

Proposed Strategic Housing Development,
Former Bailey Gibson Site, 326-328 South
Circular Road, Dublin 8
Appropriate Assessment Screening Report

Environmental
Assessment
**Built
Environment**

Client:

CWTC Multi Family ICAV

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1 Introduction

1.1 Background

CWTC Multi Family ICAV acting solely in respect of its sub fund DBTR SCR1 Fund intend to apply to An Bord Pleanála for permission for a Build to Rent Strategic Housing Development at the ‘Bailey Gibson’ site, South Circular Road, Dublin 8. The application area is c.5.08 hectares, it includes the Bailey Gibson site (1.53 hectares) in the ownership of the applicant, 0.36 hectares of land in the ownership of the Roman Catholic Church and 2.95 hectares in the ownership of Dublin City Council to accommodate works to facilitate public open space, connections to municipal services and works proposed to public roads.

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 (“AA Screening Report”) prepared for this purpose.

A comprehensive desk study review and numerous site visits were undertaken and the potential for significant effects 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 Expertise and Qualifications

The work was carried out by Ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is an Associate with Brady Shipman Martin and is a highly experienced and qualified ecologist, with a master’s degree in Ecosystem Conservation and Landscape Management. He has 20 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).

1.3 Legal requirement for Appropriate Assessment

European sites make up 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 Communities (Birds and Natural Habitats) Regulations 2011 (as amended)¹ (the “Birds and Natural Habitats Regulations”) and the Planning and Development Act, 2000 (as amended) (the “Planning Acts”).

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). As defined in section 177R of the Planning Acts “European site” means:

- (a) a candidate site of Community importance,

¹ SI No. 477 of 2011

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- (b) a site of Community importance,
- (ba) a candidate special area of conservation,
- (c) a special area of conservation,
- (d) a candidate special protection area and
- (e) a special protection area.

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 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. Section 177U of the Planning Acts require that screening for appropriate assessment must be carried out:

- 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 project is not required for the management of any European Site and this AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts and all relevant legislation.

2 Methodology

2.1 Baseline data collection and field visits

A desk-based assessment was undertaken in April and May 2022 of the Bailey Gibson site. 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.

In order to provide a comprehensive baseline on the local ecological environment, biodiversity surveys were undertaken at the site. The surveys were first undertaken at the site by the author on 1 May 2019. These were followed up by further ecological surveys by the author on the following dates:

- 21 May 2019;
- 23 May 2019;
- 18 December 2019;
- 4 March 2020;
- 5 April 2020;
- 29 September 2020;
- 6 October 2020;

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- 31 May 2021;
- 23 June 2021;
- 28 June 2021
- 13 December 2021.

The surveys undertaken by the author comprised habitat, invasive species, mammal, bird and day-time bat surveys.

A final site visit (habitat and fauna survey) was undertaken by the author on 16 February 2022.

In addition to the ecological surveys undertaken by the author, specialist bat ecologist Mr Brian Keeley a suitably qualified and experienced ecologist, carried out dedicated dusk and dawn bat surveys at the site.

Mr Keeley first surveyed the site on 19 and 20 August 2019. This study comprised a day-time inspection of the structures at the site as well as dusk and dawn surveys (using bat detecting equipment). These bat detector surveys were repeated on 21 and 22 September 2021. In addition to this, a winter assessment of the buildings was undertaken on 13 December 2021 and a final, daytime survey took place on 16 February 2022. All of the bat surveys were undertaken by Mr Keeley. The bat surveys undertaken are consistent with the level of survey recommended in the NPWS document *Bat Mitigation Guidelines for Ireland – Wildlife Manuals No. 134 and No. 25*.

There are no bat species listed as Qualifying Interests in any European sites within the Zone of Influence (see Section 3.2). However, Article 12 of the Habitats Directive requires Member States to take requisite measures to establish a system of strict protection of animal species listed in Annex IV(a) in their natural range. The potential impacts of the proposed development on bats and otters are assessed in the biodiversity chapter of the EIAR that accompanies the planning application.

Birds present on the site were recorded during the surveys 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.

Overall the level of survey undertaken, between 2019 and 2022, provides a very comprehensive biodiversity baseline for the site.

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 in Relation to Natura 2000 sites: Methodological Guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, September 2021);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Guidance issued by the European Commission (21 November 2018);
- *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*. (Directorate – General for Environment (European Commission), October 2021);
- *Practice Note PN01 Appropriate Assessment Screening for Development Management* Office of the Planning Regulator, March 2021).

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 Housing, Local Government and Heritage (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;
 - 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 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 takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken.

3 Description of the proposed development

This application relates to a proposed mixed-use strategic housing development (SHD) on a site of approx. 5.5 hectares in Dublin 8 (see **Figure 1**). It includes all of the former Bailey Gibson site and a small portion of the former Player Wills site, both of which are owned by the Applicant, CWTC Multi Family ICAV acting solely in respect of its sub fun DTBR SCR1 Fund. The balance of the proposed development site relates to land owned by Dublin City Council (DCC) known locally as the ‘Boys Brigade pitch’ and part of the St. Teresa’s Gardens site, together with DCC controlled public roads.

The application area is predominately within Strategic Development Regeneration Area (SDRA) 12, St. Teresa’s Gardens & Environs as identified in the Dublin City Development Plan 2016-2022. The part of the proposed development site not within SDRA 12 relate to works proposed in the public roads surrounding the site, South Circular Road, Donore Avenue and Rehoboth Place.

A comprehensive description of the proposed development is set out in the Planning Statement. The Statutory Notices should also be referenced.

Briefly, it is proposed to demolish the existing vacant buildings and structures on the Bailey Gibson site to make way for development of 345 new homes across 5 blocks, BG 1 - BG 5, ranging in height from 2-7 storeys. The residential blocks will be contained within the Bailey Gibson site. The typology is predominantly apartments with 4 townhouses proposed in block BG5.

