

**PROPOSED STRATEGIC HOUSING DEVELOPMENT
(SHD) AT CASTLEFORBES BUSINESS PARK, DUBLIN 1**
**APPROPRIATE ASSESSMENT SCREENING
REPORT**

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Client: Glenveagh Living Ltd.

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1 Introduction

1.1 Background

Glenveagh Living is seeking permission for a proposed strategic housing development (SHD) at Castleforbes Business Park, Sheriff Street Upper, Dublin 1. The proposed development is described in Section 4 of this report.

Brady Shipman Martin was appointed by the applicant to prepare a report to assist An Bord Pleanála in undertaking a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites taking into account their conservation objectives.

This document constitutes the Appropriate Assessment Screening Report prepared for this purpose.

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

1.2 Legal requirement for Appropriate Assessment

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA). These are a network of sites designated for nature conservation under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the “Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the “Birds Directive”). The requirements for Appropriate Assessment are set out under *Article 6 of the Habitats Directive*, transposed into Irish law by the *European Union (Birds and Natural Habitats) Regulations 2011-2015*¹ (the “Birds and Natural Habitats Regulations”) and the *Planning and Development Act, 2000 - 2018* (the “Planning Acts”).

Article 6(3) 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.

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Sections 177U of the Planning Acts and Regulation 42 of the Birds and Natural Habitats Regulations require that the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

¹ SI No. 477 of 2011

This AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts and the Birds and Natural Habitats Regulations.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken of the site at Castleforbes Business Park 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 first undertaken at the site, including habitat, invasive species, mammal and day-time bat surveys, by the author on 7th June 2019. A second survey was undertaken to inform this report, on 8th September 2020.

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:
 - 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 2019 and 2020
- 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);

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- Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
- 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 2011-2015.

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

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

2.2 Expertise and Qualifications

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

The work was carried out by Senior Ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is a highly experienced and qualified ecologist, with a master's degree in Ecosystem Conservation and Landscape Management. He has over 18 years of experience in ecological and environmental consultancy, across a wide range of sectors. He has prepared numerous reports for AA Screening as well as Natura Impact Statements, for projects of all scales, from small residential developments to nationally important infrastructure projects.

Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King's Inns and is a member of the Irish Environmental Law Association (IELA).

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.

In accordance with sections 177U and 177V of the Planning Acts, the AA screening test must be applied to the proposed development, as follows:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The test is a 'possibility' of effects rather than a 'certainty' of effects. The test of significance is whether a plan or project could undermine the site's conservation objectives. Furthermore, screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report is prepared.

Following Screening therefore, 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 Castleforbes Business Park. 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 site for the proposed development is located at Castleforbes Business Park, Sheriff Street Upper and East Road, Dublin 1 (see **Figure 1**). The site is entirely dominated by hard standing and buildings associated with a number of small businesses. The proposed development area is approximately 2.02ha in area (within an overall site area of 2.44ha).

The proposed development site contains no features of any ecological significance. Although there are a number of buildings on the site, the daytime bat survey undertaken recorded no evidence of any use of the site by roosting bats, and it concluded that there are no features suitable for use by roosting bats within the proposed development area. Similarly, there is no evidence of nesting birds, with the exception of feral pigeons occupying the internal areas of a number of open warehouse-type buildings.

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There are no watercourses present on the site and according to available mapping, including the EPA water features database², the nearest such features are the River Liffey, 360m to the south, the Royal Canal, approximately 550m to the west, and the River Tolka, 760m to the north. These watercourses discharge to Dublin Bay to the east.



Figure 1: Location of proposed development site at Castleforbes Business Park, Dublin 1 (red line is indicative, refer to accompanying documentation for full details).

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.2.0km to the south east;
 - North Dublin Bay SAC (site code 000206), c.3.4km to the north east;
 - Baldoye Bay SAC (site code 000199), c.8.6m 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.11.7km to the north;
 - Ireland’s Eye SAC (site code 002193), c.12.4km to the north east;
 - Wicklow Mountains SAC (site code 002122), c.12.9km to the south;
 - Glenasmole Valley SAC (site code 001209), c.13.7km to the south west.
 -

² <https://gis.epa.ie/EPAMaps/>

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- **Special Protection Areas (SPA)**

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.950 to the north and c.2.1km to the south east;
- North Bull Island SPA (site code 004006), c.3.4km to the east;
- Baldoyle Bay SPA (site code 004016), c.8.7km to the north east;
- Howth Head Coast SPA (site code 004113), c.11.8km to the north east;
- Dalkey Islands SPA (site code 004172), c.12.0km to the south east;
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.12.0km to the north;
- Ireland’s Eye SPA (site code 004117), c.12.2km to the north east;
- Wicklow Mountains SPA (site code 004040), c. 13.2km to the south.

