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Contents

1. Introduction

A vehicular set-down/drop-off was incorporated into the MetroLink Project at Charlemont to provide improved connectivity at this interchange for persons of reduced mobility (PRM), further to a number of requests made at User Group meetings. This provision was incorporated in the Railway Order drawings but was not assessed as part of the Environmental Impact Assessment. Additionally, minor changes were made to the Railway Order drawings post application.

This technical note assesses the EIAR and AA biodiversity implications of incorporating the vehicular set-down/drop-off at Charlemont and associated footpath changes ("Charlemont Drop-Off") in more detail than previously provided in the *Charlemont Drop-Off* report submitted to the hearing on Monday 19th February 2024.

The technical detail and associated drawings are as set out in Section 1 of the *Charlemont Drop-Off* report. A key point, in terms of informing the biodiversity impact assessment, is to minimise impacts with the canal structure or its ecology, it is proposed that the section of drop-off and footpath located beyond the existing kerb is a pre-cast cantilevered structure that shall be constructed solely from Grand Parade and not from within the canal.

2. Predicted Biodiversity Effects of the Charlemont Drop-Off

No additional effects are predicted as a result of the Charlemont Drop-Off, over and above those already assessed or mitigated in the Biodiversity Chapter of the EIAR, in relation to habitat fragmentation, hydrology, hydrogeology, the introduction and/or spread of non-native invasive species, disturbance due to the introduction of artificial lighting, or air quality.

The Charlemont Drop-Off will, however, result in increased levels of habitat loss, increased levels of temporary construction related disturbance at the Grand Canal and will result in shading effects on habitat along the south bank of the canal beneath the cantilevered footpath structure, compared with the previously assessed works in this area associated with the construction of Charlemont Station.

Habitat loss will be limited to existing hard standing (road and pavement) and the removal of one small dead tree along the existing footpath. There will not be any direct loss of the adjoining verge or fringing Annex I hydrophilous tall-herb swamp [6430][1] habitat.

Construction works will be more extensive along the Grand Canal than previously assessed and, as a result, there is the potential for a greater magnitude of disturbance to fauna species using the Grand Canal. Construction works to install the Charlemont Drop-Off will only take 4-8 weeks to complete. Given the short duration of those construction works, they are not predicted to have any residual effect on the conservation status of any local fauna species or populations as a result of construction related disturbance over those already assessed and mitigated in the Biodiversity Chapter of the EIAR.

Section 3 below presents an assessment of these biodiversity effects in relation to the NIS and Appropriate Assessment.

Section 4 below presents an assessment of these biodiversity effects in relation to the EIAR biodiversity assessment.

[1] EU Annex I Habitat 6430 " hydrophilous tall herb fringe communities of plains and of the montane to alpine levels.

3. Appropriate Assessment

The addition of the Charlemont Drop-Off to the design of the proposed Project, given its location, small scale, minor nature and short construction period (4-8 weeks), does not pose any additional risk to any European sites over those already assessed and mitigated in the NIS or the Appropriate Assessment Update Report.

The addition of the Charlemont Drop-Off does not introduce any new potential impacts, affect the zone of influence of the proposed Project, affect any additional European sites, affect the assessment of effects on the conservation objectives of identified European sites and does not require any additional mitigation measures to those set out in the NIS or the updated Schedule of Environmental Commitments to avoid adversely affecting the integrity of any European sites.

Therefore, following an examination, analysis, and evaluation of the addition of the Charlemont Drop-Off to the design of the proposed Project, including the implementation of the mitigation measures proposed, and considering the in combination assessment presented in Section 8 of the NIS and Section 4 of the AA Update Report, it remains the case that the proposed MetroLink Project will not adversely affect (either directly or indirectly) the integrity of any European sites, either alone or in combination with other plans or projects.

4. EIAR Biodiversity

4.1 European sites

As set out in Section 3 of this report, the addition of the Charlemont Drop-Off to the design of the proposed Project does not change the assessment or conclusions set out in the NIS or the Appropriate Assessment Update Report on the implications of the proposed Project on European sites. Therefore, it remains the case that the proposed Project will not result in any likely significant effects on any European sites.

4.2 Grand Canal pNHA

The Grand Canal pNHA is proposed for designation for the canal and associated fringing wetland, woodland, grassland, scrub and hedgerow habitats, along with the aquatic plant species *Groenlandia densa* opposite-leaved pondweed (listed on the Flora (Protection) Order, 2022)).

The legally protected *Groenlandia densa* is not present along that stretch of the Grand Canal that lies adjacent to the proposed Development (see Appendix A15.7 of the EIAR for the aquatic macrophyte survey results). However, in terms on considering biodiversity impacts on the pNHA, the following receptors are relevant in this location: habitats (including Annex I hydrophilous tall-herb swamp [6430] habitat), otter, bats, rare aquatic macroinvertebrates, breeding birds, wintering birds, amphibians and fish.