This is a mixed tenure scheme, with 292 units proposed as Build to Rent (BtR) across blocks BG1-BG3 and 53 units proposed as Build to Sell (BtS) in blocks BG4 and BG5. It is proposed to deliver 34 social and affordable homes as part of the overall total.

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All apartments have private amenity space. At ground floor this is in the form of terraces and on upper levels, balconies. Each of BG1-BG4 have communal amenity areas either as a courtyard or podium area.

Tenant amenities and facilities are proposed in the BtR blocks and include a gym, co-working space, kitchen/lounge areas, concierge, and waste facilities.

Over 2 hectares of public open space including a multi-sport play pitch, a playground, 'St. Teresa's Playground', a boulevard, 'St. Teresa's Boulevard', a park, 'Players Park', a plaza, 'Rehoboth Plaza'.

The proposed non-residential uses include in blocks BG1 and BG2 commercial units that have the capacity to support daily living needs e.g., a shop, pharmacy and professional services. A creche with capacity for approx. 60 children. In block BG2 the design includes floorspace for a café/restaurant/bar.

In total there are 89 car parking spaces allocated to the proposed apartments and all are contained within the Bailey Gibson site. Apart from 1 space at podium level, the parking is contained within a basement. Additionally, 10 'Go Car' spaces are proposed at podium level for residents use only. Each of the 4 townhouses has 1 on-curtilage car parking space.

Visitor parking is at street level and the proposed sport pitch will be serviced separately by new spaces on the public roads. The scheme includes set down parking for the creche, a loading bay for deliveries and coach parking area.

Provision is made for disabled parking, electric vehicle charging, a car sharing scheme and motorcycle parking.

784 spaces are proposed for cycle parking including secure residents parking, visitor parking and spaces for cargo bicycles.

Other works include the development of a network of streets across the proposed development site that will link with other sites within SDRA 12 and into the wider street network of Dublin 8. Improvement works within existing local streets to facilitate access and safe movement.

Ancillary development works includes the construction of electricity substations, meter rooms, plant rooms at basement level, waste storage areas, solar photovoltaics, drainage, landscaping, and lighting.

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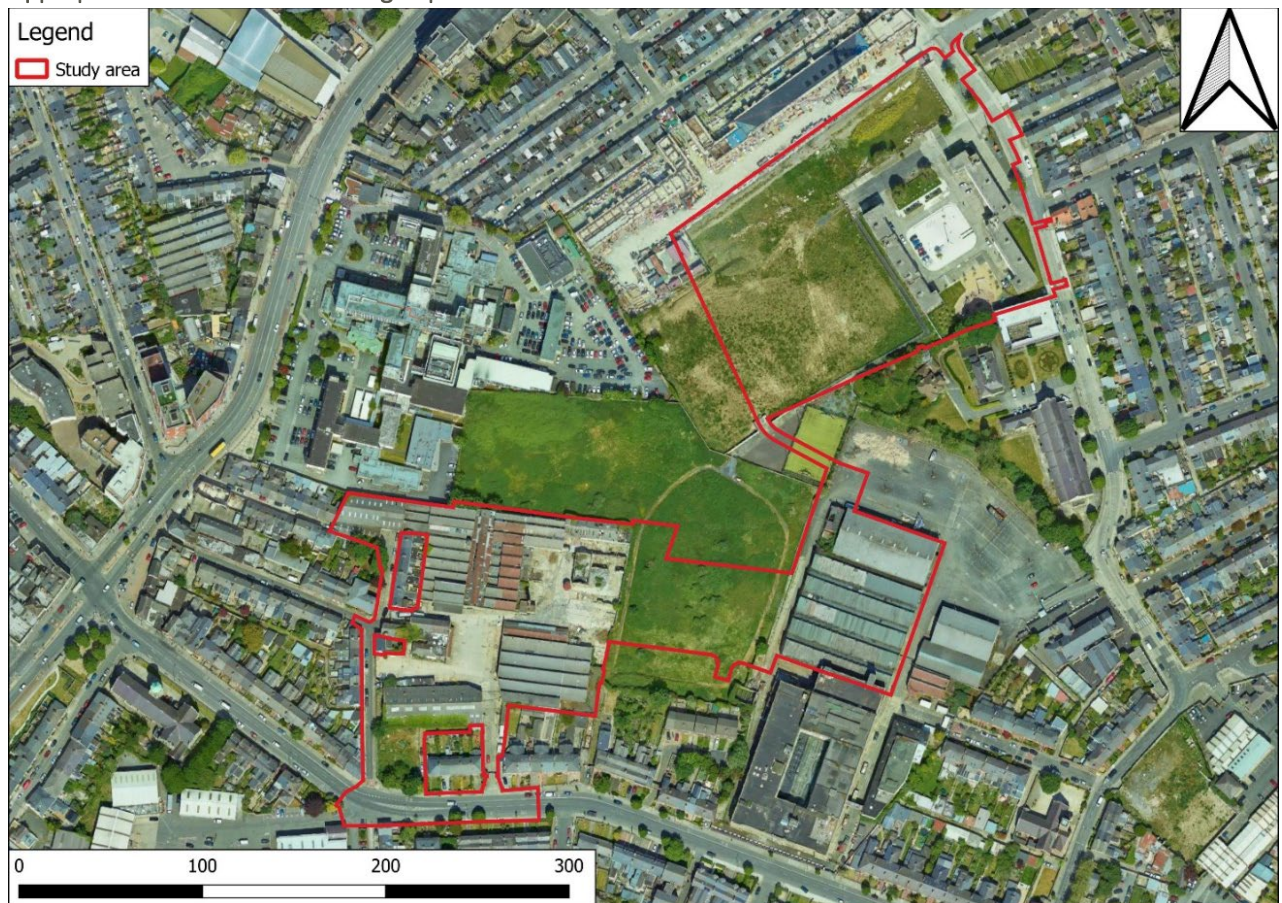


Figure 1: Location of the proposed Bailey Gibson development site, with the Dublin City Council Lands and the Player Wills lands within the application boundary also shown (Red line is indicative, refer to accompanying documentation for full details)

4 Screening for Appropriate Assessment

4.1 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 of the Planning Acts, screening for appropriate assessment must be carried out:

- 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.

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 under section 177V of the Planning Acts for the purposes of

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compliance with 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.

4.2 Potential Zone of Influence

For the risk of a significant 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. A construction site or completed development may also create a barrier to movement, for example by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

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 potential effect 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 potential effect 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'*. Similarly, the OPR Guidance (2021) states that *'The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km)'*.

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 at a great distance from the site. Taking this into account a search was carried out for all European sites with any potential links to the proposed development (i.e. those within the Zone of Influence (the geographical area over which it could affect the receiving environment) were accounted for in the study.

There are up to 28 European sites potentially within the Zone of Influence of the proposed development, as follows (see **Figure 2**). These are:

- **Special Areas of Conservation (SAC)**
 - South Dublin Bay SAC (site code 000210), c.4.7km to the east;
 - North Dublin Bay SAC (site code 000206), c.7.7km to the north east;
 - Rockabill to Dalkey Island SAC (site code 003000), c.13.2km to the east;
 - Howth Head SAC (site code 000202), c.13.4km to the north east;
 - Glenasmole Valley SAC (site code 001209), c.9.8km to the south west;
 - Wicklow Mountains SAC (site code 002122), c.10.5km to the south;
 - Baldoyle Bay SAC (site code 000199), c.12.7km to the north east;
 - Rye Water Valley/Carton SAC (site code 001398), c.13.8km to the west;
 - Knocksink Wood SAC (site code 000725), c.14.3km to the south;
 - Malahide Estuary SAC (site code 000205), c.15.3km to the north;
 - Ballyman Glen SAC (site code 000713), c.16.1km to the south east;

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- Ireland's Eye SAC (site code 002193), c.16.6km to the north east;
- Rogerstown Estuary SAC (site codes 000208), c.19.4km to the north;
- Bray Head SAC (site code 000714), c.20.2km to the south east;
- Red Bog, Kildare SAC (site code 000397), c.22.2km to the south west;
- Glen of the Downs SAC (site code 000719), c.23.8km to the south;
- Lambay Island SAC (site code 000204), c.24.1km to the north east;
- **Special Protection Areas (SPA)**
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.4.9km to the east;
 - North Bull Island SPA (site code 004006), c.7.7km to the north east;
 - Dalkey Islands SPA (site code 004172), c.14.2km to the south east;
 - Wicklow Mountains SPA (site code 004040), c. 10.6km to the south;
 - Baldoyle Bay SPA (site code 004016), c.12.9km to the north east;
 - Broadmeadow/Swords Estuary (Malahide Estuary) SPA (site code 004025), c.15.3km to the north.
 - Howth Head Coast SPA (site code 004113), c.15.9km to the north east;
 - Ireland's Eye SPA (site code 004117), c.16.4km to the north east;
 - Rogerstown Estuary SPA (site codes 004015), c.19.8km to the north;
 - Poulaphouca Reservoir SPA (site code 004063), c.21.4km to the south west;
 - Lambay Island SPA (site code 004069), c.24.0km to the north east.

The Conservation Objectives of these sites are to maintain or restore the favourable conservation condition of the QIs / SCIs in question. Where specific conservation objectives have been set out by the NPWS, 'favourable conservation condition' is defined in respect of specific attributes and targets for the habitat or species in question. For further information, refer to **Appendix II**.

4.3 Study area and surrounding environment

4.3.1 Site location and European sites

The proposed development site at Bailey Gibson (see **Figure 1**) is bounded to the south by South Circular Road and to the west and north by existing residential development. It is bounded to the east by Donore Avenue.

With the exception of the south western corner of the site, which abuts South Circular Road (a former community garden known locally as the South Circular Road Garden), the Bailey Gibson site almost entirely comprises buildings and artificial surfaces. It is completely built up, with a mix of buildings, mainly warehouses and storage sheds. Apart from small patches of ruderal plants and some isolated pockets of scrub and small trees there are no vegetated habitats of any description on the site. Within the former community garden there are a number of trees and shrubs, including sycamore and cherry.

The proposed development site includes an area of land to the north east of Bailey Gibson (in the ownership of Dublin City Council). These lands comprise the St Teresa's Gardens estate which includes buildings near Donore Avenue and recolonising bare ground where buildings have been demolished.

Located between the Bailey Gibson site and the Dublin City Council lands is an area of open, undeveloped land, containing rank grassland and bramble/buddleia dominated encroaching scrub known as the Boys Brigade lands.

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Part of this land is within the area of the proposed development boundary. To the east of this undeveloped land, which is also in the ownership of Dublin City Council, and is an area known as 'Player Wills'. The boundary of the proposed development includes a section of the former Player Wills factory building roof.

With the exception of the community garden, parts of which may be of some very limited value to common nesting birds, and the recolonising ground within the Dublin City Council lands, the proposed development site contains no features of any ecological significance.

There are no surface watercourses present on or in the immediate vicinity of the site². The nearest such feature, the Grand Canal, is approximately 130m to the south at its closest point. According to the Civil Engineering Infrastructure Report for Planning prepared by Barrett Mahony Consulting Engineers and submitted with the planning application there are several culverts within the local street network and crossing the SDRA 12 lands. This includes the main culverted watercourse of the Abbey Stream (a historical man-made distributary of the River Poddle), which was in turn diverted to a stormwater culvert in Donore Avenue. The River Poddle itself is marked on the EPA database as being approximately 710m to the east, however the Poddle is culverted for much of its length in the city centre and there is no connection between the proposed development site and this watercourse other than, potentially, via the stormwater drainage culverts in the local area. The proposed development site is located within the River Liffey and Dublin Bay catchment (in the Dodder sub-catchment and the Poddle sub-basin).

The Poddle is culverted and flows north to join the River Liffey approximately 1.4 km north of the site. Because of its relatively small catchment and the fact that it is extensively culverted, the Water Body status of the Poddle was not assessed in the Eastern River Basin District (ERBD) Management Plan.

As noted in Chapter 8 (Land & Soils) of the EIAR, the site is underlain by the Lucan Limestone Formation, known as "The Calp", which comprises dark-grey to black, fine-grained, occasionally cherty, micritic limestone and shale. The site investigations have confirmed the GSI description of the bedrock. The site investigation also identified the presence of thin beds of mudstone at the top of the bedrock beneath the site.

² <https://gis.epa.ie/EPAMaps/>

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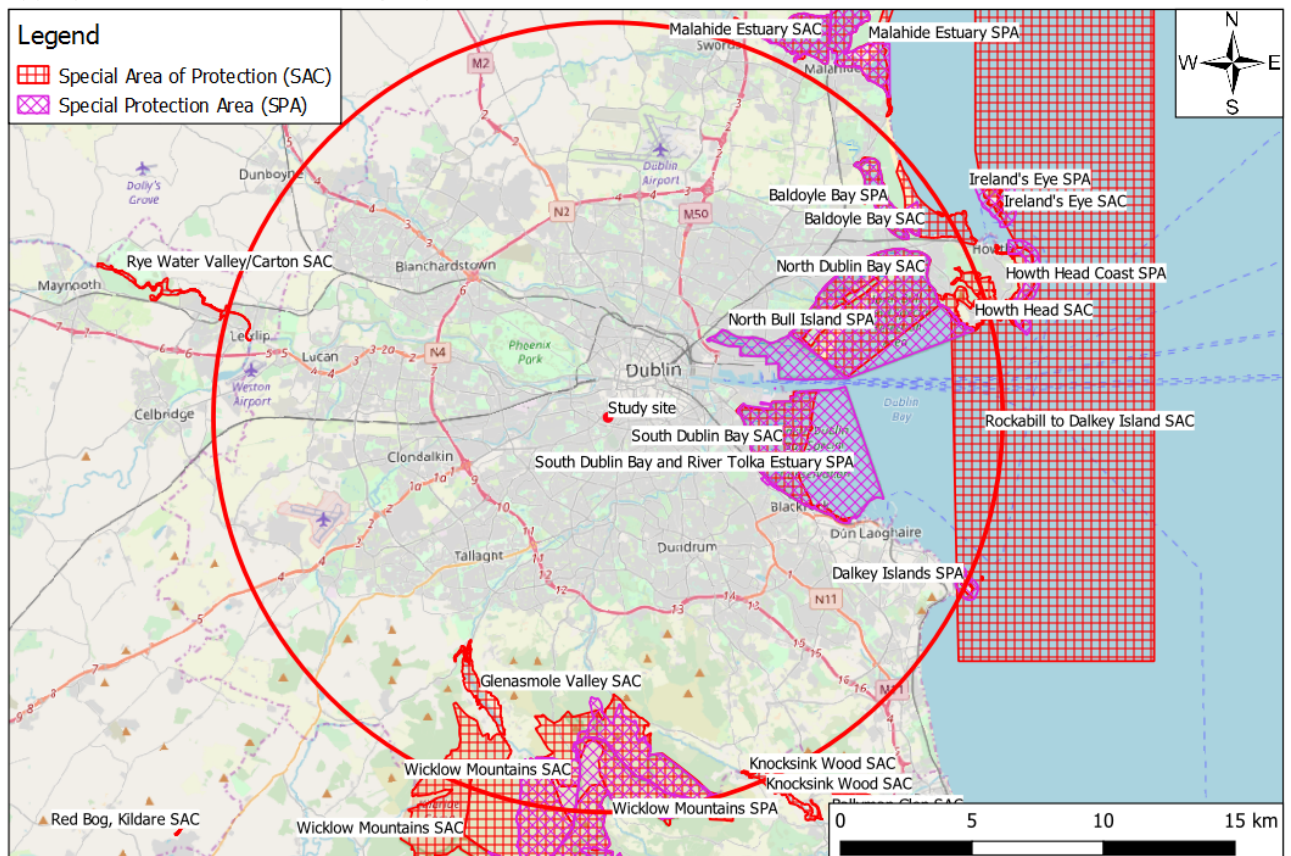


Figure 2: Study site at Bailey Gibson showing European sites (Source: OpenStreetMap). A 15km radius is shown, for scale.

4.3.2 Other designated areas (other than European sites)

The nearest site designated for nature conservation, not otherwise designated as a European site, is the Grand Canal proposed Natural Heritage Area (pNHA site code 002104). At its closest point the pNHA is c.25m from the Bailey Gibson site, although this section of the pNHA is in fact located on developed land in the White Heather Industrial Estate. The Grand Canal itself is approximately 125m to the south. This proposed Natural Heritage Area is included in this report in order to address its potential to act as supporting sites for the European sites.

4.3.3 European sites within the Zone of Influence

As noted in Section 4.2 there are up to 28 European sites located within the Potential Zone of Influence of the proposed development. These are designated for a wide range of habitats and species and include coastal and marine sites as well as terrestrial sites.

There is no possibility of there being any pathway between the proposed Bailey Gibson development site and 21 of the European sites listed in Section 4.2. These are not linked by the air or water pathways or in any other way to the proposed development.

There are therefore seven European sites located within the potential Zone of Influence of the proposed development (see **Figure 2**). These sites are all potentially linked to the proposed development site by the water pathway. These are:

- **Special Areas of Conservation (SAC)**
 - South Dublin Bay SAC (site code 000210), c.4.7km to the east;

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- North Dublin Bay SAC (site code 000206), c.7.7km to the north east;
- Rockabill to Dalkey Island SAC (site code 003000), c.13.2km to the east;
- Howth Head SAC (site code 000202), c.13.4km to the north east;
- **Special Protection Areas (SPA)**
 - South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.4.9km to the east;
 - North Bull Island SPA (site code 004006), c.7.7km to the north east;
 - Dalkey Islands SPA (site code 004172), c.14.2km to the south east.

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 (SI No. 365 of 2015) or the Habitats Directive, are known to occur within the site. The habitats present are not suitable for such species and none have been recorded despite extensive survey work having been undertaken.

No rare habitats or habitats of any ecological value (i.e. International, National or County Importance, or Local Importance) are present, and there are no Key Ecological Receptors at the proposed development site.

Small numbers of bats have been recorded flying during the course of bat surveys undertaken, however no evidence of roosting bats (species protected under Article 12 of the Habitats Directive) has been found within the site. There are no habitats of any importance for commuting/foraging bat species on the site. In addition no evidence of any protected species such as otter (protected under Article 12 of the Habitats Directive) or badger was recorded during the surveys carried out, and the habitats present are not suitable for such species.

The bird fauna recorded on the site is very limited, and there is no habitat on the site suitable for use, even on a very occasional basis, by any overwintering birds, such as pale-bellied Brent goose, or any other protected bird species listed as a Special Conservation Interest (SCI) in any European site within the Zone of Influence. Overall the site is entirely unsuited to use by any protected fauna, other than, potentially, small numbers of nesting birds in the former South Circular Road Garden.

None of the habitats or features present on the site are Qualifying Interests/Special Conservation Interests in any European site within the Zone of Influence and none of these Qualifying Interests/Special Conservation Interests (see column 2 in **Table 2** in Section 5.1.3) are present on the site. No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

The proposed development site (including Bailey Gibson, the Dublin City Council-owned lands and the area located within the Player Wills site) is of no ecological importance, in accordance with the ecological resource valuations presented in the *Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA/TII, 2009 (Rev. 2))*.

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5.1.1 Hydrological and Hydrogeological Qualitative Risk Assessment (HHQRA)

As set out in the Hydrological and Hydrogeological Qualitative Risk Assessment report (HHQRA) prepared by AWN Consulting and submitted separately, a conceptual site model (CSM) was prepared for the proposed development. Based on this CSM, the plausible Source-Pathway-Receptor (S-P-R) linkages have been assessed assuming an absence of any measures intended to avoid or reduce harmful effects of the proposed project (i.e. mitigation measures) in place at the proposed development site. Table 3.1 of the HHQRA (Pollutant Linkage Assessment (without mitigation)) summarises the plausible pollutant links considered as part of the assessment (this Table is reproduced as **Table 1** in this Appropriate Assessment Screening Report).

Table 1 Pollutant Linkage Assessment (without mitigation)

Source	Pathways	Receptors considered	Risk of Impact
Construction Impacts (summary)			
Unmitigated leak from an oil tank to ground/ unmitigated leak from construction vehicle (1,000 litres worst case scenario).	Bedrock protected by 3-10m low permeability overburden. Migration within weathered/ less competent limestone is low (limestone has discrete local fracturing rather than large connected fractures).	Limestone bedrock aquifer (Locally Important aquifer)	Low risk of migration through poorly connected fracturing within the limestone (Locally Important Aquifer) rock mass. No likely impact on the status of the aquifer/off site migration due to low potential loading, natural attenuation within overburden and discrete nature of fracturing reducing off site migration.
Discharge to ground of runoff water with High pH from cement process/ hydrocarbons from construction vehicles/run-off containing a high concentration of suspended solids	Indirect pathway through stormwater drainage to Dublin Bay waterbody (distance source-receptor: 4.7km)	South Dublin Bay SAC/SPA/pNHA	Potential for local temporary exceedances of statutory water quality standards at outfall. However, no perceptible risk to water requirements for the Natura 2000 sites in Dublin Bay based on loading and high level of dilution in the surface water sewer and on the distance of c. 4.7 km between the source and Dublin Bay.
Operational Impacts (Summary)			
Foul effluent discharge to sewer	Indirect pathway to Dublin Bay through public combined sewer	South Dublin Bay SAC/SPA/pNHA	No perceptible risk – Even without treatment at Ringsend WWTP, the average effluent discharge (8.363 l/s which would equate to 0.075% of the peak hydraulic capacity at Ringsend WWTP), would not impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive).
Unmitigated discharge to ground of hydrocarbons from car leak (70 litres worst case scenario)	Indirect pathway through public combined sewer to Dublin Bay waterbody (distance source-receptor 4.7km)	South Dublin Bay SAC/SPA/pNHA	No perceptible risk – taking into account the extent of loading of contaminant, distance between the source and Dublin Bay is c. 4.7 km and significant dilution in the surface water sewer will ensure any released

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			hydrocarbons are at background levels (i.e., with no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019).
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5.1.2 Potential impacts during construction

At any development site, site clearance and construction activities pose a potential risk to water, as surface/ground water arising at a site may contain contaminants. The main contaminants arising from such 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.

There are no surface watercourses on the site. Nevertheless, as discussed in Section 4.3.1 there is a potential surface water pathway, via the local drainage network, 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.

The AWN HHQRA report assesses the potential for construction or operational impacts on the following receptors

- (i) The limestone bedrock aquifer;
- (ii) The European sites associated with Dublin Bay.

