

Proposed Strategic Housing Development (SHD) at
1-4 East Road, Dublin 3
Information for Screening for Appropriate
Assessment

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Martin**

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Client:

Glenveagh Living Ltd.

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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 the proposed strategic housing development at East Road, Dublin 3.

A desk study review and 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 Union (Birds and Natural Habitats) Regulations 2011-2015* and the *Planning and Development Act, 2000* (as amended).

Brady Shipman Martin was commissioned to prepare this report on behalf of Glenveagh Living. The work was carried out by consultant ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew Hague is a highly experienced and qualified ecologist, with a master's degree in Ecosystem Conservation and Landscape Management. He has over 17 years of experience in ecological and environmental consultancy, across a wide range of sectors. He is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew recently completed an Advanced Diploma in Planning and Environmental Law, at King's Inns.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken of the site at East Road 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. Ecological surveys were undertaken at the site, including habitat, invasive species, mammal and day-time bat surveys, by the author on 3rd May 2018 and 19th June 2018. Birds present on the site were recorded during the survey and an assessment of habitat suitability for species with links to European sites was undertaken, in order to appraise the potential for *ex-situ* effects on European sites.

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*. Guidance issued by the European Commission (21st November 2018).

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:

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- 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 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);
- Dublin City Development Plan 2016 – 2022, including the accompanying Appropriate Assessment documentation (Natura Impact Report).

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. The following report is of relevance to this document:

- Infrastructure Design Report (DBFL Consulting Structural and Civil Engineers Ltd, April 2018);
- Site Specific Flood Risk Assessment (DBFL Consulting Structural and Civil Engineers Ltd, April 2018).

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'*. 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 this into account, as a starting point a search was carried out for all European sites within 15km of the site at East Road. 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 proposed Project Site (see **Figure 1**) (c. 2.111ha) is currently occupied by Hireco as a container / trailer park which comprises mostly hardstanding area and five main buildings. There are also two existing red brick dwellings at the norther corner of the Site. The Site is bound by East Road to the west, the railway sidings to the south, Merchant's Square residential development to the east and the Island Key Apartments to the north.

The lands are accessed from East Road on the western boundary of the Site. The eastern boundary of the site abuts Merchant's Square residential development. The southern boundary is constrained by CIE lands. Industrial, commercial, leisure and retail land uses are all present in close proximity.

The Site is urban in nature, and with the exception of small pockets of buddleia-dominated scrub and very small amounts of scattered ruderal vegetation, the Site is entirely occupied by hardstanding.

There are no watercourses on, or connected to, the Site. The nearest such features (EPA Maps¹), are the main channel of the River Liffey (c.550m to the south) and the River Tolka estuary (c.650m to the north), and the Royal Canal (c.450m to the west).

