

Proposed Glencairn SHD Residential Development,
Murphystown Way, Dublin 18
Information for Screening for Appropriate
Assessment

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1 Introduction and background

This document constitutes an Appropriate Assessment Screening Report. The purpose of the report is to provide the information required to assist An Bord Pleanála, the competent authority, to undertake a screening exercise for Appropriate Assessment (AA). This will determine the effects, if any, on European sites, also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA), designated for nature conservation), of a proposed strategic housing development at Glencairn, Murphystown Way, Dublin 18.

Brady Shipman Martin was commissioned to undertake the study, which was carried out by Senior Ecologist Matthew Hague CEnv MCIEEM.

A desk study review and a number of site visits were undertaken and the potential impacts on European sites, both as a result of the proposed development and in-combination with other plans and projects, are appraised in this report.

The requirements for an Appropriate Assessment are set out under *Article 6 of the EU Habitats Directive (92/34/EEC)*, transposed into Irish law through the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI No. 477 of 2011) and the *Planning and Development Act, 2000* (as amended).

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken of the site at Glencairn House and the wider area. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites. Numerous surveys have been undertaken at the site between August 2016 and July 2018 including a survey specifically for the purpose of informing this Appropriate Assessment document, on 26th April 2018.

This report takes the following guidance documents into account:

- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (Department of Environment, Heritage and Local Government, 2010 revision);
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular NPWS 1/10 & PSSP 2/10;
- *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, 2001);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Draft Guidance issued by the European Commission (April 2015).

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:
 - The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht (www.NPWS.ie);
 - The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
 - BirdWatch Ireland (www.birdwatchireland.ie);
 - Bat Conservation Ireland (www.batconservationireland.org).

- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
- Recent and historical OSi mapping and aerial photography, including www.geohive.ie;
- Photographs taken at the site in 2016, 2017 and 2018;
- Information on local watercourses from www.catchments.ie;
- Information on water quality in the area (www.epa.ie);
- Information on soils, geology and hydrogeology in the area (www.gsi.ie);
- Information on the status of EU protected habitats in Ireland (NPWS, 2013);
- Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
- Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, including the associated Natura Impact Report;
- Cherrywood Planning Scheme, 2014, Dún Laoghaire-Rathdown County Council, including the associated Appropriate Assessment Screening report;
- Cherrywood Planning Scheme Biodiversity Plan, 2012, Dún Laoghaire-Rathdown County Council.

The report has regard to the following legislative instruments:

- Planning and Development, Act 2000, as amended;
- European Commission (EC) Habitats Directive 92/43/EEC;
- European Commission (EC) Birds Directive 2009/147/EC;
- European Communities (Birds and Natural Habitats) Regulations 2011 (SI no 477 of 2011).

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposal was undertaken.

Given the amount of information available, including from the developer, NPWS and other sources, it has been possible to gather adequate information on the site and the adjacent area (in particular, the European sites), in order to make an informed, sound judgement as to the potential impacts of the proposed development on the qualifying interests of the European sites.

3 Screening for Appropriate Assessment

3.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

Following Screening, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

3.2 Potential Zone of Influence

For the risk of an adverse effect to occur there must be a 'source', such as a construction site; a 'receptor', such as a designated site for nature conservation; and a pathway between the source and the receptor, such as a watercourse that links the construction site to the designated site. Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

Identification of a risk means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, NPWS (2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*. As a general rule of thumb, it is often considered appropriate to include all European sites within 15km.

However, in some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 km away. Taking these factors into account, as a starting point a search was carried out for all European sites within 15km of the site at Glencairn. This search was then extended in order to ensure that all European sites with any potential links to the proposed development were accounted for in the study.

3.3 Study area and surrounding environment

3.3.1 Site location and European sites

The area surrounding the site at Glencairn is bounded to the west by Murphystown Road and the Luas Green Line, to the south and east by housing developments (Glencairn Chase, Glencairn View, Orby View and Orby Avenue) and to the north by a block of mixed deciduous woodland, scrub, and the M50 motorway.

The application site is located within the curtilage of Glencairn House. Glencairn House and associated buildings/structures are identified as a protected structure on the Record of Protected Structures (RPS Ref. No. 1643).