In relation to the aquifer the HHQRA makes it clear that the *“potential for impact on the aquifer is low based on the absence of any bulk chemical storage on site. The overburden thickness, low permeability nature of till and a lack of fracture connectivity within the limestone will minimise the rate of off-site migration for any indirect discharges to ground at the site. As such there is no potential for a change in the groundwater body status or significant source pathway linkage through the aquifer to any Natura 2000 site.”*

The AWN report further confirms, in relation to the European sites of Dublin Bay, that there is *“no direct open-water pathway between the site and South Dublin Bay. However, there is an indirect pathway through the combined stormwater sewer which discharges into the Ringsend WWTP. Should any silt-laden stormwater from construction or hydrocarbon-contaminated water from a construction vehicle leak/tank leak manage to enter into the surface water sewer, the suspended solids will naturally settle within the sewer; however, in the event of a worst case hydrocarbon leak of 1,000 litres this would be diluted to background levels (water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) by the time the stormwater reaches the nearest Natura 2000 Sites (South Dublin Bay, c. 4.7 km downgradient)”*.

Despite the presence therefore of pathways to European sites, 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 designated sites of Dublin Bay are between c.4.7km and 13km from the proposed development site (straight-line distance to the west), there is no perceptible risk to these sites as contaminant loading is low and will be quickly attenuated, diluted and dispersed to below statutory guideline limits. There is also no resultant indirect source pathway linkage from the proposed development through public sewers which could result in any change to the current water regime (water quality or quantity) and open water;

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- 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 comparatively short period (estimated to be 36 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.

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, no predicted impact on *ex-situ* species i.e. the wetland habitats and the waterbirds of the European sites of Dublin Bay. There will be no interference with the key relationships that define the structure or function of any European site. No relevant habitats and species are present on the proposed development site, and, as set out in this section, there is no possibility of there being any significant effects on these habitats and species within the European sites themselves.

Likely significant effects of construction-related impacts as a result of the proposed development on European sites (or on proposed Natural Heritage Areas) can therefore be excluded.

5.1.3 Potential impacts during operation

Currently, the proposed development site at Bailey Gibson is virtually entirely hardstanding, with the exception of the now-disused community garden (and the Dublin City Council lands). Rainfall events are un-attenuated at present. Once operational, **surface water** flows from the proposed development site will be restricted in accordance with the requirements of the Greater Dublin Strategic Drainage Strategy (GSDSDS). The GSDSDS addresses the issue of sustainability by requiring designs to comply with a set of drainage criteria which aim to replicate the run-off characteristics of the greenfield site. The criteria provide a consistent approach to addressing the increase in both rate and volume of run-off. The calculations set out in the Engineering Infrastructure Report prepared by Barrett Mahony Consulting Engineers and submitted separately incorporate a 20% increase in storage volume to allow for climate change.

As noted in the AWN HHQRA, during operation, the *“potential for a release [of contaminants] is low as there is no bulk fuel/chemical storage and no silt laden run-off. Stormwater will be collected by a drainage system which includes SuDS measures, an attenuation system and oil/ petrol interceptors prior to discharge off-site (albeit these measures have been disregarded for this analysis). In addition, the potential for hydrocarbon discharge is quite minimal based on an individual vehicle (70 litres) leak being the only source for hydrocarbon release. However, even if the operation of the proposed SuDS and interceptor systems are excluded from consideration, there is no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019) in the worst case scenarios described above at section 3.2 and there will be no significant effect on any European site. The volume of contaminant release is low and combined with the significant attenuation within the stormwater drainage network, hydrocarbons will dilute to background levels with no likely impact above water quality objectives as outlined in S.I. No. 272 of 2009, S.I. No. 386 of 2015 and S.I. No. 77 of 2019 at any Natura 2000 sites.*

It can be concluded that the in-combination effects of surface water arising from the Proposed Development taken together with that of other permitted developments will not be significant based on the in-combination

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low potential chemical and sediment expected loading. Therefore, based on the loading of any hazardous material considered in the worst case scenarios mentioned in Section 3.1 [of the HHQRA] above during construction and operation phases, there is subsequently no potential for impact on downgradient Natura 2000 habitats (South Dublin Bay, which is located 4.7 km from the site)".

A site **flood risk assessment** has been carried out (it is included in the Engineering Infrastructure Report), in accordance with the OPW publication "*The Planning System and Flood Risk Assessment Guidelines for Planning Authorities*". The report concluded that there is no risk of flooding affecting the site from fluvial sources, so it is possible to develop the site within Flood Zone C. Further, the development does not affect the flood storage volume or increase flood risk elsewhere.

Likely significant effects related to surface water management or flooding, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

The new **foul drainage** system for the development will connect to the 1060mm brick combined sewer at the south-west of the site. Due to the topography of the site, a pump station with 24hour storage capacity will be located at the northern end of the development. Foul flows will be pumped to a final manhole for gravity discharge to the public combined sewer – this is confirmed as acceptable by Irish Water, which issued a Confirmation of Feasibility (29 October 2019). Further, Irish Water issued a Statement of Design Acceptance on 22 March 2022. These letters are contained as appendix II(c) and II(d) of the Civil Engineering Infrastructure Report for Planning prepared by BMCE.

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.

In relation to foul water, the AWN HHQRA notes that the "*peak wastewater discharge is calculated at 8.363 l/s (BMCE, 2022). The sewage discharge will be licensed by Irish Water, collected in the public combined sewer in Donore Avenue, and treated ultimately Irish Water's WWTP at Ringsend prior to discharge to Dublin Bay. As outlined in section 3.1 (iv), [of the HHQRA] upgrade works commenced in 2018 and are expected to be fully completed by 2025. The upgrade works will result in treatment of sewage to a higher quality than current, thereby ensuring effluent discharge to Dublin Bay will comply with the Urban Wastewater Treatment Directive by Q4 2023.*

The AWN report goes on to state that "*the application for the upgrade of the WWTP in 2012 and the revised upgrade in 2018 was supported by a detailed EIAR. As outlined in the EIAR, modelling of water quality in Dublin Bay has shown that the upgrades (which are now currently underway) will result in improved water quality within Dublin Bay. The 2018 EIAR predicts that the improvement in effluent quality achieved by the upgrade will compensate for the increase in flow through the plant.*

In addition, the EIAR report acknowledges that under the do-nothing scenario "the areas in the Tolka Estuary and North Bull Island channel will continue to be affected by the cumulative nutrient loads from the river Liffey and Tolka and the effluent from the Ringsend WWTP", which could result in a deterioration of the biological status of Dublin Bay (Irish Water, 2018). Nevertheless, these negative impacts of nutrient over-enrichment are considered "unlikely" (Irish Water, 2018). This is because historical data suggests that pollution in Dublin Bay has had little or no effect on the composition and richness of the benthic macroinvertebrate fauna. Therefore, the do-nothing scenario predicts that nutrient and suspended solid loads from the WWTP will "continue at the same levels and the impact of these loadings should maintain the same level of effects on marine biodiversity". Therefore, it can be concluded that significant effects on the current status of the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely. This conclusion is not dependent upon any future works to be undertaken at Ringsend."

However, even without treatment at the Ringsend WWTP, the peak effluent discharge, calculated for the proposed development as 8.363 l/s (which would equate to 0.075% of the licensed discharge at Ringsend WWTP [peak

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hydraulic capacity, figure take from Section 2.1 of the AWN HHQRA]), would not have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive).

As stated in the AWN HHQRA report, this assessment is “supported by hydrodynamic and chemical modelling within Dublin Bay which has shown that there is significant dilution for contaminants of concern (DIN and MRP) available quite close to the outfall for the treatment plant (Ringsend WWTP 2012 EIS, Ringsend WWTP 2018 EIAR; refer to Section 12.4.22, ABP-301798-18 Inspector’s report). The most recent water quality assessment of Dublin Bay WFD Waterbody undertaken by the EPA (Water Quality in 2020: An Indicator Report, 2021) also shows that Dublin Bay on the whole, currently has an ‘Unpolluted’ water quality status (refer to www.catchments.ie)”.

Ringsend WWTP has experienced capacity issues during rainfall events and therefore overflows can occur following periods of heavy rainfall. These overflows occur as a result of the impact on treatment capacity during heavy rainfall events due to surges primarily caused by the historical combined drainage system in Dublin. As the proposed development will not contribute any additional stormwater drainage to the WWTP over the natural greenfield rate, the development will therefore have no measurable impact on the water quality in any overflow situation.

Likely significant effects related to foul water management, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

Full details of the potential impacts of the proposed development on European sites are presented in **Table 2**.

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Table 2 lists relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
South Dublin Bay SAC (site code 000210), c.4.7km to the east (straight line distance)	<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 22 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 Bailey Gibson 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>There is significant separation between the proposed development site and the European site – the proposed development site is almost 5km (straight line distance) from the SAC and any pollution entering any watercourse 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. 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>	No
North Dublin Bay SAC (site code 000206), c.7.7km to the east	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand</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 Bailey Gibson site could contain pollutants (foul water, silt,</p>	No

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European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>2190 Humid dune slacks</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 06 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>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 Dublin Bay SAC, due to the very small volumes.</p> <p>There is significant separation between the proposed development site and the European site – the proposed development site is almost 8km (straight line distance) from the SAC and any pollution entering any watercourse 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. 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>Rockabill to Dalkey Island SAC (site code 003000), c.13.2km to the east;</p>	<p>1170 Reefs</p> <p>1351 Harbour Porpoise (<i>Phocoena phocoena</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 07 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 Bailey Gibson 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</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
		<p>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>There is significant separation between the proposed development site and the European site – the proposed development site is over 13km (straight line distance) from the SAC and any pollution entering any watercourse during construction would be so diluted as to be undetectable by the time the water reaches this SAC. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the SAC any pollutants would be even further diluted and dissipated by the receiving waters. There is also no possibility of any construction or operational noise from the proposed development site impacting on harbour porpoise – the proposed development site is in a busy city centre location completely isolated from the SAC. 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>Howth Head SAC (site code 000202), c.13.4km 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 06 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 significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>It is noted that there is no pathway between the proposed development site and the European dry heath habitats that are present in this SAC, but occur on the slopes above the sea cliffs and in the central part of the peninsula.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at the Bailey Gibson 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</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
		<p>watercourse it would be so diluted as to be undetectable by the time the water enters the Bay and would not be perceptible in Howth Head SAC, due to the very small volumes.</p> <p>There is significant separation between the proposed development site and the European site – the proposed development site is over 13km (straight line distance) from the SAC and any pollution entering any watercourse during construction would be so diluted as to be undetectable by the time the water reaches this SAC. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the SAC any pollutants would be even further diluted and dissipated by the receiving waters. 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>North Bull Island SPA (site code 004006), c.7.7km to the north 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>)</p>	<p>No significant effects on water quality, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development site at the Bailey Gibson 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 Dublin Bay.</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 SPA, due to the very small volumes.</p> <p>There is significant separation between the proposed development site and the European site – the proposed development site is almost 8km (straight line distance) from the SPA and any pollution entering any stream during construction would be so diluted as to be undetectable by</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>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 9 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>the time the water enters the SPA. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the estuary waters. 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 wetland habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>In addition, no operational impacts on this European site will occur as a result of the proposed development.</p>	
<p>South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.4.9km to the east (straight line distance)</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>) 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 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species</p>	<p>No significant effects on water quality, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development site at the Bailey Gibson 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 Dublin Bay.</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 this SPA, due to the very small volumes.</p> <p>There is significant separation between the proposed development site and the European site – the proposed development site is almost 5km (straight line distance) from the SPA and any pollution entering any stream during construction would be so diluted as to be undetectable by the time the water enters the SPA. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the estuary any pollutants would be even further diluted and dissipated by the estuary waters. 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</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of 29 April 2022) (*denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	and wetland habitat for which the SPA has been selected.	<p>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 wetland habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>In addition, no operational impacts on this European site will occur as a result of the proposed development.</p>	
Dalkey Islands SPA (site code 004172), c.14.2km 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 9, dated 26 January 2022), 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 the Bailey Gibson site and this SPA. It is over 14km distant and is completely unconnected. Furthermore there will be no loss of species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p>	No

