacts will likely cause a positive and long term impact on air and climate during the operational phase of the development.</p> <p>During the operational phase the proposed development will not generate any increased traffic on the road network. On the contrary, the pedestrianisation and proposed public realm improvements insofar as they discourage use of the private car in Malahide village, will promote modal shift towards public transport, walking and cycling. This approach is very much in line with local, regional and national land use planning and transportation policies. There will be a redistribution of traffic movements on the network and, as a result, the streets immediately east and west of New Street (i.e. Old Street, Townyard Lane and St James' Terrace) will experience increased volumes than they would in the absence of the New Street proposals. Bus routes are also rerouted.</p> <p>The proposed pedestrianisation of New Street will not result in increased traffic volumes on the road network and the Traffic and Transportation Assessment [Punch consulting Engineers] indicates that there are minimal effects on the capacity of the surrounding junctions arising from the proposed pedestrianisation of New Street. No significant increases in greenhouse gas emissions are therefore expected arising from same.</p>
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**Table 2.7.3** below describes any likely impacts on the key relationships that define the structure and functions of the identified European Sites.

**Table 2.7.3. Description of any likely impacts on the European Site as a whole in terms of:**

<b>Key relationships that define the structure of the sites</b>	There are no likely changes to any European Site(s) as a result of the proposed public realm improvements for a pedestrianised New Street with respect to the key relationships that define the structure of the European Site.
<b>Key relationships that define the function of the site</b>	There are no likely changes to any European Site(s) as a result of the proposed public realm improvements for a pedestrianised New Street with respect to the key relationships that define the function of the European Site.



## 2.7 Mitigation Specific to European Sites

This screening assessment is consistent with the judgement of the European Court in Case C-332/17, *People Over Wind & Sweetman v Coillte* (Judgement of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including *Heather Hill Management CLG v An Bord Pleanála* [2019] IEHC 450 and *Sweetman v An Bord Pleanála* [2020] IEHC 39.

It is also consistent with the judgement in the *Eco Advocacy v An Bord Pleanála* [2021] IEHC 265. In that case, Humphreys J identified a core legal principal, being that regard should not be had to mitigation measures at AA screening stage. Humphreys J decided in that case that clarification was required from the CJEU on the matter (as it related to the consideration of SuDS and whether these represented mitigation measures) and the decision of the CJEU is currently awaited.

As noted in Section 2.6.2, an operational surface water management for the proposed development has been designed to comply with the 'Greater Dublin Strategic Drainage Study (GSDS) Regional Drainage Policies Technical Document - Volume 2, New Developments, 2005' and it is proposed to use a sustainable urban drainage system (SuDS) approach to stormwater at this site. However, as noted in this AA Screening Report, even if no SuDS measures were to be incorporated into the design and surface water arising at the site were to continue to discharge through the existing surface water network there would be no likely significant effects on any European Sites arising from this project.

The recent *Eco Advocacy CLG - Opinion of Advocate General Kokott* delivered on 19 January 2023 reviewed the consideration of SuDS measures at the appropriate assessment screening stage vis a vis whether SuDS measures amount to 'mitigation' or not and states that the SuDS measures under consideration in the case:

*'are not taken to limit the effects on the protected site. On the contrary, these are measures which are taken in all such projects independently of whether a protected site is affected. They are not therefore an indication of the probability of a significant effect on the protected site'.*

In relation to whether it was appropriate to take such measures into account at the screening stage vis a vis are they 'mitigation measures', it was the opinion of Advocate General Kokott that;

*'at the stage of screening the need for an appropriate assessment under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2013/17/EU of 13 May 2013, features of the plan or project involving the removal of contaminants that may have the effect of mitigating a harmful effect on the protected site may be taken into account, where it is clear, on the basis of objective considerations, that those features were incorporated in to the design as standard features*

*irrespective of any effect on the protected site concerned, and all reasonable scientific doubt concerning their effectiveness can be ruled out'.*

In that regard, both the SuDS measures included in the proposed public realm improvements, and the standard construction practices detailed in the Construction Management Plan and the Construction and Demolition Waste Management Plan, have been incorporated into the project as standard, irrespective of any effect on any European Sites.

Furthermore, the standard practices deployed on construction sites (as detailed in the Construction Management Plan and the Construction and Demolition Waste Management Plan) are widely implemented on construction sites, have been shown to be effective and there is widespread practical experience of their use.

As is clear from the foregoing, no mitigation measures are either necessary or proposed for the protection of European Sites or which was intended to avoid or reduce impacts on any European Sites.

## **2.8 In Combination Effects**

This AA Screening Report has considered and assessed whether the proposed public realm improvements for a pedestrianised New Street are likely to have a significant effect on any European Site in combination with other plans and projects.

### **Plans**

The following plans in preparing this assessment:

**Fingal Development Plan 2017-2023** - There will be no likely significant in-combination effects on any European Site between the Fingal Development Plan 2017-2023 and the proposed public realm improvements for a pedestrianised New Street as a result of implementation of the proposed mitigation within the Fingal Development Plan 2017-2023, namely that all plans, projects and activities requiring consent have an EIA and AA conducted as appropriate.

**Draft Fingal Development Plan 2023 - 2029** - There will be no likely significant in-combination effects on any European Site between the Draft Fingal Development Plan 2023 - 2029 and the proposed public realm improvements for a pedestrianised New Street as a result of implementation of the proposed mitigation within the Draft Fingal Development Plan 2023 - 2029 namely that all plans, projects and activities requiring consent have an EIA and AA conducted as appropriate.

**FCC Heritage Plan 2018 - 2023** - There will be no likely significant in combination effects on any European Site between the FCCHP and the proposed public realm improvements for a pedestrianised New Street, as the

FCCHP contains a considerable number of protective policies and objectives in respect of heritage of Fingal including the strategic requirement that any project will be subject to AA Screening at the least.

**FCC Climate Change Action Plan 2019-2024** - There will be no likely significant in combination effects on any European Site between the FCC CCAP and the proposed public realm improvements for a pedestrianised New Street. T19, which is an objective of the plan sets out to encourage active travel and behavioural change through the re-organisation of allocation of space to pedestrians in the public realm. All projects and or actions arising from the FCC CCAP will be subject to AA Screening thus ensuring that there is no potential for in-combination effects.

**Fingal Biodiversity Plan 2015 - 2020** - This plan is currently being updated by the Draft Fingal Biodiversity Plan - 2022 - 2030. The draft updated plan contains 100 actions for biodiversity. All projects and or actions arising from the FCC BAP will be subject to AA Screening and therefore there will be no likely significant in combination effects on any European Site between the Draft Fingal Biodiversity Plan - 2022 - 2030 and the proposed public realm improvements for a pedestrianised New Street.

**National Biodiversity Action Plan 2017-2021** - The purpose of this action plan, which was Ireland's third iteration of the Biodiversity Action Plan (BAP), are to achieve Ireland's Vision for Biodiversity through addressing issues ranging from improving the management of protected areas to increasing awareness and appreciation of biodiversity and ecosystem services. As the BAP is aimed at environmental protection, there will be no likely significant in combination effects on any European Site between this plan and the proposed public realm improvements for a pedestrianised New Street.

**Project Ireland 2040 - National Planning Framework (NPF)** - There will be no likely significant in combination effects on any European Site between the NPF and the proposed public realm improvements for a pedestrianised New Street as a result of implementation of Objective 75 from the NPF, which is to ensure that all plans, projects and activities requiring consent arising from the National Planning Framework are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate.

## **Projects**

A review of recent planning permissions (in the past 5 years) within and in the vicinity of the subject site was also undertaken as part of the preparation of this AA Screening Report.

There are currently no planning permissions for other developments within the application site red line at New Street.

New Street comprises a mix of residential dwellings, shops, restaurants and public houses. Planning permission has been granted for several developments within the buildings on New Street. These permissions generally relate to small developments (e.g. extensions, reconfiguration, change of use, signage) that typically occurs within an established and developed urban village and comprise works that are unlikely to give rise to significant in-combination effects with the proposed public realm improvements for a pedestrianised New Street.

A review of recent permissions within the wider 'TC - Town and District Centre' zoned area of Malahide Village was also completed. Landscape improvements to The Green, located directly to the north of the site, were granted in 2017 (Ref. Part XI/007/17) and completed in 2021 and included layout revisions, installation of paving, street furniture and recontouring of the open space, and do not give rise to any likely significant in combination effects with the proposed public realm improvements for a pedestrianised New Street.