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

- Knocksink Wood SAC (site code 000725), 15.4km to the south;
- Ballyman Glen SAC (site code 000713), 16.4km to the south;
- Rogerstown Estuary SAC and SPA (site codes 000208 and 004015), c.16.6km to the north;
- Rye Water Valley/Carlton SAC (site code 001398), c.17.3km to the west;
- Bray Head SAC (site code 000714), c.19.6km to the south east;
- Lambay Island SAC and SPA (site codes 000204 and 004069), c.20.0km to the north west;

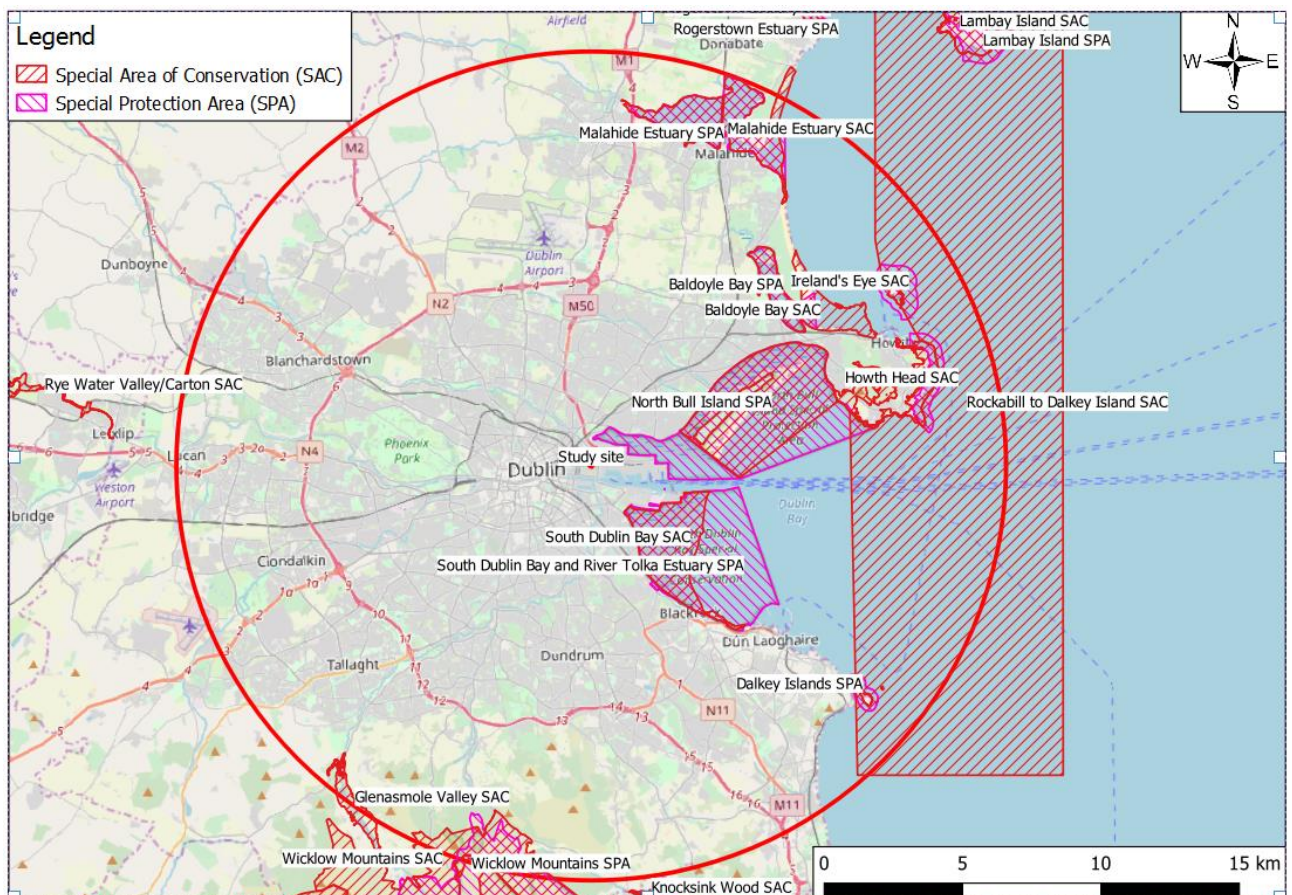


Figure 2: Study site at Castleforbes Business Park showing European sites

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 Royal Canal proposed Natural Heritage Area (pNHA site code 002103), 550m to the west.