The potential impacts of the Charlemont Drop-Off on each of these receptors or receptor groups are assessed under the relevant sections below. Based on the conclusions of those assessments, the addition of the Charlemont Drop-Off to the design of the proposed Project is not likely to have a significant negative residual effect on the Grand Canal pNHA, at any geographic scale.

4.3 Habitats

Habitat loss within the Grand Canal pNHA will be limited to existing hard standing (road and pavement) and the removal of one small dead tree along the existing footpath. This will not result in any likely significant residual effects on biodiversity, at any geographic scale.

Given the verge area lies immediately underneath and to the back (i.e. the darkest area) of the cantilevered footpath structure, with minimal clearance to the structure base, it is likely that the verge vegetation will disappear entirely over much if its extent beneath. However, as this habitat is dominated by the non-native plant species winter heliotrope *Petasites pyrenaicus*, any habitat impacts associated with shading will not give rise to any significant negative residual effect on biodiversity, at any geographic scale.

The proposed cantilevered section extends into the pNHA territory – GS2 verge habitat. The height of the cantilevered section over this non-annex habitat is up to 1m above mean water level. It does not, however, overhang the Annex I habitat (at closest 10cm at 1 point, but on average the cantilever section is setback from it by 80 to 150cm.). While a reduction in light levels beneath the cantilevered structure is likely and would impact the GS2 verge dominated by the non-native winter heliotrope, no such shadowing impact is predicted on the Annex I habitat. Therefore, the proposed Project is not likely to have a significant negative residual effect on hydrophilous tall-herb swamp [6430] habitat at any geographic scale.

4.4 Otter

Otter, which are present along the Grand Canal, are listed on Annex IV of the EU Habitats Directive and are afforded strict protection under Article 12 of the Habitats Directive and Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

The increased levels of habitat loss and levels of temporary construction related disturbance adjacent to the Grand Canal, along with the likely shading effects of a small area of c.42m^2 verge and fringing aquatic vegetation along the south bank of the canal beneath the cantilevered footpath structure, will not result in any additional effects on the local otter population over those already assessed and mitigated in the Biodiversity Chapter of the EIAR. Therefore, it remains the case that the proposed Project will not have any likely significant negative residual effects on otters.

It also remains the case that the assessments undertaken and presented in Chapter 15 Biodiversity of the EIAR in relation to otter do not, based on the baseline information available, identify the need for a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

4.5 Bats

All bat species, including those recorded along and near the Grand Canal as part of the baseline surveys (Leisler's bat, common pipistrelle and soprano pipistrelle bats), are listed on Annex IV of the EU Habitats Directive and are afforded strict protection under Article 12 of the Habitats Directive and Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

Other than the loss of one dead tree with no bat roosting potential and the installation of a cantilevered footpath over a small section c.42m^2 of verge and fringing aquatic vegetation, no additional effects are predicted over those already assessed and mitigated in the Biodiversity Chapter of the EIAR in relation to bats at the Grand Canal. Therefore, it remains the case that the proposed Project will not have any likely significant negative residual effects on bats.

It also remains the case that the assessments undertaken and presented in Chapter 15 Biodiversity of the EIAR in relation to bat species do not, based on the baseline information available, identify the need for a derogation licence under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

4.6 Aquatic invertebrates

A range of freshwater aquatic macro-invertebrates were recorded at the Grand Canal during the aquatic surveys undertaken in 2018 (see Appendix A15.7 of the EIAR for the aquatic macroinvertebrate survey results),

including two endangered mollusc species[2]: the glutinous snail *Myxas glutinosa* and the false orb pea mussel *Pisidium pseudosphaerium*.

As there will not be any instream works at the Grand Canal, and any limited shading effects associated with the cantilevered footpath structure are unlikely to affect the abundance or distribution of the snail species in the Grand Canal, no additional effects are predicted over those already assessed and mitigated in the Biodiversity Chapter of the EIAR in relation to the aquatic invertebrate species of the Grand Canal. Therefore, it remains the case that the proposed Project will not have any likely significant negative residual effects on aquatic macro-invertebrates, including *Myxas glutinosa* and *Pisidium pseudosphaerium*.

4.7 Other Species

The Grand Canal also supports a range of other fauna species, including breeding birds, wintering birds, amphibians and fish.

The increased levels of habitat loss and levels of construction related disturbance adjacent to the Grand Canal, along with the likely shading effects on c.42m^{2}of verge and fringing aquatic vegetation along the south bank of the canal beneath the cantilevered footpath structure, will not result in any additional effects on the local bird, amphibian or fish populations over those already assessed and mitigated in the Biodiversity Chapter of the EIAR. Therefore, it remains the case that the proposed Project will not have any likely significant negative residual effects on amphibians or fish and the residual impacts on birds remain limited to a likely significant residual effect on yellowhammer, at a local geographic scale, due to breeding habitat loss.

[2] Byrne, A., Moorkens, E.A., Anderson, R., Killeen, I.J. & Regan, E.C. (2009) Ireland Red List No. 2 – Non-Marine Molluscs. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland.