



1.0 Response to Board Direction

- 1.1.1. I refer the Board to my report dated 11th April 2022 in relation to reference case ABP 310278-21 and the recommendation contained therein. I have prepared below a more comprehensive screening for Appropriate Assessment. Specifically, I have assessed whether or not the elements of the construction and operational phase of the proposed development identified in the Natura Impact Statement submitted as potentially giving rise to effects on European sites, would be likely to have significant effects on those sites, by reference to the sites' qualifying interests.

2.0 Screening for Appropriate Assessment

2.1. Introduction

- 2.1.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), 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(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view

of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

- 2.1.2. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the site's conservation objectives. A description of the proposed development is set out in Section 2 of my original report. The application is accompanied by a Natura Impact Statement prepared by NM Ecology Ltd. The name, qualifications, no. of years of experience and field of expertise of the person who wrote the Nature Impact Statement is detailed in Section 1.2 of the Nature Impact Statement.
- 2.1.3. Baldoyle Bay SPA (Site Code 004016) and Baldoyle Bay SAC (Site Code 000199) are located c. 1.9 km to the north-east of the site. There is no surface water pathway (e.g. river or stream) to link the site with the Baldoyle Bay SPA and SAC. Pathways via groundwater, air or land can be ruled out due to the distances involved and the intervening roads and residential areas. Pathways to the Baldoyle Bay SPA and SAC via coastal waters can be ruled out due to the distances involved and their location on the northern side of the Howth Head peninsula. Therefore, there is no potential for the proposed development on the appeal site to have a likely significant effect on the Baldoyle Bay SPA and SAC sites.
- 2.1.4. The appeal site is located c. 15 metres to the north of the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206). There is potential for hydrological links between the appeal site and these Natura 2000 sites whereby any overland or surface water flowing from the proposed development would be intercepted by the storm drains along the Howth Road, which would discharge to coastal waters nearby.
- 2.1.5. The conservation objectives and qualifying interests of these European Sites are set out below.

2.1.6. Table 1:

Name of Site	Conservation Objectives	Qualifying Interests/Special Conservation Interests	Distance
<p>North Bull Island SPA (Site Code: 004006)</p>	<ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Light-bellied Brent Goose in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Shelduck in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Teal in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Pintail in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Shoveler in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Oystercatcher in North Bull Island SPA. 	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p>	<p>c. 15m to the south of the site.</p>

	<ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Golden Plover in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Grey Plover in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Knot in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Sanderling in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Dunlin in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Black-tailed Godwit in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Bar-tailed Godwit in North Bull Island SPA. 	<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	
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	<ul style="list-style-type: none"> ▪ To maintain the favourable conservation condition of Curlew in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Redshank in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Turnstone in North Bull Island SPA. ▪ To maintain the favourable conservation condition of Black-headed Gull in North Bull Island SPA. ▪ To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it. 		
North Dublin Bay SAC (Site Code: 000206)	<ul style="list-style-type: none"> • To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide 	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] 	c. 15m to the south of the site.

	<p>in North Dublin Bay SAC.</p> <ul style="list-style-type: none"> • To restore the favourable conservation condition of Annual vegetation of drift lines in North Dublin Bay SAC. • To restore the favourable conservation condition of Salicornia and other annuals colonising mud and sand in North Dublin Bay SAC. • To maintain the favourable conservation condition of Atlantic salt meadows (Glaucopuccinellietalia maritimae) in North Dublin Bay SAC. • To maintain the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in North Dublin Bay SAC. • To restore the favourable conservation condition of Embryonic shifting dunes in North Dublin Bay SAC. 	<ul style="list-style-type: none"> • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • 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] • Petalophyllum ralfsii (Petalwort) [1395] 	
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	<ul style="list-style-type: none"> • To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in North Dublin Bay SAC. • To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in North Dublin Bay SAC. • To restore the favourable conservation condition of Humid dune slacks in North Dublin Bay SAC. • To maintain the favourable conservation condition of Petalwort in North Dublin Bay SAC. 		
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2.1.25. In undertaking a Stage 1 Screening for Appropriate Assessment, the NIS submitted concludes that the site is close to an SAC and SPA, and could potentially cause indirect impacts via pollution or disturbance of fauna. Therefore, in accordance with the precautionary principle, the report suggests that Appropriate Assessment is required. On this basis, the Natura Impact Statement is submitted. These potential indirect effects are assessed below.