There are a number of European sites located within a 15km radius of the proposed development. These are:

- Rockabill to Dalkey Island SAC (Site code 003000);
- South Dublin Bay SAC (000210);
- Ballyman Glen SAC (000713);
- Knocksink Wood SAC (000725);
- Bray Head SAC (000714);
- Wicklow Mountains SAC (002122);
- North Dublin Bay SAC (000206);
- Howth Head SAC (000202);
- Glen of the Downs SAC (000719);
- Glenasmole Valley SAC (001209);
- Wicklow Mountains SPA (004040);
- North Bull Island SPA (004006);

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- Dalkey Islands SPA (004172);
- South Dublin Bay and River Tolka Estuary SPA (004024);
- Howth Head Coast SPA (004113).

The nearest designated sites are Knocksink Wood SAC (6km to the south), Wicklow Mountains SAC/SPA (6km to the south west) and Ballyman Glen SAC (7km to the south east). Regardless of distance, only two of the designated sites (Dalkey Islands SPA and Rockabill to Dalkey Island SAC) in the list above are remotely likely to be linked to the proposed development site at Glencairn House.

The potential impact ‘pathway’ is via water, however the proposed development site is not in close proximity to any rivers, streams or drainage ditches. The nearest such feature is a former stream, now effectively a series of ponds, only some of which hold water, located within woodland immediately to the north of the proposed development site. This feature, referred to in some sources (including <https://gis.epa.ie/EPAMaps/>) as the Racecourse Stream, is connected via a culvert under the M50 to the Carrickmines River (2.2km downstream). The Carrickmines River eventually meets the Shanganagh River in Loughlinstown and enters the sea at Ballybrack. The Shanganagh River does not drain directly into any European sites – Rockabill to Dalkey Island SAC and Dalkey Islands SPA are approximately 1.5km and 3.1km from the mouth of the Shanganagh River respectively. The European sites are shown in **Figure 1**.

It is considered that no other sites have any connection (pathway) with the proposed development at Glencairn House, due to their locations, topography and the features (qualifying interests) for which they are designated, as well as the scale of the development proposed. These sites are not considered further in this report.

The Hydrogeological Site Assessment undertaken by BlueRock Environmental and submitted with the planning application concluded that the construction of the proposed basements and attenuation tanks is not anticipated to impact on groundwater baseflow to the Racecourse Stream.