Proposed Natural Heritage Areas are included in this report in order to address their potential to act as supporting sites for the European sites.

4 Description of the proposed development

The development will consist of the demolition of all structures on the site and the construction of a mixed use residential development set out in 9 no. blocks, ranging in height from 1 to 18 storeys, above part basement/upper ground level, to accommodate 702 no. build to rent residential units, retail/café/restaurant units, cultural building, crèche\childcare facility and residential tenant amenity. The site will accommodate car parking spaces, bicycle parking, storage, services and plant areas. The residential buildings are arranged around a central open space (at ground level) and raised residential courtyards at upper ground level over part basement level. Ground floor level uses located onto Sheriff Street and into the central open space include a cultural building, retail/restaurant/cafe units, and tenant amenity space. Two vehicular access points are proposed along Sheriff Street, and the part basement car parking is split into two areas accordingly, accommodating bicycle parking spaces, car parking spaces, plant, storage areas and other associated facilities. The main pedestrian access is located centrally along Sheriff Street with an additional access points from East Rd. The application also includes for a pocket park on the corner of Sheriff Street Upper and East Rd to be provided as a temporary development prior to additional future development on this part of the site. A detailed development description is set out in the Statutory Notices.

5 Potential impacts from the proposed development, including in-combination 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 buildings) potentially suitable for use by roosting bats, and there are no habitats of any importance for commuting/foraging bat species either on the site or in the immediate vicinity. 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 surveys or desk study undertaken in June 2019 and or September 2020 and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

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.

No watercourses are present within or connected to the site proposed for development. Nevertheless a theoretical potential surface water pathway, via the local surface water drainage network or the River Liffey, exists between the proposed development site and coastal European sites associated with Dublin Bay (i.e. South Dublin Bay SAC, North Dublin Bay SAC, Rockabill to Dalkey Island SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). There is also a potential groundwater pathway between the proposed development site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

Despite the presence of these theoretical indirect pathways, the risk of contamination of any watercourses or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality on the proposed development site this would not be perceptible in any 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 1km (straight-line distance to the north), there is no direct pathway between the site and this European site;
- Any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay;
- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the bay any pollutants would be even further diluted and dissipated by the waters in Dublin Bay;
- The construction of the proposed development will take place over a period estimated to be 48 months and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development and its location in the centre of a busy city at a remove from the European sites.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

Demolition and construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

5.1.2 Potential impacts during operation

The surrounding area is predominantly served by a combined sewer network. The subject site itself is serviced by an existing 990mm combined brick sewer located on Sheriff Street Upper. This sewer runs from that drains from east to west along Sheriff Street Upper before turning north onto East Road and eventually discharges into the Irish Water pump station at the north western corner of the development site. Irish Water records also show a 1000mm combined brick sewer at the south eastern corner of the development site that drains south down Castleforbes Road.

The management of **surface water** for the proposed development (set out in the Infrastructure Design Report prepared by DBFL (November 2020)) has been designed to comply with the policies and guidelines outlined in the

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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). The development provides a SuDS treatment train approach.

Surface water calculations for the development made use of rainfall values for the local 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 with the requirements of Dublin City Council, using a 'hydrobrake optimum' or similar approved as a flow control device.

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 proposed **foul drainage** has been designed to drain via one outfall to the Irish Water combined sewer in Sheriff St Upper. A Pre-connection Enquiry and Design Submission was issued to Irish Water with details of the development proposals and foul flow calculations. A response to the Pre-Connection Enquiry (a Statement of Design Acceptance) was issued by Irish Water on 9th November 2020.

Foul wastewater discharge from the proposed development will be treated at the Irish Water Wastewater Treatment Plant (WwTP) at Ringsend prior to discharge to Dublin Bay. The Ringsend WwTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works, which are expected to be completed within five years. This will increase the plant capacity from 1.65m PE (population equivalent) to 2.4m PE. Regardless of the status of the WwTP upgrade works, the peak discharge from the proposed development is not significant in the context of the existing capacity available at Ringsend. Though the WwTP is currently over capacity (the plant is currently accommodating 1.9m PE), recent water quality assessment undertaken in Dublin Bay (published by the EPA (see Section 3.3.1) confirms that Dublin Bay is classified as "*unpolluted*". Discharge from the WwTP has been shown to rapidly mix and become diluted in Dublin Bay and there is no evidence that operations from the over capacity of the WwTP is affecting the conservation objectives of the European sites in Dublin Bay.

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

There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Significant effects as a result of the operation of the proposed development, on European sites or otherwise, can therefore be excluded.