2.1.26. **Potential Indirect Effects**

2.1.27. There is potential for indirect effects on the North Bull Island SPA and the North Dublin Bay SAC as a result of the proposed development via surface water runoff or disturbance of fauna, which could affect the habitats which are the subject of the conservation objectives of the European sites and the species they support there, as described in Section 3.1 of the submitted Natura Impact Statement. Potential indirect effects would include:

- Potential changes in the water quality of the North Bull Island SPA and North Dublin Bay SAC during the construction phase
- Potential changes in the water quality of the North Bull Island SPA and North Dublin Bay SAC during the operational phase.
- Disturbance of fauna during the construction phase.

These are assessed below accordingly.

2.1.28. Potential changes in water quality - construction phase

2.1.29. The demolition of the existing dwelling and the construction of new dwellings will involve a range of construction works, including groundworks, the use of heavy machinery and pouring concrete. These activities have the potential to generate a range of pollutants, including suspended sediments, cement products and hydrocarbons. If such pollutants reach the nearby coastal waters (i.e. via surface water runoff), they could cause negative effects on aquatic habitats and species.

2.1.30. The NIS submitted states that the proposed development is relatively small in scale, and the quantity of pollutants produced will also be small. Notwithstanding this, the report states that the intertidal habitats in the adjacent section of the North Dublin Bay SAC are rich in invertebrate life and support many of the birds for which the North Bull Island SPA has been designated. Many of these species are sensitive to additional sources of pollution.

2.1.31. The NIS states that a hypothetical impact assessment of potential pollution incidents is difficult, because any potential impacts would vary depending on the type of pollutant, the quantity of material entering the river, the rate at which it would occur, and the time of year. The NIS estimates that minor pollution incidents would be diluted

by the coastal waters, reducing their concentration to negligible levels before they could affect any of the qualifying interests of the SAC and SPA. However, if a precautionary approach is adopted (as stipulated in the legislation), the NIS states that it is possible that a large-scale pollution event could cause significant impacts on the conservation status of habitats or species within the SAC/ SPA. Therefore, the NIS states that appropriate mitigation measures will be required during construction in order to prevent any pollution incidents. These mitigation measures are detailed in Section 5 of the Natura Impact Statement submitted.

2.1.32. Notwithstanding the above, having regard to (i) the nature and limited scale of the proposed development, (ii) the relatively short term duration of its construction phase, (iii) that surface water runoff from the site discharges to a local authority storm drain on the Howth Road, which discharges to coastal waters via a hydrocarbon and silt interceptor (as stated in the NIS), and (iv) the absence of detail substantiating the possibility of a large-scale pollution event as described by the applicant, I do not consider it likely that there will be significant effects on the adjacent SPA or SAC. This consideration does not take into account the proposed mitigation measures detailed in the NIS submitted.

2.1.33. Potential changes in water quality - operational phase

2.1.34. Foul water from the site is currently discharged to a foul sewer on the Howth Road and conveyed to the Ringsend Waste Water Treatment Works (WWTW). This will continue to be the case for the proposed development. It is the responsibility of Irish Water to provide adequate treatment of foul water in the WWTW, and to ensure that the treated discharge does not cause significant effects on Natura 2000 sites.

2.1.35. Rainwater from roofs and hard surfaces of the proposed development will be discharged to a local authority storm drain on the Howth Road. The NIS states that it is expected that water from the storm drain will ultimately discharge to coastal waters via a hydrocarbon and silt interceptor. Rainwater falling on green areas will percolate to the ground in situ, and will pass via groundwater into coastal waters. Rainwater is considered to be unpolluted and will not negatively affect water quality.