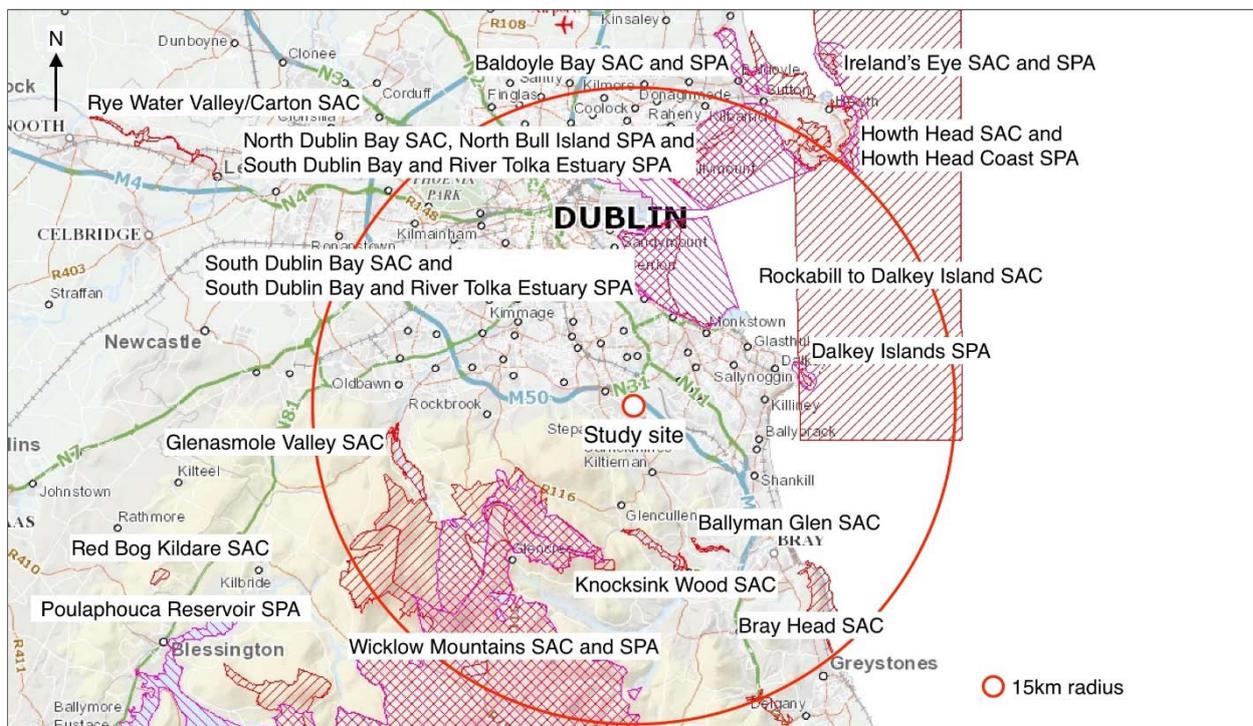


Figure 1: Study site at Glencairn House showing European sites

3.3.2 Other designated areas (other than European sites)

The nearest sites designated for nature conservation are Fitzsimon's Wood (001753) and Dingle Glen (001207) proposed Natural Heritage Areas (pNHA), approximately 1.5km to the west and 3.2km to the south east respectively. In addition, the Shanganagh River flows through Loughlinstown Woods pNHA (001211) and enters the sea near Dalkey Coastal Zone and Killiney Hill pNHA (001206), approximately 6.5km downstream to the east. However, for the reasons outlined above for the European sites, no impacts on these proposed designated sites are likely.

4 Description of the proposed development

The proposed development seeks to demolish an existing house and outbuildings and provide for the construction of 341 no. residential units, a childcare facility, open space and all associated site and infrastructural works on a site of c. 9.59 hectares.

The associated site and infrastructural works include foul and surface water drainage, internal roads and footpaths, parking spaces and bicycle spaces, public open space, landscaping, street lighting, walls and fences. The proposal includes for access to and improvements to the greenway to the south of the application site and to Murphystown Road to the west of the application site.

The proposal seeks to relocate the entrance portal, i.e. the archway and gates, from the existing location at the entrance to the site, to a new location within the site in closer proximity to the permitted new entrance to Glencairn House (new entrance and boundary to Glencairn House permitted under Reg. Reg.: D17A/0913).

5 Links to European sites, including cumulative effects

The proposed development site is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the Irish Red Data Book, the *Flora Protection Order*, 2015 or the EU Habitats Directive, are known to occur within the site.

No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken and no 'reservoir' type habitats are present. This includes for example, habitat utilised by curlew, a species listed as a Special Conservation Interest for North Bull Island SPA.

There will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the works. There is, therefore, no potential for the cumulative effects of habitat loss or fragmentation to occur. Furthermore there will be no significant effects on the European sites as a result of:

- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution;
- Air pollution.

5.1 Potential impacts during construction

All **construction activities**, including the works proposed at Glencairn, pose a potential risk to watercourses as surface water arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in local watercourses, including the Racecourse Stream, during construction.

Given the nature and scale of the construction phasing for the proposed development the risk of contamination of any watercourses is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that **this would not be perceptible in the offshore European sites**, for the following reasons:

- The separation between the proposed development site and the nearest watercourse (The M50 culvert to which surface water from the proposed development will outfall (on the Racecourse Stream) is approximately 2.2km upstream of the Ballyogan Stream/Carrickmines Stream, which flows into the Shanganagh River);
- The distance to the European sites, coupled with the fact that watercourses downstream of the site do not discharge directly to any European site (the Shanganagh River enters the sea at Ballybrack, a minimum of 1.5km from the nearest site - Rockabill to Dalkey Island SAC);
- The fact that a significant level of dilution and mixing of surface and sea water would occur.

5.2 Potential impacts during operation

Operational **Surface water** management for the proposed development is designed to comply with the 'Greater Dublin Strategic Drainage Study (GSDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005' and the 'Greater Dublin Regional Code of Practice for Drainage Works, V6.0 2005'. CIRIA Design Manuals C753, C697 and C609 have also been used to design the surface water drainage system within the site.