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 Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
<p>South Dublin Bay SAC (site code 000210), c.2.0km 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 significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Castleforbes Business Park site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in South Dublin Bay SAC, due to the very small volumes.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is approximately 2km (straight line distance) from the SAC and is further separated from the SAC by Poolbeg Peninsula and the South Bull Wall. Any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as unpolluted according to the EPA database of coastal water quality. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development and its location in the centre of a busy city at a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation 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 will occur as a result of the proposed development.</p>



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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
<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 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 significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Castleforbes Business Park site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in North Bull Island SAC, due to the very small volumes.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is over 3km (straight line distance) from the SAC. Any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as unpolluted according to the EPA database of coastal water quality. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development and its location in the centre of a busy city at a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation 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 will occur as a result of the proposed development.</p>
<p>Baldoyle Bay SAC (site code 000199), c.8.6km 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 maritima</i>) 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is almost 9km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>

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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<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>	
Howth Head SAC (site code 000202), c.9.2km to the north east	<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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is almost 10km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
Rockabill to Dalkey Island SAC (site code 003000), c.9.4km to the east;	<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 significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Castleforbes Business Park site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in Rockabill to Dalkey Island SAC, due to the very small volumes.</p> <p>This is due to the significant separation between the proposed development site and the European site – the proposed development site is over 9km (straight line distance) from the SAC. Any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and</p>

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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
		<p>dissipated by the receiving waters, which are classified as unpolluted according to the EPA database of coastal water quality. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development and its location in the centre of a busy city at a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation 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 will occur as a result of the proposed development.</p>
<p>Malahide Estuary SAC (site code 000205), c.11.7km 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is almost 12km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>Ireland's Eye SAC (site code 002193), c.12.4km 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is over 12km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>Wicklow Mountains SAC (site code 002122), c.12.9km 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</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is almost 14km distant and is completely unconnected.</p>



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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>7130 Blanket bogs (* if active bog)</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>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>Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>Glenasmole Valley SAC (site code 001209), c.13.7km to the south west</p>	<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)</p> <p>According to this SAC's site Generic Conservation Objectives document (Version 7, dated 7th April 2020), 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SAC. It is almost 14km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024),</p>	<p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Castleforbes Business Park site could contain pollutants (foul</p>

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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
c.950m to the north and c.2.1km to the south east	<p>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>) 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>water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in the South Dublin Bay and River Tolka SPA.</p> <p>This is due to the significant separation and lack of a pathway between the proposed development site and the European site – the proposed development site is over 2km (straight line distance) from the SPA and any pollution arising during development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as Unpolluted according to the EPA database of coastal water quality. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.</p>
North Bull Island SPA (site code 004006), c.3.4km to the east	<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>)</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Castleforbes Business Park site could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the sea.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality locally, this would not be perceptible in the North Bull Island SPA.</p> <p>This is due to the significant separation and lack of a pathway between the proposed development site and the European site – the proposed development site is over 3km (straight line distance) from the SPA and any pollution arising during development would be so diluted as to be undetectable by the time the water enters the sea. In addition, significant dilution and</p>

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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>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>mixing of surface and sea water would occur. Upon reaching the sea any pollutants would be even further diluted and dissipated by the receiving waters, which are classified as Unpolluted according to the EPA database of coastal water quality. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development.</p>
Baldoyle Bay SPA (site code 004016), c.8.7km 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is almost 9km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.</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 7, dated 07th April 2020), 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is almost 12km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.</p>
Dalkey Islands SPA (site code 004172), c.12.0km 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 7, dated 7th April 2020), for each of the listed SCIs, the Conservation Objectives are to maintain or restore the favourable</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is approximately 12km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.</p>



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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
	conservation condition of the species for which the SPA has been selected.	
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.12.0km 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>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>	There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is approximately 12km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.
Ireland's Eye SPA (site code 004117), c.12.2km 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 7, dated 07th April 2020), 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>	There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is over 12km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.

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European Site	Reasons for designation (information correct as of 20 th October 2020) (*denotes a priority habitat)	Source – Pathway – Receptor link
Wicklow Mountains SPA (site code 004040), c.13.2km 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 7, dated 7th April 2020), 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>There is no hydrological link or any other pathway between the proposed development site at Castleforbes Business Park and this SPA. It is over 13km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this SPA as a result of the proposed development.</p>

*For completeness, this table includes all sites within 15km of the site, however, as confirmed in Section 5.1, only the offshore sites are linked in any way to the proposed development site. None of the other listed sites, and no sites further afield, are remotely linked to the proposed development site, by virtue of distance, lack of a pathway and the reasons for their designation



5.2 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as a QI or SCI of any designated site as a consequence of the proposed development. There is, therefore, no potential for the effects of habitat loss or fragmentation to occur.

