

# HABITATS DIRECTIVE SCREENING OF A PROPOSED DEVELOPMENT AT 27 PATRICK STREET, DÚN LAOGHAIRE, CO. DUBLIN

FOR DÚN LAOGHAIRE–RATHDOWN COUNTY COUNCIL

In Line with the Requirements of Article 6(3) of the EU Habitats Directive



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## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential effects of proposed works at 27 Patrick Street, Dún Laoghaire, Co. Dublin on certain designated European sites was carried out in March 2022 by Nevin Traynor BSc Env and Noreen McLoughlin, MSc, MCIEEM. The location of the proposed development is within the Zone of Influence of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely.

This report contains information required by the competent authority (in this instance Dún Laoghaire–Rathdown County Council) to undertake an Appropriate Assessment determination. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European Sites, either individually or in combination with other plans or projects. In accordance with the Legislation and National Guidance, the competent authority should issue an AA Screening Determination, which should set out their decision regarding AA, including the main reasons and considerations on which the determination is based.

### **1.2 REGULATORY CONTEXT**

#### **1.2.1 RELEVANT LEGALISATION**

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into

Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2021 and that status does not deteriorate in any waters.

### 1.2.2 APPROPRIATE ASSESSMENT AND THE HABITATS DIRECTIVE

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. *Natura 2000* sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting *Natura 2000* sites. Article 6(3) establishes the requirement for Appropriate Assessment:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the 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."

### 1.2.3 THE APPROPRIATE ASSESSMENT PROCESS

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

'(1) 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.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown

to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

## 2.0 METHODOLOGY

### 2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2002). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

**Stage 1: Screening** – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

**Stage 2: Appropriate Assessment** – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

**Stage 3: Assessment of Alternative Solutions** – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain** – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.



## 2.2 STATEMENT OF COMPETENCY

This AA Screening report was carried out by Nevin Traynor Environmental Scientist BSc Env. and Noreen McLoughlin, BA, MSc, MCIEEM. Nevin has an honours degree in Environmental Science from Sligo IT. Nevin has over 18 years experience as an Environmental Consultant in Ireland. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over 15 years. Noreen has over 17 years' experience as a professional ecologist in Ireland.

## 2.3 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Bing maps & Google Street View – High quality aerials and street images;
- Traynor Environmental Ltd – Plans and Information Pertaining to the Development
- Dún Laoghaire–Rathdown County Council – Plans of the Development and Further Information on planning history in the area for the assessment of cumulative impacts.

## 2.4 ASSESSMENT METHODOLOGY

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zoi) of the proposed development was defined. Based on the potential impacts and their Zoi, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.



the development. It is proposed to implement a number of SUDS measures which will further reduce the proposed runoff from the site to the public drainage system.

Roof drainage will be conveyed via rainwater downpipes to ground level where it will enter AJ's in the central courtyard and a new surface water manhole before it enters the proposed foul manhole within the site, a single connection to the 300mm dia combined system on Cross Ave is proposed. This arrangement provides the option to separate the discharge flows from the site when/if the public system is separated. The remaining 40sqm to the north west of the building plot is proposed to be finished in permeable paving.

### **Sustainable Drainage Proposals**

In accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and the Greater Dublin Regional Code of Practice for Drainage Works it is proposed to include a number of SUDS measures including the following:

- Green roof
- Porous paving Wastewater Management

#### Foul Water Discharge

It is proposed to collect the foul discharge from the units in the central entrance courtyard by a system of AJ's, which will then be directed to a new foul manhole within the curtilage of the site, a single connection to the existing 300mm combined sewer on Cross Avenue is proposed. The existing 300mm combined sewer along Cross Avenue is currently at a depth of 1.8m below road level and the proposed building is at 28m, therefore the level difference provides adequate protection against surcharge within the Combined sewer.

## **3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT**

The application site is approximately 220m<sup>2</sup>. The site is located in an urban area at the junction of Cross Avenue and Patrick Street in Dún Laoghaire. It is located approximately 500m south of the centre of Dún Laoghaire village. The site is bounded to the north by Cross Avenue, to the east by Patrick Street and to the west and south by separate residential areas.

The land use surrounding the site is predominantly sub-urban residential. The dominant habitats associated with these areas include buildings and artificial surfaces and amenity grasslands and gardens. Other habitats represented locally include hedgerows, treelines and scattered trees and parkland. Site location maps are shown in Figures 2 and 3, whilst an aerial photograph of the site and its surrounding habitats is shown in Figure 4.

### **Habitats**

The application site does not lie within or adjacent to any area that has been designated for nature conservation purposes. The site is currently used as a car park and it is entirely comprised of impermeable artificial surfaces. There are no habitats of biodiversity value within the site. There are no potential Annex



I habitats within the site and there are no habitats within the site that would be suitable for any Annex I bird species.

**Figure 2 – Site Location Map (Site Pinned)**



**Figure 3 – Site Location Map. Application Site (Both Permanent and Temporary Sites) are Outlined in Red.**



### Water Features and Quality

The application site lies within the Liffey and Dublin Bay Hydrometric Area (09) and Catchment (09), the Dodder Sub-Catchment (010) and the Brewery Stream Sub-Basin (010). There are no watercourses within or adjacent to the application site. The closest water feature to the site is the open water habitats of Dublin Bay at Dún Laoghaire pier and harbour.

The EPA have classified the ecological status of Dublin Bay in this area as good. Under the requirements of the Water Framework Directive, this is satisfactory this status must be maintained.

**Figure 4a – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats**



**Figure 4b – Street View © Google**





### 3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are seventeen Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the application site are summarised in Table 1 and a map showing their locations relative to the application site is shown in Figure 5. A full description of all these sites can be read on the website of the National Parks and Wildlife Service (npws.ie).

**Table 1 Nature 2000 Site located 15km from the Proposed Site.**

Site Name & Code	Distance from Site	Qualifying Interests	Significant Effects
South Dublin Bay and River Tolka Estuary SPA 004024	903m north	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>• Knot (<i>Calidris canutus</i>)</li> <li>• Sanderling (<i>Calidris alba</i>)</li> <li>• Dunlin (<i>Calidris alpina</i>)</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>• Redshank (<i>Tringa totanus</i>)</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>The site does not support sufficient or suitable habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</i></p>

		<ul style="list-style-type: none"> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>• Roseate Tern (<i>Sterna dougallii</i>)</li> <li>• Common Tern (<i>Sterna hirundo</i>)</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>)</li> <li>• Wetland and Waterbirds</li> </ul>	
South Dublin Bay SAC 000210	1.1 km north-west	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Annual vegetation of drift lines</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Embryonic shifting dunes</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</i></p>
Dalkey Island SPA 004172	3.1 km south-east	<ul style="list-style-type: none"> <li>• Roseate Tern (<i>Sterna dougallii</i>)</li> <li>• Common Tern (<i>Sterna hirundo</i>)</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>)</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</i></p>
Rockabill to Dalkey Island SAC 003000	3.1 km south-east	<ul style="list-style-type: none"> <li>• Reefs</li> <li>• <i>Phocoena phocoena</i> (Harbour Porpoise)</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</i></p>



North Dublin Bay SAC 000206	6km north	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Annual vegetation of drift lines</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia arenaria</i>)</li> <li>• Embryonic shifting dunes</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> <li>• Humid dune slacks</li> <li>• <i>Petalophyllum ralfsii</i> (Petalwort)</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</i></p>
North Bull Island SPA 004006	6km north	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>• Shelduck (<i>Tadorna tadorna</i>)</li> <li>• Teal (<i>Anas crecca</i>)</li> <li>• Pintail (<i>Anas acuta</i>)</li> <li>• Shoveler (<i>Anas clypeata</i>)</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>)</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>• Knot (<i>Calidris canutus</i>)</li> <li>• Sanderling (<i>Calidris alba</i>)</li> <li>• Dunlin (<i>Calidris alpina</i>)</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>)</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>• Curlew (<i>Numenius arquata</i>)</li> <li>• Redshank (<i>Tringa totanus</i>)</li> <li>• Turnstone (<i>Arenaria interpres</i>)</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>The site does not support sufficient or suitable habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</i></p>