*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 Mitigation specific to European sites

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. It is also consistent with the judgment in *Eco Advocacy CLG v An Bord Pleanála* [2021] IEHC 265. In that case, *Humphreys J* confirmed the core legal principle, being that regard should not be had to mitigation measures at AA screening stage. *Humphreys J* decided in that case that clarification was required from the CJEU on the matter (as it related to the consideration of SUDs and whether these represented mitigation measures) and the decision of the CJEU is currently awaited. Regardless of the outcome of that case however, in relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development.

As set out in Sections 5.1.2 and 5.1.3 of this report, including the extracts from the HHQRA prepared by AWN Consulting and submitted separately, it is certain that likely significant effects on European sites as a result of both the construction and operation of the proposed development can be excluded. Even if no SuDS measures were to be incorporated into the design and surface water arising at the site were to be diverted in its entirety to the existing sewer system there could be no impacts on European sites.

No mitigation is necessary or proposed for the protection of European sites.

7 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 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.

³ *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

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Applications were made for Strategic Housing Development at the Bailey Gibson site (ABP Reg. Ref.: 307221) and the Player Wills site (ABP Reg. Ref.: 308917). Both of these developments were subject to Screening for Appropriate Assessment. In each case the AA Screening report concluded that there would be no likelihood of significant effects on any European sites as a result of the proposed development. An Bord Pleanála concluded in each case that stage 2 AA was not required and planning permission was subsequently granted.

A number of developments have been granted planning permission in the local area, by Dublin City Council or by An Bord Pleanála. Developments with the potential for significant effects on biodiversity within the Zone of Influence of the proposed development include the following (based on a planning search conducted on 2 June 2022):

- 3323/17 (PL29S.300431): IDA Ireland, Newmarket, Dublin 8: Mixed use residential, commercial and cultural development;
- 2812/17: The Brewery Block, Dublin 8: mixed use student accommodation and co-working space;
- 3853/17 (PL29S.302149): 43—50 Dolphin's Barn Street, Dublin 8: Mixed use residential and retail;
- 2475/18 (Part 8 Development): St Teresa's Gardens, Dublin 8. Amendments to permitted residential development;
- 3426/18: The Donnelly Centre Phase 2 Building, Cork Street/Brickfield Lane, Dublin 8: Mixed use, student accommodation and commercial;
- ABP 305061: 355 South Circular Road, Dublin 8 (The Rialto Cinema): Student accommodation;
- 3752/19: Applicant: c. 0.152 ha site at New Street off New Street South, Dublin 8, the provision of 16 no. car parking spaces at basement level; 2 no. lift cores; 3 no. stair cores; ancillary facilities (including bicycle storage (57 no. spaces) and shower block);
- 4743/19: Newmarket, Brabazon Place, Brabazon Row and St. Luke's Avenue, Dublin 8, 151 bed hotel with a basement/lower ground floor;
- 2654/20: 25-26, Blackpitts, Dublin 8; 27 apartments and will include cycle parking, plant rooms and storage areas for apartment and mosque at basement level;
- SHD0003/19 (ABP-303436) Mill Street, Sweeney's Terrace and Clarence Mangan Road, Dublin 8, section with 37 no. residential (Build to Rent) apartments residential support and amenity facilities at ground and basement level;
- 3675/21 Planning permission for the development on the site will consist of a new access gate to the boundary of the Coombe with Margaret Kennedy Road with all associated site works. This application site is in S.D.R.A. no. 12 St Teresa's Gardens and Environs Strategic Development and Regeneration Area. (currently subject of an Additional Information request from Dublin City Council);
- ABP-305324: Site known as a portion of the Brewery Block, bounded by Newmarket, St. Luke's Avenue, Brabazon Place/Brabazon Row and Ardee Street (The site includes Nos. 13/14 Ardee Street and No. 29 Newmarket), Dublin 8.);
- 3944/22: amendments to ABP-305324.

The Strategic Development and Regeneration Area 12 (SDRA 12) development plan includes for the redevelopment of lands in the immediate environs of the site as well as redevelopment of lands at the Coombe Hospital to the north of the site by the Land Development Agency (LDA).

The zoning, policies and objectives set out in the Dublin City Development Plan 2016 – 2022 are intended to protect the environment while encouraging development in appropriate areas. It is considered that the proposed development and the above-listed permitted / proposed developments in the vicinity are consistent with the

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Development Plan's objectives for development in the area, which have themselves been subject to Strategic Environmental Assessment and Appropriate Assessment. The Natura Impact Report for the Development Plan concluded that it would not adversely affect the integrity of European sites. 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, and included specific objectives for the Bailey Gibson, Player Wills and Dublin City Council and Lands – these lands were designated as a Strategic Development and Regeneration Area (SDRA 12 – St. Teresa's Gardens).

Considering the nature and scale of the proposed development, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, and the nature of existing, permitted and proposed development in its environs, it is considered that significant in combination effects on European sites are not likely to occur.

8 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed development at the Bailey Gibson site, 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 under Section 177U of the Planning Acts, and reach a determination that the proposed development will not have any likely significant effects on European sites under 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 Natura 2000 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 *European Union (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*)⁵ 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 (2021)⁶ 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 SI No. 477 of 2011 and subsequent amendments

⁶ *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, September 2021)*

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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.

Appendix II 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 Commission⁷ 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;

Assess the likely significance of any effects on European sites.

⁷ Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission November 2018)

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