¹ <https://gis.epa.ie/EPAMaps/>

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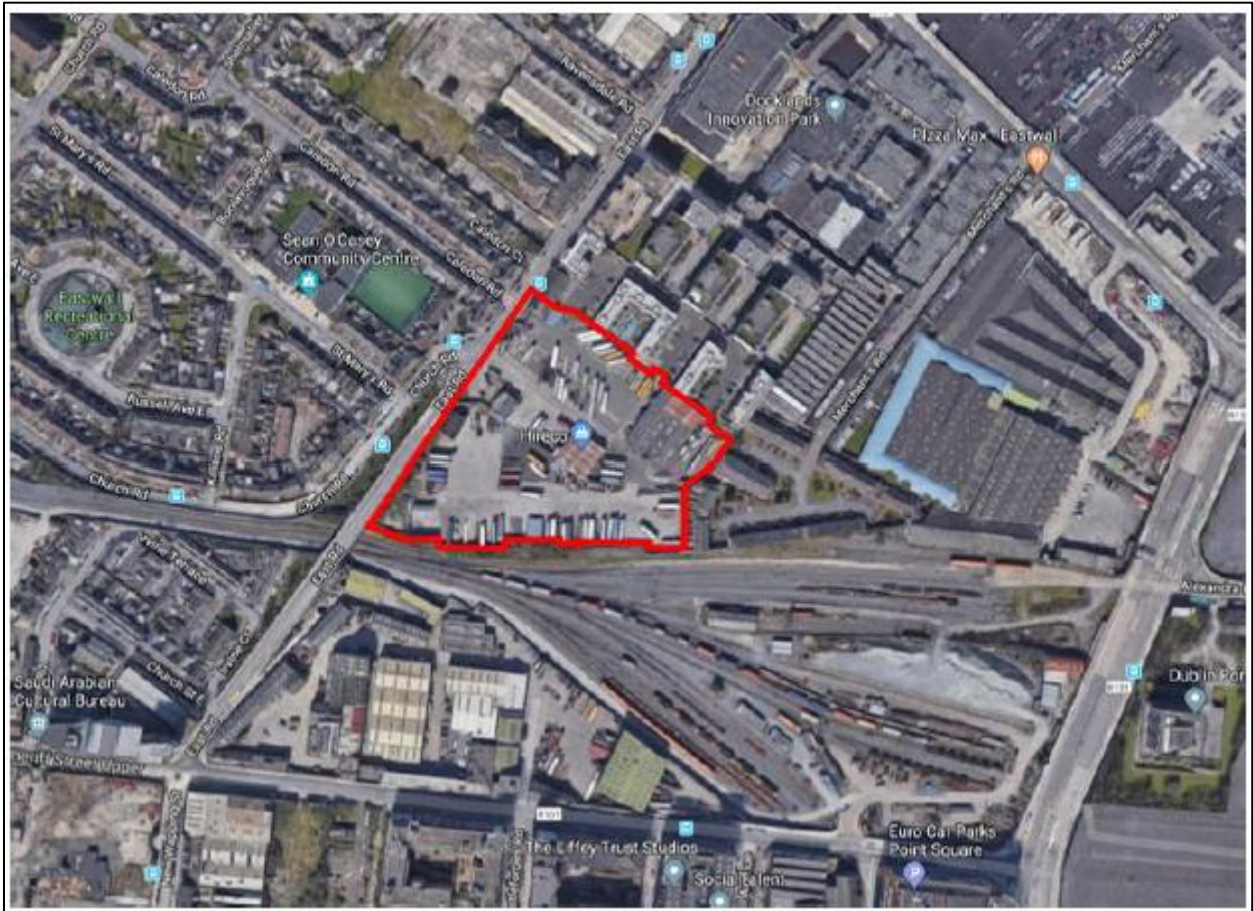


Figure 1: Location of proposed development site at East Road, Dublin 3

There are 17 European sites located within a 15km radius of the proposed development (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - South Dublin Bay SAC (site code 000210), c.2.2km to the south east;
 - North Dublin Bay SAC (site code 000206), c.3.4km to the north east;
 - Baldoyle Bay SAC (site code 000199), c.8.5m to the north east;
 - Howth Head SAC (site code 000202), c.9.2m to the north east;
 - Rockabill to Dalkey Island SAC (site code 003000), c.9.4km to the east;
 - Malahide Estuary SAC (site code 000205), c.11.6km to the north;
 - Ireland's Eye SAC (site code 002193), c.12.3km to the north east;
 - Wicklow Mountains SAC (site code 002122), c.13.1km to the south;
 - Glenasmole Valley SAC (site code 001209), c.13.8km to the south west.
- **Special Protection Areas (SPA)**
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.750m to the north and c.2.2km to the south east;

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- North Bull Island SPA (site code 004006), c.3.4km to the east;
- Baldoyle Bay SPA (site code 004016), c.8.2km to the north east;
- Howth Head Coast SPA (site code 004113), c.11.8km to the north east;
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.11.8km to the north;
- Ireland’s Eye SPA (site code 004117), c.12.1km to the north east;
- Dalkey Islands SPA (site code 004172), c.12.2km to the south east;
- Wicklow Mountains SPA (site code 004040), c. 13.4km to the south.

Beyond the 15km zone, there are a number of additional European sites:

- Knocksink Wood SAC (site code 000725), 15.6km to the south;
- Rogerstown Estuary SAC and SPA (site codes 000208 and 004015), c.16.4km to the north;
- Ballyman Glen SAC (site code 000713), 16.6km to the south;
- Rye Water Valley/Carton SAC (site code 001398), c.17.2km to the west;
- Lambay Island SAC and SPA (site codes 000204 and 004069), c.19.9km to the north west;

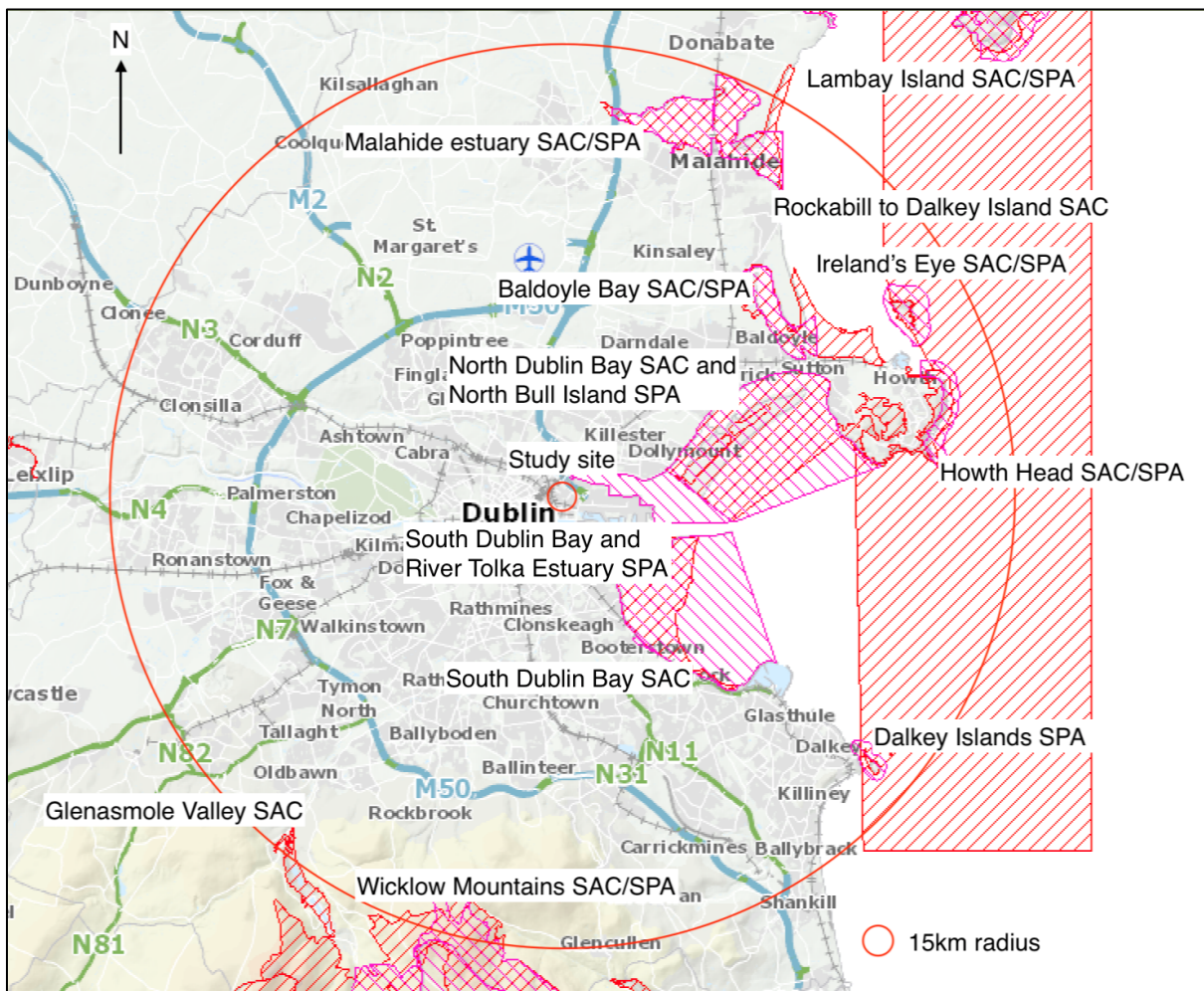


Figure 2: Study site at East Road showing European sites

3.3.2 Other designated areas (other than European sites)

The nearest site designated for nature conservation, not otherwise designated as a European site, is Sluice River Marsh proposed Natural Heritage Area (pNHA site code 001763), 6.7km to the northwest.

4 Description of the proposed development

The proposed Project will require the demolition of all existing structures on the Site and the construction of a mixed-use development set out in 9 blocks, ranging in height from 3 to 15 storeys, to accommodate a total of 554 No. apartments, commercial / enterprise space, 3 No. retail units, foodhub / café / exhibition space, residential amenity services, crèche and Men's shed. The Site will accommodate 241 No. car parking spaces, 810 No. bicycle parking spaces, storage, services and plant areas. Landscaping will include a new central public plaza and residential podium courtyards.

5 Links to European sites, including cumulative effects

5.1 European sites and habitats with links to European sites

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 1 – Vascular Plants (Curtis & McGough, 1988)*, the *Flora Protection Order, 2015* or the *EU Habitats Directive*, are known to occur within the site.

No features of any ecological significance are present on the proposed development site. There are no features (including the derelict building and other, occupied structures) potentially suitable for use by roosting bats, and there are no habitats of any importance for commuting/foraging bat species. In addition no evidence of any protected species such as badger, or rare or protected plants, was recorded during the survey carried out, and the habitats present are not suitable for such species.

Overall, the site has no key ecological receptors as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA/TII, 2009 (Rev. 2))*.

No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no 'reservoir' type habitats are present. 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. 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/vibration impacts;
- Light pollution;
- Air pollution.

A potential surface water pathway exists between the proposed development site and coastal European sites associated with Dublin Bay (within 1km of the proposed development boundary). This pathway is via the local surface water drainage network.

5.1.1 Potential impacts during construction

All site clearance and construction activities 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 the local surface water network during construction.

However, no watercourses are present within or connected to the site proposed for development. While theoretically there are potential links between the proposed development site and the European sites of Dublin Bay via surface water run-off, no significant impacts on water quality are predicted during the construction phase.

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 distance to the European sites – although for example the South Dublin Bay and River Tolka Estuary SPA is within 800m (straight-line distance to the north), there is no direct pathway between the site and this European site;
- The fact that a significant level of dilution and mixing of surface and sea water would occur.

No construction-related impacts, on European sites or otherwise, are envisaged as a result of the proposed development, which will take place entirely within an already developed site.

5.1.2 Potential impacts during operation

The Site is serviced by an existing **surface water** sewer located to the west of the site along East Road, running in a southerly direction. This sewer in turn connects to the existing 920mm diameter combined sewer on Church Road and continues in a southerly direction passing under the railway, discharging to the existing Irish Water pumping station on East Road.

Given the fact that virtually the entire site currently comprises impermeable surfaces, the proposed development of the site will not result in any increase in paved or impermeable areas or increased volumes of surface water run-off.

The management of surface water for the proposed development (set out in the Infrastructure Design Report prepared by DBFL) has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of Dublin City Council. The proposed development is being designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS).

Run-off from roofs will drain through green-roof medium which will in turn drain to the on-line attenuation storage systems. Soft and hard landscaped podiums will drain via their build-ups to a slung system which in turn will also drain via the geo-cellular online attenuation storage systems, which include geotextiles and filter stone, before final discharge to the sewer. The development provides a SuDS treatment train approach.

Surface water calculations for the development made use of rainfall values for the East Wall area as provided by Met Eireann. Rainfall intensities were increased by a factor of 20% to take account of climate change, as required by the DCC for attenuation storage design. Run-off from the new development will be attenuated and has been calculated using a maximum of 2l/s/ha in accordance with the requirements of Dublin City Council, using a 'hydrobrake optimum' or similar approved as a flow control device.

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The Site-Specific Flood Risk Assessment prepared for the proposed development by DBFL, has concluded that the proposed development will not increase run-off rate when compared with the existing site and satisfies the requirement of the SFRA to reduce flooding and improve water quality.

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

The site is served by the combined drainage network located in East Road conveying flows to Church Road. The **foul sewage** for the area is pumped to Ringsend Pumping station and to Ringsend Wastewater treatment plant. Foul effluent from the proposed developments will be collected via one connection point to the western boundary of the site and will connect into the 600mm combined sewer in East Road. According to Irish Water (in its response to the pre-connection enquiry for the proposed development a wastewater connection would be feasible:

“Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network can be facilitated.”

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

Full details of the potential impacts of the proposed development on European sites are presented in **Table 1**.

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Table 1 lists relevant European sites and outlines their reasons for designation

European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
<p>South Dublin Bay SAC (site code 000210), c.2.2km to the south east (straight line distance)</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>The following habitats are listed as Qualifying Interests on the NPWS website, but are not included in the Conservation Objectives document:</p> <p>(1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 2110 Embryonic shifting dunes)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 22nd August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at East Road could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and from there, eventually, to Dublin Bay.</p> <p>However, there would be no significant effects on the conservation objectives of the European site 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 at South Dublin Bay SAC. This is due to the separation between the proposed development site and the European site – the proposed development site is 2.2km (straight line distance) from the SAC and is further separated from the SAC by Poolbeg Peninsula and the South Bull Wall. In addition, significant dilution and mixing of surface and sea water would occur prior to any run-off from the site entering the SAC.</p> <p>Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>North Dublin Bay SAC (site code 000206), c.3.4km to the north east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks 1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06th November 2013), for each of the listed QIs, the</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at East Road could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and from there, eventually, to the River Tolka Estuary/Dublin Bay.</p> <p>However, there would be no significant effects on the conservation objectives of the European site 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 at North Dublin Bay SAC. This is due to the separation between the proposed development site and the European site – the proposed development site is 3.7km (straight line distance) from the SAC and is further separated from the SAC by the North Dublin Docklands and the North Bull Wall. In addition,</p>

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European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>significant dilution and mixing of surface and sea water would occur prior to any run-off from the site entering the SAC.</p> <p>Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>Baldoyle Bay SAC (site code 000199), c.8.5km to the north east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 19th November 2012), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>
<p>Howth Head SAC (site code 000202), c.9.2km to the north east</p>	<p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06th December 2016), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>
<p>Rockabill to Dalkey Island SAC (site code 003000), c.9.4km to the east;</p>	<p>1170 Reefs 1351 Harbour Porpoise (<i>Phocoena phocoena</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 07th May 2013), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at East Road could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the local surface water drainage network and from there, eventually, to Dublin Bay.</p> <p>However, there would be no significant effects on the conservation objectives of the European site 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 at Rockabill to Dalkey</p>

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European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
		<p>Island SAC. This is due to the separation between the proposed development site and the European site – the proposed development site is 9.4km (straight line distance) from the SAC and significant dilution and mixing of surface and sea water would occur prior to any run-off from the site entering the SAC.</p> <p>Furthermore there will be no loss of habitat or species, or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>Malahide Estuary SAC (site code 000205), c.11.5km to the north</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th May 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>
<p>Ireland's Eye SAC (site code 002193), c.12.3km to the north east</p>	<p>1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 27th January 2017), for each of the listed QIs, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>
<p>Wicklow Mountains SAC (site code 002122), c.13.1km to the south</p>	<p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>

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European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 1355 <i>Lutra lutra</i> (Otter)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 31st July 2017), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.</p>	
<p>Glenasmole Valley SAC (site code 001209), c.13.8km to the south west</p>	<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.</p>	<p>No.</p> <p>There is no hydrological link or any other pathway between the proposed development site at East Road and this SAC. Furthermore there will be no loss of, or disturbance to, the qualifying interests of this site as a result of the proposed development.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.750m to the north and c.2.2km to the south east</p>	<p>A144 Sanderling (<i>Calidris alba</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A149 Dunlin (<i>Calidris alpina</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A143 Knot (<i>Calidris canutus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at East Road 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 local surface water drainage network, to the River Tolka Estuary/Dublin Bay.</p>

Proposed Strategic Housing Development (SHD) at 1-4 East Road, Dublin 3

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European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>A141 Grey Plover (<i>Pluvialis squatarola</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9th March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>However, there would be no significant effects on the conservation objectives of the European site 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 at South Dublin Bay and River Tolka Estuary SPA. This is due to the separation between the proposed development site and the European site and the fact that dilution and mixing of surface and sea water would occur.</p> <p>Furthermore there will be no loss of wetland habitat or species, or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>
<p>North Bull Island SPA (site code 004006), c.3.4km to the east</p>	<p>A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9th March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>No.</p> <p>No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface water arising during the site clearance, construction and operation of the proposed development at East Road 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 local surface water drainage network, to the River Tolka Estuary/Dublin Bay.</p> <p>However, there would be no significant effects on the conservation objectives of the European site 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 at North Bull Island SPA. This is due to the separation between the proposed development site and the European site and the fact that dilution and mixing of surface and sea water would occur.</p> <p>Furthermore there will be no loss of wetland habitat or species, or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site related to foul water management are envisaged as a result of the proposed development.</p>



Proposed Strategic Housing Development (SHD) at 1-4 East Road, Dublin 3

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
Baldoye Bay SPA (site code 004016), c.8.6km to the north east	<p>A137 Ringed Plover (<i>Charadrius hiaticula</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A999 Wetlands</p> <p>According to this SPA's site Conservation Objectives document (dated 27th February 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is approximately 8.6km from the European site, and is completely unconnected to it.</p>
Howth Head Coast SPA (site code 004113), c.11.8km to the north east	<p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for the listed SCI, the Conservation Objective is to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>No.</p> <p>The species for which the SPA is designated is potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is almost 12km from the European site, and is completely unconnected to it.</p>
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.11.8km to the north	<p>A048 Shelduck (<i>Tadorna tadorna</i>) A054 Pintail (<i>Anas acuta</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A162 Redshank (<i>Tringa totanus</i>) A143 Knot (<i>Calidris canutus</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A149 Dunlin (<i>Calidris alpina</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A069 Red-breasted Merganser (<i>Mergus serrator</i>) A005 Great Crested Grebe (<i>Podiceps cristatus</i>) A999 Wetlands</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is almost 12km from the European site, and is completely unconnected to it.</p>

Proposed Strategic Housing Development (SHD) at 1-4 East Road, Dublin 3

Information for Screening for Appropriate Assessment

European Site	Reasons for designation (information correct as of 17 th April 2019) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>According to this SPA's site Conservation Objectives document (Version 1, dated 16th August 2013), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	
Ireland's Eye SPA (site code 004117), c.12.1km to the north east	<p>A017 Cormorant (<i>Phalacrocorax carbo</i>) A184 Herring Gull (<i>Larus argentatus</i>) A188 Kittiwake (<i>Rissa tridactyla</i>) A199 Guillemot (<i>Uria aalge</i>) A200 Razorbill (<i>Alca torda</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is over 12km from the European site, and is completely unconnected to it.</p>
Dalkey Islands SPA (site code 004172), c.12.2km to the south east	<p>A194 Arctic Tern (<i>Sterna paradisaea</i>) A193 Common Tern (<i>Sterna hirundo</i>) A192 Roseate Tern (<i>Sterna dougallii</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is over 12km from the European site, and is completely unconnected to it.</p>
Wicklow Mountains SPA (site code 004040), c.13.5km to the south	<p>A098 Merlin (<i>Falco columbarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)</p> <p>According to this SPA's site Generic Conservation Objectives document (Version 6, dated 21st February 2018), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>No.</p> <p>The species for which the SPA is designated are potentially sensitive to direct disturbance due to noise and anthropogenic activity.</p> <p>However, such disturbance is not considered to be remotely likely as a result of the proposed development, which is approximately 13.5km from the European site, and is completely unconnected to it.</p>

6 Other issues

While no invasive plant species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011* (such as Japanese knotweed or giant hogweed) were identified on site, a number of these species are known from the wider vicinity of the proposed development site. There is a risk that during construction such species could be introduced to the site. Avoidance of such risk will be managed during the construction period and no such species will be planted or deliberately imported to the proposed development area.

Additionally, for the reasons outlined in this report for the European sites, no impacts on any other designated sites including proposed Natural Heritage Areas, are likely.

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.

It is concluded in this report there will be no likelihood of significant effects on any European sites during the construction or operation of the proposed development, in combination with other plans or projects.

The Dublin City Development Plan 2016-2022 contains a number of objectives intended to protect and enhance the natural environment, while encouraging development in appropriate areas. In addition the Development Plan includes policies for the protection of the county's flood plains, to prevent development in flood plains without satisfying the appropriate justification test and to require the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving in order to reduce the potential impact of existing and predicted flooding risks.

According to the Site Specific Flood Risk Assessment prepared for the proposed development by DBFL the proposed development passes the Justification Test and is in compliance with all of the relevant Plan objectives.

As appraised in this report the proposed development 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 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 project 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.

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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 affect the integrity of any of the relevant European sites under Article 6 of the Habitats Directive (92/43/EEC) in light of their conservation objectives.

Appendix I: Background

The European² 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*)³ 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)⁴ 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 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

² 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”

³ SI No. 477 of 2011

⁴ 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*

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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 Commission⁵ 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:

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.

⁵ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)

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