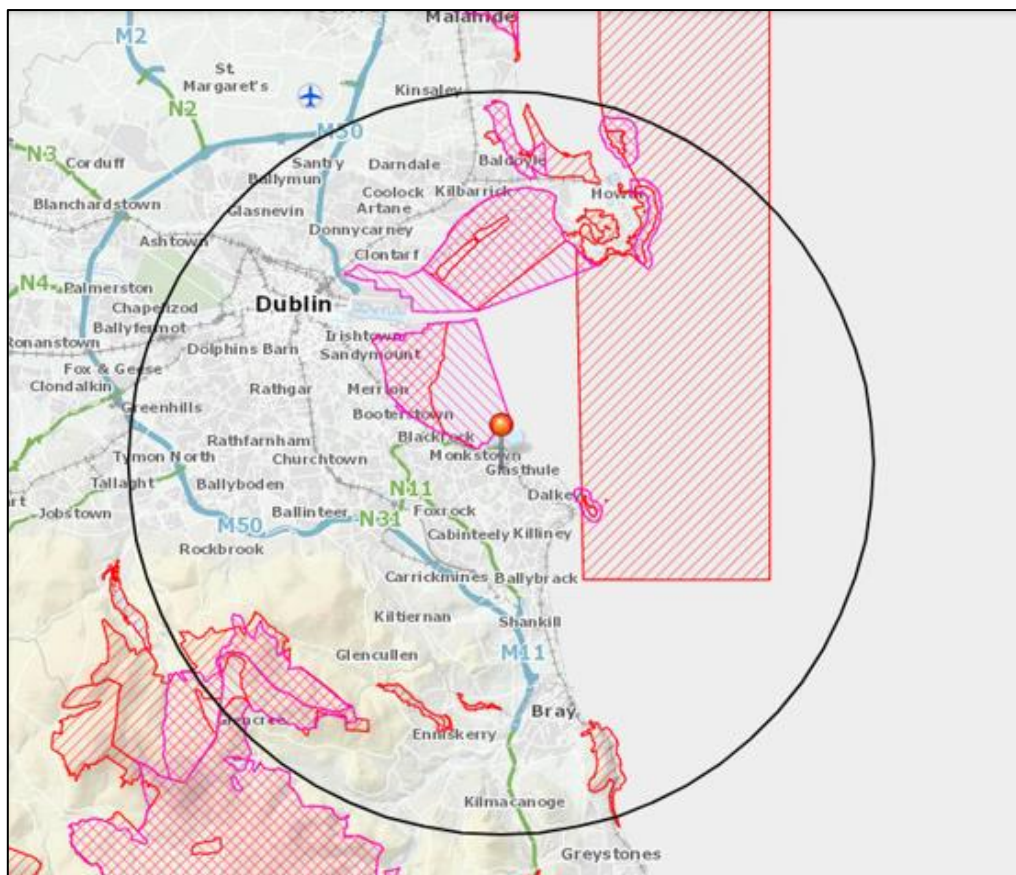
		<ul style="list-style-type: none"> <li>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</li> <li>Wetland and Waterbirds</li> </ul>	
Howth Head SAC 000202	8.6km north	<ul style="list-style-type: none"> <li>Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>European dry heaths</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</i></p>
Ballyman Glen SAC 000713	9.4km south	<ul style="list-style-type: none"> <li>Petrifying springs with tufa formation (Cratoneurion)</li> <li>Alkaline fens</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</i></p>
Howth Head Coast SPA 004113	9.6km north-east	<ul style="list-style-type: none"> <li>Kittiwake <i>Rissa tridactyla</i></li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</i></p> <p><i>The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</i></p>
Knocksink Wood SAC 000725	9.8km south	<ul style="list-style-type: none"> <li>Petrifying springs with tufa formation (Cratoneurion)</li> <li>Alluvial forests with <i>Alnus glutinosa</i> and</li> </ul>	<p><i>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application</i></p>

		<p>Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p>	<p>site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</p>
Bray Head SAC 000714	10.9km south	<ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>• European dry heaths</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</p>
Wicklow Mountains SAC 002122	11km south-west	<ul style="list-style-type: none"> <li>• Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)</li> <li>• Natural dystrophic lakes and ponds</li> <li>• Northern Atlantic wet heaths with Erica tetralix</li> <li>• European dry heaths</li> <li>• Alpine and Boreal heaths</li> <li>• Calaminarian grasslands of the Violetalia calaminariae</li> <li>• Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</li> <li>• Blanket bogs (* if active bog)</li> <li>• Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</p>

		<ul style="list-style-type: none"> <li>• Calcareous rocky slopes with chasmophytic vegetation</li> <li>• Siliceous rocky slopes with chasmophytic vegetation</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles</li> <li>• <i>Lutra lutra</i> (Otter)</li> </ul>	
Baldoyle Bay SAC 000199	11.3km north	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide</li> <li>• Salicornia and other annuals colonising mud and sand</li> <li>• Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritima</i>)</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</p>
Baldoyle Bay SPA 004016	11.3km north	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</li> <li>• Shelduck (<i>Tadorna tadorna</i>)</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>)</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>)</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>)</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>)</li> <li>• Wetland and Waterbirds</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>The site does not support sufficient or suitable habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</p>
Wicklow Mountains SPA 004040	11.4km south-west	<ul style="list-style-type: none"> <li>• Merlin (<i>Falco columbarius</i>)</li> <li>• Peregrine (<i>Falco peregrinus</i>)</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>The site does not support any habitat that could be used by the QIs of this SPA</p>

			and significant effects upon these species will not arise.
Ireland's Eye SPA 004016	12.7km north-east	<ul style="list-style-type: none"> <li>• Cormorant (<i>Phalacrocorax carbo</i>)</li> <li>• Herring Gull (<i>Larus argentatus</i>)</li> <li>• Kittiwake (<i>Rissa tridactyla</i>)</li> <li>• Guillemot (<i>Uria aalge</i>)</li> <li>• Razorbill (<i>Alca torda</i>)</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.</p>
Ireland's Eye SAC 002193	13km north-east	<ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts</li> <li>• Perennial vegetation of stony banks</li> </ul>	<p>There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out.</p> <p>There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.</p>

**Figure 5 – The Application Site (Pinned) in relation to the Natura 2000 Sites (SACs – Red Hatching; SPAs – Pink Hatching). 15km Boundary Shown.**



### 3.4 NATURA 2000 IMPACT ASSESSMENT

The potential impacts of the application on Natura 2000 sites identified are described below.

**Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:**

The proposed development will consist of the construction of new housing scheme (four units) on a site at Cross Avenue, in Dun Laoghaire, Co. Dublin. The application site has no hydrological or ecological connectivity to any Natura 2000 site. The construction and operation of the proposed development will have no significant effect upon the Natura 2000 sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these sites. There is a sufficient distance between the application site and all Natura 2000 sites to ensure that potential direct and indirect impacts will be avoided. There will be no impacts upon the Qualifying Interests of any designated site.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:**

**Size and scale:** Given the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified, the likelihood of any direct, indirect or cumulative impacts on these designated sites arising from the construction and operation of the proposed development are low.

**Land-take:** There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site. There will be no loss of undesignated habitats of biodiversity value.

**Distance from Natura 2000 site or key features of the site:** There are seventeen Natura 2000 sites within 15km of this proposed development. The closest of these are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC and these are 903m north and 1.1km north-west of the application site respectively. There is no hydrological connectivity between the application site and this SPA/SAC, or any other SPA/SPA within 15km of the site.

**Resource requirements (water abstraction etc.):** No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

**Emissions:** There will be no emissions from the application site to any designated site during the construction or operation phase of the project. There are no surface water features within the application site and there is no hydrological connectivity between the application site and any designated area. Wastewater from the site will be directed to the public foul sewer whilst clean surface water from the application site will be directed in the public system following attenuation.

**Excavation requirements:** Construction and demolition waste and excavated material from the construction will be used on site. Any remaining will be disposed of in a responsible manner in a licensed facility away from any designated sites.

**Transportation requirements:** No access to any areas of any designated site will be required during any phase of project.

**In-Combination / Cumulative Impacts:** The proposed application was considered in combination with other developments or proposed developments in the greater Dún Laoghaire-Rathdown area and potential cumulative impacts were considered. Any individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. The construction and operation of the proposed development will have no impacts when considered in combination with other plans and projects that have been screened for Appropriate Assessment or where mitigation measures have been included as part of Appropriate Assessment (Natura Impact Statement).

**Duration of construction, operation, decommissioning etc:** Construction will take approximately one year.



**Describe any likely changes to the nearby Natura 2000 sites arising as a result of:**

**Reduction of habitat area:** The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area or interference with any protected habitat within any SAC or SPA. There will be no interference with the boundaries of any designated site. There will be no loss or fragmentation or disturbance to any of the riparian habitats along any watercourse. There will be no loss of habitats defined as Qualifying Interests for any designated site.

**Disturbance to key species:** The bird species identified as using the SPAs within 15km of the site are mostly wading species that use the estuarine and coastal habitats of the estuaries of Co. Dublin and the surrounding areas. They will not be impacted upon by the construction or operation of the proposed development. This site does not contain suitable habitat for any of the species listed as SPAs of the sites within 15km of the application site.

**Habitat or species fragmentation:** There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the site and any Natura 2000 site will be damaged or destroyed. There will be no loss of any habitat of biodiversity value.

**Reduction in species density:** There will be no reduction in species density within any SAC and SPA. There will be no reduction of bird density in any SPA arising from the application. There will be no loss of any non-designated feeding areas used by birds that are listed in Annex I of the Birds Directive.

**Changes in key indicators of conservation value (water quality etc.):** There will be no negative impacts upon surface or ground water quality within any SAC or SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse.

**Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:**

**Interference with the key relationships that define the structure or function of the site:** It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

**Provide indicators of significance as a result of the identification of effects set out above in terms of:**

**Loss** - Estimated percentage of lost area of habitat: None

**Fragmentation:** None

**Disruption & disturbance:** None

**Change to key elements of the site** (e.g. water quality etc.): None



### 3.5 Findings of No Significance Effects

Finding of No Significant Effects Report Matrix	
<b>Name of project</b>	Construction of Residential Development at Cross Avenue, Dún Laoghaire, Co. Dublin
<b>Name and location of Natura 2000 site</b>	There are seventeen Natura 2000 sites within 15km of this proposed development. The closest of these are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC and these are 903m north and 1.1km north-west of the application site respectively. There is no hydrological connectivity between the application site and this SPA/SAC, or any other SPA/SPA within 15km of the site.
<b>Description of project</b>	Part 8 Proposal for the Construction of Four Housing Units at an Existing Car Park Site.
<b>Is the project directly connected with or necessary to the management of the site?</b>	No
<b>Are there other projects or plans that together with project being assessed could affect the site?</b>	No
The Assessment of Significance of Effects	
<b>Describe how the project is likely to affect the Natura 2000 site</b>	No impacts likely
<b>Explain why these effects are not considered significant</b>	Not applicable as there is no potential for negative impacts
<b>Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.</b>	No impacts likely
Data Collected to Carry out the Assessment	
<b>Who carried out the assessment</b>	Nevin Traynor Environmental Scientist BSc Env. & Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
<b>Sources of data</b>	NPWS, EPA, National Biodiversity Data Centre, Dún Laoghaire–Rathdown County Council
<b>Level of assessment completed</b>	Stage1 Appropriate Assessment Screening
<b>Where can the full results of the assessment be accessed and viewed</b>	Full results included

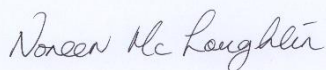
#### 4.0 Appropriate Assessment Conclusion

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Dún Laoghaire-Rathdown County Council, to carry out the screening for AA and to reach one of the following determinations:

- a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- b) AA of the proposed development is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, this proposed project does not need to proceed to Stage II of the Appropriate Assessment Process, i.e., a Natura Impact Statement (NIS).



**Noreen McLoughlin**, MSc, MCIEEM.



**Nevin Traynor** BSc. Env, H.Dip I.T