Also of note is the permitted Broadmeadow Greenway, granted permission by An Bord Pleanála (Bord Ref. YA06F.304624) in May 2020 and comprising a greenway between Malahide Demesne and Newbridge Demesne. The route of the permitted greenway is located c.150m to the west of the New Street/ Strand Street junction. The permitted Broadmeadow Greenway, like the existing Baldoyle Portmarnock Greenway, is part of a wider network of greenways proposed for Fingal and includes the planned Sutton to Malahide Greenway, all of which will promote and facilitate Active Travel within Malahide and the wider county.

The in-combination effects (reduced car use and increased active travel - walking and cycling) of the permitted Broadmeadow Greenway project have been considered and in-combination it is considered that the greenway proposals and the New Street improvements will have a positive impact on the environment in terms of promoting and facilitating Active Travel and do not give rise to any likely significant in-combination effects on any European Site.

Outside of the village area, it is possible that other projects, including proposed Strategic Housing Developments (SHDs) in the Malahide Road and Back Road areas of Malahide, will be under construction at the same time as the current project. These projects will be at a remove from the site at New Street and are a significant distance away from it. The primary in-combination effects would likely relate to construction traffic, however

construction traffic relating to these other projects would not need to enter or travel through Malahide Village and so is unlikely to give rise to any likely significant in-combination effects with the proposed New Street public realm improvements.

Considering the nature and scale of the proposed development at New Street, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, the overarching plans and policies of Fingal County Council, and the nature of existing, permitted and proposed development in its environs, it is considered that the proposed public realm improvements for a pedestrianised New Street are not likely to have a significant effect on any European Site in-combination with other plans or projects.

## 2.9 Screening Assessment Conclusion

Following an examination, analysis and evaluation of all relevant information, on the basis of objective information and in light of best scientific knowledge and applying the precautionary principle, it can be concluded that the proposed public realm improvements at New Street, Malahide, either individually or in combination with other plans and projects, and in the absence of mitigation, is not likely to have a significant effect on any European Site(s), in view of the sites conservation objectives, and that there is no reasonable scientific doubt in relation to this conclusion.

The main reasons for this conclusion are as follows:

- The proposed public realm improvements at New Street, Malahide are small (150m long and 0.22 ha in size)
- None of the proposed public realm improvements will take place within any European Site.
- There will be no increased loading demands on the mains water supply and provision for same is being provided within the public realm improvements.
- There are no likely significant effects arising from the proposed public realm improvements for a pedestrianised New Street, regardless of the implementation of any SUDS measures.
- In fact, the water quality of surface waters leaving the street will be improved by the public realm design as the surface waters will pass through the proposed bio-retention areas prior to discharge and the water quality within the surface water run-off will be significantly improved as a result, with positive effects on the Natura 2000 sites identified.
- There will be no likely significant effects/changes to any European Site(s) arising from disturbance to key species, habitat or species fragmentation, a reduction in species density, or changes in key indicators of conservation value such as water quality.
- Considering the nature and scale of the proposed development at New Street, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, the overarching plans and policies of Fingal County Council, and the nature of existing, permitted and proposed development in its environs, it is considered that the proposed public realm improvements for a pedestrianised New Street are not likely to have a significant effect on any European Site in-combination with other plans or projects.

The overall conclusion of this report is that on the basis of objective information and in view of best scientific knowledge and applying the precautionary principle, the proposed development, either individually or in combination with other plans or projects, and without relying on any mitigation measures, is not likely to have significant effect on any European Site(s), in view of the sites conservation objectives, and that there is no reasonable scientific doubt in relation to this conclusion. For the avoidance of doubt, SUDS measures have not been taken into account in reaching this conclusion.

In reaching this conclusion, the nature of the proposed public realm improvements and their relationship with all European Sites within the zone of influence, and their conservation objectives, have been fully considered.

Therefore it is the professional opinion of the author of this report that the proposed public realm improvements for a pedestrianised New Street, Malahide, Co. Dublin do not require a Stage 2 Appropriate Assessment.

This assessment was completed with reference to the additional reports and plans prepared for the development which are presented in the Appendices of this report.

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