There will also be no significant effects on any European sites as a result of:

- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

6 Other issues

No invasive plant species (*i.e.* those species listed on Schedule 3 of the *Birds and Habitats Regulations, 2011-2015*, such as Japanese knotweed or giant hogweed) were identified on site.

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 No 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 or which was intended to avoid or reduce impacts on any European sites. Accordingly, this screening assessment is consistent with the judgment of the European Court in Case C-323/17, *People Over Wind & Sweetman v Coillte* (Judgment of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including *Heather Hill Management Company CLG v An Bord Pleanála* [2019] IEHC 450 and *Sweetman v An Bord Pleanála* [2020] IEHC 39.

As noted in Section 5.1.2, operational Surface water management for the proposed development has been designed to comply with the '*Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005*' and it is proposed to use a sustainable urban drainage system (SuDS) approach to storm water management throughout the overall site. However, the High Court has held that compliance with SUDS is not a mitigation measure intended to avoid or reduce the impact on European sites: see *Eoin Kelly v An Bord Pleanála* [2019] IEHC 84.

8 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but uncompleted, or proposed (but not yet approved).³ If there are identified effects arising from the plan or project

³ *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)*

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even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

The 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. The Development Plan was itself subject to Appropriate Assessment, and a Natura Impact Report (NIR) was prepared. In its conclusions the NIR noted that *"the council's commitments to the Habitats Directive and Appropriate Assessment that are presented in the plan will be sufficient to prevent inappropriate development that could result in adverse impacts on the conservation objectives of European sites"*. The Plan took into account significant potential development in Dublin City, including development such as that proposed at Castleforbes Business Park.

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. No impacts are expected on any European sites as a result of the proposed development, which is in full compliance with all of the relevant Plan Objectives.

A number of other plans were considered when assessing in-combination effects, but it was determined that there would be no in-combination effects with these:

- National Planning Framework;
- Regional Spatial and Economic Strategy;
- Greater Dublin Strategic Drainage Study;
- Greater Dublin Transport Strategy;
- Climate Action and Mitigation Plan;
- National Biodiversity Plan; and,
- River Basin Management Plan.

A number of other development projects have been granted planning permission in the local area by Dublin City Council or by An Bord Pleanála, including under Strategic Housing Development provisions. Relevant developments are listed below:

- Castleforbes Office & Hotel Commercial Development (Ref: ABP-34433-19);
- Castleforbes Hotel Development (Ref: DSDZ 2143/20);
- East Road SHD Development (Ref: ABP-304710-19);
- Spencer Place Residential Block 2 (Ref: DSDZ 4111/19);
- Spencer Place Commercial Development (Ref: DSDZ 4184/18);
- City Block 9 Residential & Commercial Developments (Refs: DSDZ 3779/17, DSDZ 3780/17);
- City Block 3 Residential Development (Ref: DSDZ 2186/20);
- City Block 3 Commercial Development (Ref: DSDZ 4087/19).

Where relevant, screening for appropriate assessment was undertaken for each of these proposed developments and in each case significant effects on European sites were excluded. There are no elements of these developments that could act in-combination with any potential effects of the proposed development to give rise to significant effects.

As assessed above, the proposed development will make a very small contribution to the overall capacity of the licensed WwTP at Ringsend. While there are capacity issues at the WwTP, substantial upgrades to capacity are

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expected to be delivered over the medium term. The drainage and water attenuation design included in the proposed development will have a net beneficial impact on capacity at the WwTP, particularly during heavy rainfall events. Water quality assessment undertaken in Dublin Bay confirms that Dublin Bay is classified as “*unpolluted*” and there is no evidence that operations from the WwTP are affecting the conservation objectives of the European sites in Dublin Bay. It is assessed that the proposed development in combination with the WwTP won’t have any significant effects on any European sites including South Dublin Bay and River Tolka Estuary SPA, the South Dublin Bay SAC, the North Dublin Bay SAC and the North Bull Island SPA.

9 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed development at Castleforbes Business Park, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (An Bord Pleanála) to carry out an AA Screening, and reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.

Appendix I: Background

The European⁴ 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.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

The requirements of the Habitats Directive are transposed into Irish law by means of the Birds and Natural Habitats Regulations and by the Planning Acts.

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

Stages in the assessment

European Commission guidance (2001)⁵ 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

⁴ 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”

⁵ 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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unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

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

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

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

Conservation Objectives of European sites

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

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

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

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

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

Guidance from the European Commission⁶ 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.

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

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