It is proposed to use a sustainable urban drainage system (SuDS) approach to stormwater management throughout the site, the overall strategy aims to provide an effective system to mitigate the adverse effects of urban stormwater runoff on the environment by reducing runoff rates, volumes and frequency, reducing pollutant concentrations in stormwater, contributing to amenity, aesthetics and biodiversity enhancement and allow for the maximum collection of rainwater for re-use where possible. In addition, SuDS features aim to replicate the natural characteristics of rainfall runoff for any site by providing control of run-off at source and this has been achieved by the current proposals.

SuDS are a requirement of Dun Laoghaire Rathdown County Council under the GSDSDS and the 'Regional Code of Practice for Drainage Works'. Additionally these systems are recommended under the 2009 guidelines, 'The Planning System and Flood Risk Management'. There are a number of SuDS features proposed which have been designed in accordance with CIRIA documents C753, C697 and C609 as follows:

- Filter strips;
- Swales (wet and dry);
- Filter drains;
- Permeable pavements;
- Bioretention areas;
- Green roofs;
- Cellular attenuation systems;
- Petrol interceptors.

Due to the large extent of development within the site it is not proposed to provide long-term storage. However, the GSDSDS requires flood waters for a 100 year return period to be managed on-site, therefore this return period was adopted for the attenuation calculations made by DBFL Consulting Engineers. Surface water attenuation for the site will be provided within underground 'Stormtech' proprietary modular arch systems. The configuration of the development drainage infrastructure system, including Sustainable Drainage System features (SuDS) with

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underground attenuation, is designed such that there is one overall catchment draining to the Racecourse Stream.

The final combined discharge rate to the stream will be kept at (or below) the total permissible discharge rate.

No operational impacts related to surface water management, on European sites or otherwise, are envisaged as a result of the proposed development.

An existing private 150mm diameter **foul sewer** is located in Orby Avenue to the north-east of the site. The applicant has permission to connect to this existing foul sewer, which discharges to the public sewer system downstream and ultimately to Shanganagh Wastewater Treatment Plant for treatment and disposal.

The estimated peak flow from the development will be 12.2l/s and according to Irish Water (in correspondence included as Appendix B to the Engineering Services Report for the proposed development, prepared by DBFL Consulting Engineers) a wastewater connection would be feasible: *“subject to a valid connection agreement being put in place, your proposed connection to the Irish Water network can be facilitated.”*

The existing foul septic tanks and percolation area located within the subject site, serving Glencairn House and the Gate lodge, will be removed to facilitate development of the site. Foul drainage from Glencairn House and Gate lodge will connect to the proposed drainage system to be constructed as part of this planning application.

Foul drains and sewers have been designed and will be constructed in accordance with Irish Water’s ‘*Standard Details for wastewater infrastructure*’ and ‘*Code of practice for wastewater infrastructure*’. In addition, foul sewers have been designed to Building Regulations and specifically in accordance with the principles and methods set out in EN 752:2008 and DOE ‘*Recommendations for Site Development Works*’.

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

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Table 1 lists relevant European sites, outlines their reasons for designation and discusses potential source-pathway-receptor links and impacts or risks to these sites from the proposed development.

European Site	Reasons for designation (information correct as of 17 th July 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
<p>Rockabill to Dalkey Island SAC (003000) 4.9km to the east</p>	<ul style="list-style-type: none"> • Reefs [1170] • Harbour porpoise (<i>Phocoena phocoena</i>) [1351] <p>According this SAC's site <i>Conservation Objectives</i> document (dated 07 May 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable condition, as defined by the range of attributes and targets set out. As appraised in this report, the proposed development will have no impact on these Conservation Objectives.</p> <p>The SAC forms a strip of dynamic inshore and coastal waters in the western Irish Sea, extending approximately 40 km in length and encompassing a range of comparatively shallow marine habitats, including diverse seabed structures, reefs, islets and islands. It borders existing designated sites for Annexed species and habitats and is adjacent to a wide array of coastal features, e.g., mudflats, lagoons, estuaries, coastal cliffs, sea caves, several of which are also designated. Extending east from Dublin Bay towards the offshore Kish Bank, the site contains the entire Burford Bank, a sedimentary seabed structure (i.e. fine sand) at the mouth of Dublin Bay, that on its north side is flanked by gravel and coarse sand deposits. The site also contains the northern segment of the Frazer Bank (i.e. fine sand) off Dalkey Island and Killiney Bay. Reef habitats within the site occur at Dalkey Island, Maiden Rock and Muglins in the southern portion, off Howth Head, Ireland's Eye and Lambay Island in the central portion, and Rockabill in North Dublin.</p> <p>The SAC represents a key habitat for the Annex II species - harbour porpoise, within the Irish Sea. Population survey data show that porpoise occurrence within the site boundary meets suitable reference values for other designated sites in Ireland. The species occurs year-round within the site and comparatively high group sizes have been recorded. Porpoises with young (i.e. calves) are observed at favourable, typical reference values for the species. Casual and effort-related sighting rates from coastal observation stations are significant for the east coast of Ireland and the latter appear to be relatively stable across all seasons. The selected site contains a wide array of habitats believed to be</p>	<p>While there are, potentially, links between the proposed development site at Glencairn and these offshore European sites via water, no significant effects on water quality, and therefore on the sites' QIs and SCIs, are predicted.</p> <p>Surface water arising during the construction of the proposed development could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the surface water drainage network and from there, eventually, via the Shanganagh River, to the sea. However, there would be no significant effects on the conservation objectives of any European designated sites should this occur, given the nature, scale, and location of the proposed development. Even in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible in the offshore European sites. This is due to the separation between the proposed development site and the European sites and the fact that a significant level of dilution and mixing of surface and sea water would occur.</p> <p>No operational impacts related to groundwater, surface water or foul water management are envisaged as a result of the proposed development. No other operational impacts related to water will arise.</p>

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European Site	Reasons for designation (information correct as of 17 th July 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>important for harbour porpoise including inshore shallow sand and mud-banks and rocky reefs scoured by strong current flow. The site also contains two Annex II seal species – Harbour seal (<i>Phoca vitulina vitulina</i>), Grey seal (<i>Halichoerus grypus</i>) for which terrestrial haul-out sites occur in immediate proximity to the site. Bottlenose dolphin (<i>Tursiops truncatus</i>) has also occasionally been recorded in the area. Along the eastern seaboard the habitat type Reef is uncommon due to prevailing geology and hydrographical conditions. Expansive surveys of the Irish coast have indicated that the greatest resource of this habitat within the Irish Sea is found fringing offshore islands which are concentrated along the Dublin coast. A detailed survey of selected suitable islands has shown areas with typical biodiversity for this habitat both intertidally and subtidally. These Reefs are subject to strong tidal currents with an abundant supply of suspended matter resulting in good representation of filter feeding fauna such as sponges, anemones and echinoderms.</p>	
<p>Dalkey Islands SPA (004172) 5.2km to the north east</p>	<ul style="list-style-type: none"> • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] <p>According to this SPA's site <i>Generic Conservation Objectives</i> document (dated 21 February 2018), for each of the listed SCIs, the Conservation Objective is to maintain the favourable condition, as defined by the range of attributes and targets set out. As appraised in this report, the proposed development will have no impact on this Conservation Objective.</p> <p>The SPA comprises Dalkey Island, Lamb Island, Maiden Rock, the intervening rocks and reefs between Dalkey Island, Lamb Island and Clare Rock, and the sea area around Maiden Rock to a distance of 100 m. Dalkey Island, which is the largest in the group, lies c.400m off Sorrento Point and is separated by a deep channel. The island is low-lying, the highest point at c.15m is marked by a Martello Tower. Soil cover consists mainly of thin peaty layers, though in a few places there are boulder clay deposits. Vegetation cover is low, consisting mainly of grasses. Lamb Island lies to the north of Dalkey Island, attached at low-tide by a rocky reef. It has thin soil cover and a sparse vegetation cover.</p>	



