

Daneswell Place, Former Printworks/Smurfit Site,
Botanic Road, Dublin 9.

Appropriate Assessment (Screening)

Report for Scanron Limited

June 2020

1. INTRODUCTION

The purpose of this report is to examine the possible impacts of the development proposed on Botanic Road on the integrity of the Natura 2000 site network, in particular on the nearby sites in Dublin Bay.

The development site is located 2.9km from the South Dublin Bay/Tolka Estuary SPA so the application has to have due regard to Article 6 (3) of the EU Habitats Directive which states:

Article 6 (3): 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 subject to appropriate assessment of its implications for the [Natura 2000] site in view of the [Natura 2000] site's conservation objectives.

This is transposed into national legislation by Regulation 31 of the European Communities (Natural Habitats) Regulations 1997.

The Screening Report will assess the likely impacts on the integrity of the local Natura 2000 sites and determine if a full Appropriate Assessment is required. It includes a description of the flora and fauna of the development site to see if any ecological connection or parallels exist between the subject area and these sites.

The description is derived from field visits in February 2019 and January 2020, having examined the available files and online sources of information for the local Natura 2000 sites. All work was undertaken by Roger Goodwillie, a full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM). The assistance of Jim Wilson (TCD) is acknowledged with thanks.

The sources of information used to collect data on the Natura 2000 network of sites include:

- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie, Google Earth and Bing aerial photography.
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including; the Natura 2000 network Data Form; Site Synopsis; Generic Conservation Objective data.
- Online database of rare, threatened and protected species o Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2013).

2. DESCRIPTION OF PROJECT SITE

2.1 Habitats and flora

The site is currently cleared land contiguous with the adjoining development to the south so is a mix of piled sand and stone, roadways and temporary buildings. Some drainage has been installed as has an entrance leading in from the NW corner. In terms of Fossitt (2000) it would be classified as spoil and bare ground (ED2).

Plant life is absent for the most part with a few species clinging onto the surrounding walls and edges, particularly near Botanic Road itself where there is a line of lime trees. Wall valerian *Centranthus ruber*, annual mercury *Mercurialis annua*, Bilbao fleabane *Conyza floribunda* and prickly lettuce *Lactuca serriola* are particularly noticeable. There are also a few tiny plants of butterfly bush *Buddleja davidii*.

2.2 Fauna

The lack of cover means that birds and other organisms are rare and only feral pigeon, jackdaw, herring gull and starling were seen. None would nest.

2.3 Adjacent habitats

The site is surrounded by urban development with relatively large gardens on its southern and eastern edges.

2.4 Evaluation

The site contains no habitat or organisms of significant interest and is very poor in biodiversity.

No Japanese knotweed or other invasive alien plant was seen.

3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining during the planning process whether a project is likely to have a significant effect on the integrity of any of the Natura 2000 sites so far designated (i.e. the candidate SAC's and SPA's), or their conservation objectives. There are twelve sites within 15km of Botanic Road that could theoretically be affected (see map at end). They are:

Name of Site	Site Code	km
Malahide Estuary SAC	0205	11.2
Broadmeadow/ Swords Estuary SPA	4025	11.2
Rockabill to Dalkey Island SAC marine site	3000	11.7
Baldoyle Bay SAC	0199	9.3
Baldoyle Bay	4016	9.3
Ireland's Eye SPA	4117	14.4
Howth Head SAC	0202	12.7
Howth Head cliffs SPA	4113	14.0
North Dublin Bay cSAC	0206	5.3
South Dublin Bay cSAC	0210	5.4
North Bull Island SPA	4006	5.4
Sandymount Strand/Tolka Estuary SPA	4024	2.9

The Dublin Bay sites are the most relevant ones as any impact caused by the project would be mediated through the Tolka River and felt first by this area. Only they are discussed below.

The AA Screening Report has been prepared in accordance with the following guidance documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DEHLG 2009, Revised February 2010).
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (EC, 2007).
- 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 (EC, 2002).
- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 9. (EC 2000).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10.
- 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 the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC.
- The Status of EU Protected Habitats and Species in Ireland 2013 (Department of Arts, Heritage and the Gaeltacht, 2013). 2/43/EEC (EC, 2000.)
- Directive 92/43/EEC — Conservation of natural habitats — Special areas of conservation — Article 6(3) — Screening in order to determine whether or not it is necessary to carry out an assessment of the implications, for a special area of conservation, of a plan or project — Measures that may be taken into account for that purpose. CJEU Case C-323/17.