2.1.36. While the surface water runoff will outfall to the North Dublin Bay SAC and North Bull Island SPA, having regard to (i) the limited amount of surface water outfall from the

roofs and hard surfaces of the proposed development, (ii) that rainwater runoff is considered unpolluted, (iii) that surface water runoff from the site discharges to a local authority storm drain on the Howth Road which discharges to coastal waters via a hydrocarbon and silt interceptor, and (iv) in the context of the overall area of Dublin Bay, its tidal cycles and dilution effects, I do not consider that the surface water outfall during the operation phase of the proposed development would result in significant effects on the adjacent Natura 2000 sites.

2.1.37. Disturbance of fauna during the construction phase

2.1.38. The NIS details how during winter months, a large number of migratory birds are present in the North Bull Island SPA, including the coastal area to the south-east of the appeal site. The report notes that although most of the bird species are found only in coastal areas, there are some species that fly inland to feed in grassland areas in Dublin City, including brent geese, curlew and oystercatcher. The appeal site is not suitable for any of these species because the garden is small, narrow and has overhanging trees, and there are dogs in neighbouring gardens. Therefore, none of the SPA birds are likely to feed within the appeal site.

2.1.39. The NIS recognises how birds within the SPA may be vulnerable to visual disturbance (e.g. rapid or large-scale movements) or noise disturbance (loud or repetitive sounds). The report states that due to the high level of human activity on the Dublin coast, it is expected that many birds are habituated to predictable sources of disturbance such as traffic movements or pedestrians, but unexpected or unpredictable events could still cause significant disturbance.

2.1.40. The NIS identifies how disturbance can cause birds to exhibit avoidance behaviour. Occasional sources of intense disturbance (e.g. a loud noise) can cause flocks of birds to take flight, which can deplete their energy reserves. The report recognises that this is particularly significant for migratory species because energy reserves are necessary to sustain birds over long-distance migrations. Persistent sources of disturbance (e.g. piling or rock-breaking) can displace birds from feeding areas or roosting sites, which can increase competition for resources in undisturbed areas, and may cause them to move to other sites elsewhere on the Dublin coast. The NIS states that it is difficult to

accurately predict the effect of disturbance on local populations during construction works, but it is possible that it could cause significant effects on some species.

2.1.41. The proposed development is small in scale and unlikely to require any specialist construction methods. Species of special conservation interest within the SPA are already likely to experience and be habituated to some disturbance associated with domestic activities and other human activities within the wider area. The site is separated from North Bull Island SPA by a busy road. I do not consider the proposed development would result in the disturbance of species of special conservation interest within the SPA due to disturbance associated with construction activities (noise, vibration, lighting, etc.) and increased human activity during construction.

2.1.42. **Potential In-Combination Effects**

2.1.43. Potential in-combination effects have been considered. There are no developments in the surrounding area that could potentially give rise to in-combination effects. I am satisfied that likely significant in-combination or cumulative effects of the proposed development would not arise.

2.1.44. **Stage 1 - Screening Conclusion**

2.1.45. As detailed above, in undertaking a Stage 1 Screening for Appropriate Assessment, the NIS submitted concludes that the site is close to an SAC and SPA, and could potentially cause indirect impacts via pollution or disturbance of fauna. On this basis and in accordance with the precautionary principle, the report suggests that Appropriate Assessment is required, and a Natura Impact Statement was submitted.

2.1.46. I do not accept the screening conclusion in the NIS submitted and do not consider a Stage 2 Appropriate Assessment is required. As set out above, it is my view that the proposed development would not be likely to have significant effects on the North Dublin Bay SAC and North Bull Island SPA due to any impact on the habitats and species there arising from the release of sediments or other pollutants to surface water, the movement of vehicles and spillages of oils, fuels or other pollutants, and disturbance or mortality to fauna, or otherwise. This consideration does not take into account the proposed mitigation measures detailed in the NIS submitted.

2.1.47. Therefore, having regard to the nature and scale of the proposed development and the intervening land use along the Howth Road, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above European Sites or any other European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

Brendan Coyne
Planning Inspector

06th May 2022