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European Site	Reasons for designation (information correct as of 17 th July 2018) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>Further north lies Maidens Rock, a bare angular granite rock up to 5m high. There is no vegetation cover. Dalkey Island is grazed by a herd of feral goats.</p> <p>This SPA is of importance for both breeding and staging <i>Sterna</i> terns. There is a well-established colony of <i>Sterna hirundo</i> (common tern) and smaller numbers of <i>Sterna paradisaea</i> (Arctic tern). <i>Sterna dougallii</i> (roseate tern) bred in 2003 and 2004, one of only three known sites in the country - this came about after several years of conservation management aimed at attracting the species. The site along with other parts of south Dublin Bay is used by the three <i>Sterna</i> tern species as a major post-breeding/pre-migration autumn roost area. The origin of the birds is likely to be the Co. Dublin breeding sites though numbers also suggest birds from other sites, perhaps outside the state. The site also has breeding <i>Larus marinus</i> (great black-backed gull), <i>Tadorna tadorna</i> (shelduck) and <i>Haematopus ostralegus</i> (oystercatcher). The site is known to be frequented in winter by significant numbers of <i>Arenaria interpres</i> (ruddy turnstone) and <i>Calidris maritima</i> (purple sandpiper) but recent count data is unavailable.</p>	



6 Other issues

Giant hogweed (*Heracleum mantegazzianum*), Bohemian knotweed (*Fallopia x bohemica*) and Japanese knotweed (*Fallopia japonica*), invasive species those listed on Schedule 3 of the *Birds and Habitats Regulations, 2011* have been recorded on the site and extensive management to eradicate these species is currently under way. The construction methodology will further ensure that no such species will be introduced, either deliberately or inadvertently, to the site.

No other potential environmental impacts (such as cultural heritage or landscape and visual receptors) are considered relevant to this report.

7 Mitigation specific to European sites

In relation to European sites, there will be no impacts as a result of the proposed development. Therefore no mitigation is necessary or proposed for the protection of European sites.

8 In-combination effects

It is a requirement of the *Birds and Natural Habitats Regulations, 2011* that when considering whether a plan or project will adversely affect the integrity of a European site the assessment must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

- If it can be clearly demonstrated that the plan or project will not result in any effects at all that are relevant to the integrity of a European site then the plan or project should proceed without considering the in-combination test, further;
- If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

The proposed development area is approximately 400m to the north of the boundary of the Cherrywood SDZ area. The Cherrywood SDZ Planning Scheme was subject to Appropriate Assessment Screening, undertaken and reported on by Dún Laoghaire-Rathdown County Council. That Screening process identified that several Natura 2000 sites lie within the zone of influence of the draft Cherrywood SDZ Planning Scheme. It concluded however that "*None of these Natura 2000 sites are deemed to be at risk of likely significant effects of implementing the draft Planning Scheme*".

It is concluded in this report that the proposed project under appraisal (the construction of a new residential development and ancillary features) will not have any significant effects on any European sites. As such it can be concluded that the development either on its own or in-combination with other developments, including Cherrywood SDZ, will have no impact on the European sites.

9 Screening conclusion

This report concludes on the best scientific evidence that it can be clearly demonstrated that no elements of the proposed development at Glencairn House will result in any impact on the integrity or Qualifying Interests/Special Conservation Interests of any relevant European site, either on their own or in-combination with other plans or projects, in light of their conservation objectives.

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

It is considered that this report provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and reach a determination that the proposed development will not have any likely significant effect either alone or in combination with other plans or projects on any European site.

Appendix I: Background to Appropriate Assessment

The European¹ network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

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

(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of European is protected. It shall inform the Commission of the compensatory measures adopted.”

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Communities (Birds and Natural Habitats) Regulations 2011* (hereafter referred to as the *Birds and Habitats Regulations*)² and by the *Planning and Development Act 2000*, as amended.

In Ireland, the statutory agency responsible for the designated areas is NPWS.

Stages in the assessment

European Commission guidance (2001)³ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

Stage 1: Screening is the process which initially identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant

¹ The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European”

² SI No. 477 of 2011

³ European Commission (2001) *Assessment of Plans and Projects Significantly Affecting European Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC*

effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

Stage 2: Appropriate Assessment is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

Stage 3: Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.

Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- The specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

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

Guidance from the European Commission⁴ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

⁴ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

Proposed Glencairn SHD Residential Development, Murphystown Way, Dublin 18

Information for Screening for Appropriate Assessment

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;
4. Assess the likely significance of any effects on European sites.

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