In the Irish context the process has been interpreted as having four stages. Firstly a screening exercise (Stage 1, this document) determines if a project could have significant effects on a Natura site. The project should be screened without the inclusion of special mitigation measures unless potential impacts can clearly be avoided through design (or re-design). If impacts are identified or the situation is unclear a Natura Impact Statement (Stage 2) is provided to the planning or regulatory authority. Examples of significant effects are loss of habitat area, fragmentation of the habitat, disturbance to species using the site and changes in water resources or quality. If such negative effects come to light in the assessment, alternative solutions are investigated by the proponent (Stage 3) and modifications made unless the project is deemed to be driven by 'imperative reasons of overriding public interest' in its current form. In this case Stage 4 deals with compensatory action.

3.2 Project description

The development, which will have a Gross Floor Area of 23,859 sq m (excluding 3,800 sq m basement carparking) will principally consist of the construction of a residential development comprising 240 No. apartments (97 No. one bed apartments, 137 No. two bed apartments and 6 No. three bed apartments) in 5 No. blocks as follows: Block A (36 No. apartments) is part 3 to part 5 No. storeys; Block B (44 No. apartments) is part 5 to part 6 No. storeys over basement; Block C (54 No. apartments) is part 5 No. storeys to part 7 No. storeys over basement; Block D (54 No. apartments) is part 5 to part 7 No. storeys over basement; and Block E (52 No. apartments) is part 5 No. storeys to part 6 No. storeys over basement. Balconies and Winter Gardens are provided to all blocks, facing north, south, east, and west.

The development provides resident amenity spaces (727 sq m) including gymnasium, swimming pool, cinema and flexi space at basement level and a concierge (82 sq m) at ground floor level in Block B. There are 4 No. commercial units proposed including a creche (197 sq m); café (234 sq m), management suite (76 sq m) and medical consulting unit (119 sq m) at ground floor level in Block A.

The proposed development also comprises the: extinguishment of the existing secondary vehicular access to Botanic Road at the south-west corner; 148 No. car parking spaces (140 No. at basement level and 8 No. at ground level); 8 No. motorcycle spaces (at basement level); bicycle parking; bin storage; boundary treatments; hard and soft landscaping; lighting; plant; ESB substations and switchrooms; photovoltaic panels; green roofs; and all other associated site works above and below ground.

3.3 Natura 2000 sites

The site synopses which are available on the NPWS website, emphasise the feeding value of the mudflats in all of Dublin Bay to bird life and also the value of the North Bull Island as an ecosystem with sand dunes and saltmarsh. Effluent from the development site can only reach the Bay via river water so that above-tide features such as sand dunes cannot be influenced by it. Therefore only the saltmarsh and birdlife are considered as at potential risk.

The bird populations using the bay and the lagoons beside Bull Island consist of wildfowl and waders and involve many species. Light-bellied brent goose, black-tailed godwit, bar-tailed godwit and knot occur in numbers of international importance (Crowe 2012) while other wildfowl (shelduck, wigeon, teal, pintail, shoveler, red-breasted merganser and great crested grebe) and waders (oystercatcher, ringed plover, grey plover, sanderling, dunlin, curlew, greenshank, redshank, and turnstone) have populations of national value. In autumn large numbers of terns of all species roost on the sands in the southern part of the bay while common and arctic terns breed close to Dublin Port.

3.4 Conservation Objectives

Development of site- and species-specific conservation objectives by the NPWS is now complete for these sites (NPWS 2013a, 2013b, 2015a, 2015b) and can be seen on the NPWS website. The general objectives are as follows:

SAC Objective

To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC's have been selected. These are:

Shared by North and South Dublin Bay

Mudflats and sandflats not covered by seawater at low tide [1140]

North Dublin Bay only

Annual vegetation of drift lines [1210] –

Salicornia and other annuals colonizing mud and sand [1310]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Petalophyllum ralfsii [1395]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Embryonic shifting dunes [2110]

Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes") [2120]

Fixed coastal dunes with herbaceous vegetation ("grey dunes") [2130]

Humid dune slacks [2190]

SPA objective

To maintain the favourable conservation status of the Special Conservation Interests of the SPA's, i.e.

Light-bellied Brent Goose	<i>Branta bernicla hrota</i> [A046]
Shelduck	<i>Tadorna tadorna</i> [A048]
Teal	<i>Anas crecca</i> [A052]
Pintail	<i>Anas acuta</i> [A054]
Shoveler	<i>Anas clypeata</i> [A056]
Oystercatcher	<i>Haematopus ostralegus</i> [A130]
Ringed Plover	<i>Charadrius hiaticula</i> [A137] – <u>only in Sandymount Strand/Tolka Estuary</u>
Golden Plover	<i>Pluvialis apricaria</i> A140
Grey Plover	<i>Pluvialis squatarola</i> [A141]
Knot	<i>Calidris canutus</i>
Sanderling	<i>Calidris alba</i>
Dunlin	<i>Calidris alpina</i> [A149]
Black-tailed Godwit	<i>Limosa limosa</i> [A156]
Bar-tailed Godwit	<i>Limosa lapponica</i> [A157]
Curlew	<i>Numenius arquata</i> [A160]
Redshank	<i>Tringa totanus</i> [A162]
Turnstone	<i>Arenaria interpres</i> [A169]
Black-headed Gull	<i>Larus ridibundus</i> [A179]
Wetlands & waterbirds	

Terns only in Sandymount Strand/Tolka Estuary SPA

Roseate Tern	<i>Sterna dougallii</i> [A192]
Common Tern	<i>Sterna hirundo</i> [A193]
Arctic Tern	<i>Sterna paradisaea</i> [A194]

The favourable conservation status of a habitat is achieved when:

- its natural range, and 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
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved 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.

3.5 Possible threats to the habitats/species

Loss of habitat/species

There are no Annex I habitats or designated species within the footprint of the project and therefore none will be affected directly by this development.

Pollution

Dublin Bay receives water from the Tolka, Liffey and Dodder Rivers as well as by tidal flow. The Tolka had poor ecological quality, Q3 when last sampled (2016, EPA website) while the Liffey had moderate status Q3-4 and the Dodder good (Q4). All rivers carry sediment to Dublin Bay which has a naturally high sediment load (being an estuary). Its organisms are fully adapted to such an environment and many of the invertebrates feed on the sediment itself. Slight additional pollution by suspended solids therefore represents no significant threat to such a habitat.

Oil products, alkalis (from setting concrete or washing machinery) and formwork release compounds are the chemicals most at risk of escaping from the site. All have detrimental effects on inshore life and, in large quantities, could result in some loss of prey organisms to the birds.

3.6 Likely effects

The development will result in a complete change of land-use in the area as a formerly flat (and paved) open area will be replaced by apartment blocks and lawns. Ecologically this will add a measure of diversity and, with some garden and tree planting, will produce a greater area of local habitat for birds and insects than at present.

Viewed in combination with the rest of the conurbation, the only cumulative impact that can be foreseen is one of extra loading on the sewage treatment plants of the region. However the changes in treatment that occurred in the period 2000-2014 and the resulting change in input of nitrogenous waste to Dublin Bay (J. Wilson, pers.comm.) has not been reflected in a consistent way by the bird populations. Some species such as the brent goose and many waders have increased (Crowe 2005, Crowe *et al* 2012), while wildfowl have decreased, as they have all over the country. Organic input or increase does not therefore seem a major controlling factor in bird numbers

The other possible effect from this project on Dublin Bay – chemical pollution – will be mitigated in full by the management of site works and the control of run-off during construction and operation.

A construction management plan will be written by the chosen contractor detailing anti-pollution measures. Since some drainage infrastructure is already in place, preventative measures on inflows to it will be relatively straightforward.

4. CONCLUSION

In screening for an appropriate assessment of this project on the four Natura 2000 sites constituting Dublin Bay, and their conservation objectives, this analysis suggests that there will be no perceptible change in the state of the sites and no impairment of their integrity nor influence on the attainment of their conservation objectives. This is a finding of no significant impact on the integrity of the Natura 2000 network.

No listed species or habitat will be affected adversely and since this is so, there is no possibility of a wider cumulative impact.

References

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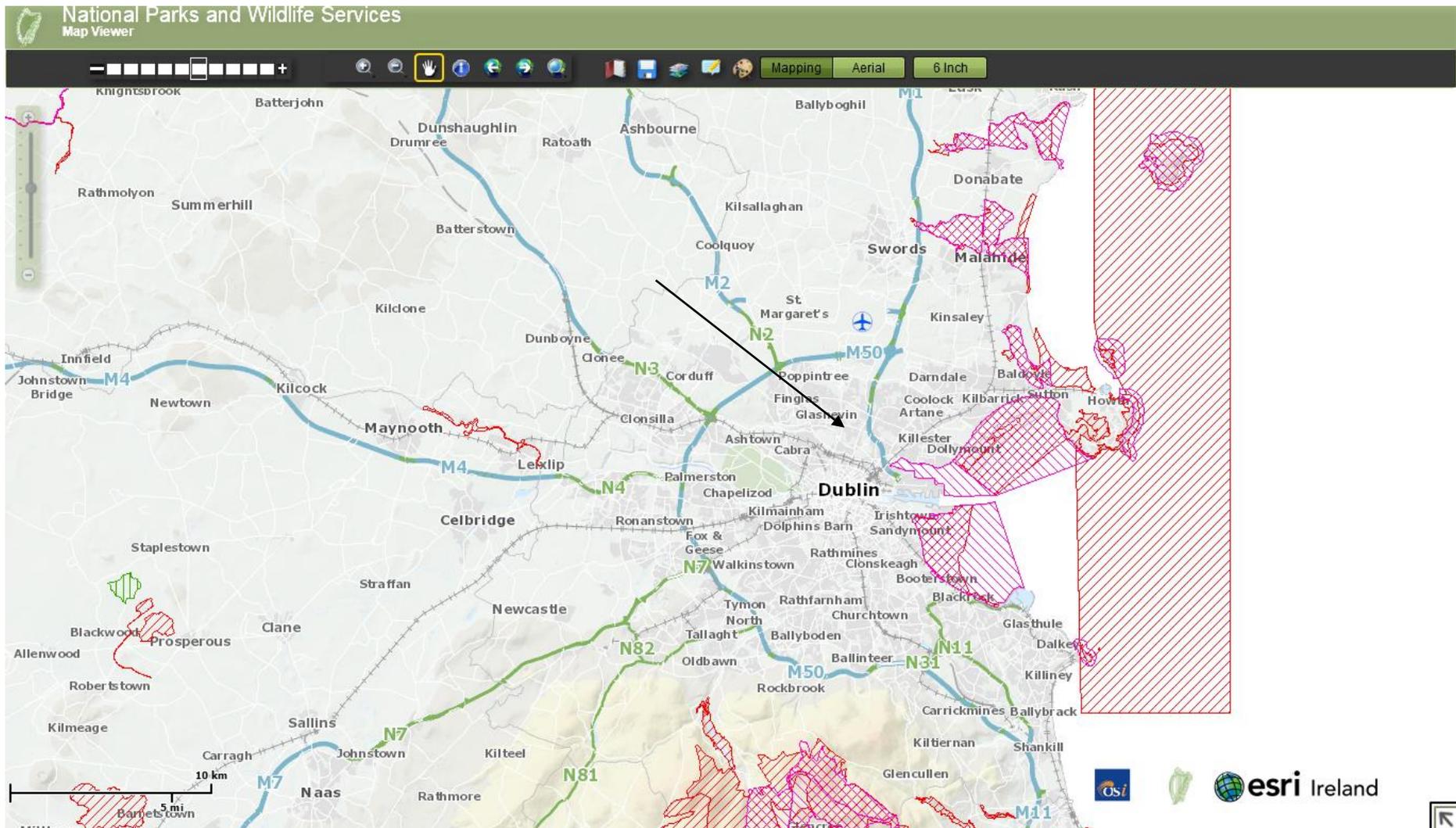
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NPWS (2013b) Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2015a) Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2015b) 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.



Map showing the position of the development site (arrowed) and the relevant Natura 2000 sit