

Noreen McLoughlin, MSc Environmental Consultant

Whitehill Edgeworthstown Co. Longford & (087) 4127248 / (043) 6672775 ⊠ noreen.mcloughlin@gmail.com

STATEMENT OF SCREENING FOR APPROPRIATE ASSESSMENT OF A PROPOSED DEVELOPMENT AT TEMPLAR PLACE, QUAY ST AND HIGH ST, BALBRIGGAN, CO. DUBLIN

IN LINE WITH THE REQUIREMENTS OF ARTICLE 6(3) OF THE

EU HABITATS DIRECTIVE



Rhonellen Developments Ltd. c/o McGill Planning Ltd. 45 Herbert Lane Dublin Do2 RR92

August 2021

All Maps and Aerial Photography used in this report are reproduced under OSI Licence No. EN 0079020

TABLE OF CONTENTS

1		3
1.1 1.2	Background Regulatory Context	3
2 2.1 2.2 2.3 2.4	METHODOLOGYAppropriate Assessment	7 9 9
3	Screening 1	L1
3.1 3.2 3.3 3.4 3.5	Development Description	11 15 19 24 27
4	APPROPRIATE ASSESSMENT CONCLUSION 2	28

1 INTRODUCTION

1.1 BACKGROUND

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential impacts on European designated sites of a proposed development at Templar Pace (site of the old Mall shopping centre), Quay St and High St, Balbriggan, Co. Dublin was carried out in May 2021 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental.

The location of the proposed development is within 15km of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely. This exercise will also determine the appropriateness of the proposed project, in the context of the conservation status of the designated sites.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated

sites (i.e. SACs and SPAs). This is explained in greater detail in the following section (Section 1.2.2 and Section 1.2.3).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2021 and that status does not deteriorate in any waters.

Appropriate Assessment and the Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive' - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site 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

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

"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 a social or economic nature, the Member States 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 Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

2 METHODOLOGY

2.1 APPROPRIATE ASSESSMENT

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2001). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2001). Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that "each stage determines whether a further stage in the process is required". Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

Stage 1: Screening – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

Stage 2: Appropriate Assessment – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity.
 Exclusion of sites where it can be objectively concluded that there will be no significant effects;
- Description of proven mitigation measures.

2.2 STATEMENT OF COMPETENCY

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over thirteen years. Noreen has over 15 years' experience as a professional ecologist in Ireland.

2.3 DESK STUDIES & CONSULTATION

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie Mapped based information;
- National Biodiversity Data Centre (NBDC) Information pertaining to protected plant and animal species within the study area;
- Bing maps & Google Street View High quality aerials and street images;
- McGill Planning, McCauley Daye O'Connell Architects Plans and Information Pertaining to the Development;
- Fingal County Council Information on planning history in the area for the assessment of cumulative impacts.

2.4 FIELD BASED STUDIES

A visit to the site of the proposed application in Balbriggan was conducted on May 26th 2021, when field notes, species lists and photographs were taken. The site was surveyed in accordance with the Heritage Council's *Habitat Survey Guidelines* (Smith et al., 2010) and the Institute of Environmental Assessment's *Guidelines for Baselines Ecological Assessment* (IEA, 1995). Habitats within the application site were classified in accordance with Level 3 of *A Guide to Habitats in Ireland* (Fossit, 2000).

2.5 Assessment Methodology

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (ZoI) of the proposed development was defined. Based on the potential impacts and their ZoI, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is 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;

The favourable conservation status of a species is achieved when:

- The 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.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCOs should be considered in detail.

3 SCREENING

3.1 DEVELOPMENT DESCRIPTION

Rhonellen Developments have indicated their intention to shortly apply to An Bord Pleanála for planning permission (Strategic Housing Development) for a Build to Rent (BTR) housing development on a site of c. 0.42ha at the old Mall Shopping Centre at Templar Place, Quay Street and High Street, Balbriggan, Co. Dublin. The development will comprise of the following:

Demolition of the existing buildings (former shopping centre and associated structures). Construction of 3 no. apartment blocks (Blocks A - C) ranging in height from 3 to 6 storeys (with Block B over 3 no. lower courtyard floors) providing a total of 101 units (19 no. studios, 41 no. 1-beds, 41 no. 2-beds). Provision of Resident Support Facilities/Resident Services and Amenities, 2 no. retail units, car parking (at ground floor), cycle parking, ESB substation/switch room, plant, bin stores, open space, landscaping, boundary treatments, all associated site works and services provision.

An extract from the planning drawings can be seen in Figure 1.



Figure 1 – Extract from Planning Drawing (Prepared by Mc Cauley Daye O'Connell Architects)

Foul Water Proposals

ORS have liaised with Irish Water in relation to the proposed water supply and wastewater connections for the proposed development. A pre-connection enquiry was lodged with Irish Water in October 2020 and a confirmation of feasibility letter from Irish Water confirmed that there is sufficient capacity in the existing water and wastewater networks to service the proposed development in its entirety.

It is proposed to make a single wastewater connection to the existing 525mm diameter gravity sewer in Quay Street which will serve the entire development. All internal wastewater drainage will be separate to surface water drainage infrastructure in accordance with Irish Water standards. All wastewater infrastructure shall be designed and constructed in accordance with Irish Water documents "Code of Practice for Wastewater Infrastructure" and "Wastewater Infrastructure Standard Details"

Surface Water and Wastewater Proposals

ORS have prepared details regarding the proposed surface water management plans for the site. There is an existing Local Authority owned surface water drainage manhole and dedicated 225mm diameter gravity surface drainage pipe within Quay Street near the northmost point of the subject site. This surface water sewer appears to outfall directly to the Bracken River. The surface water drainage from the existing site does not appear to be attenuated and may be discharging directly into either the dedicated surface water sewer in Quay Street or possibly into a combined sewer.

The proposed surface water drainage strategy for the development will include collection and attenuation of surface water runoff from the developed site via a blue roof system located on a number of the building flat roofs and on the vast majority of the podium slab area. The blue roof systems proposed will be planted where appropriate and will be supplemented by green roof systems which will be provided to all non-accessible roof areas.

The outlets from the blue roof attenuation storage systems will be flow controlled to limit discharge rates to existing greenfield runoff rates. Following interception and attenuation, surface water will discharge at controlled rates into a piped gravity drainage system which will be installed below the ground floor level carpark and will connect to the existing 225mm diameter surface water drainage sewer in Quay St.

The attenuation storage volume provided has been sized to cater for the runoff from a 1:100year storm event of critical duration and includes a 20% allowance for climate change. The outlets from the blue roof provide flow control and will ensure discharge off site is restricted to greenfield runoff rates (circa 2L/sec). It is noted however that due to the quantity of green roof and planting proposed in the development, discharge volumes of surface water from the site are likely to be very low and will only occur following significant rainfall events. The inaccessible roofs that are not proposed as blue roof systems will be fitted with a green roof system. The green roofs and inaccessible blue roofs will have a diverse planting type while the podium level amenity areas are likely to have a more intensive planting.

At present, the surface water runoff from the site which is (except for a small vacant plot to the northeast) entirely covered in impermeable areas, discharges unattenuated flow off site. To reduce and attenuate the flow, the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as expressed in the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS).

The GDSDS addresses the issue of sustainability by requiring designs to comply with a set of drainage criteria which aim to minimise the impact of urbanisation by replicating the runoff characteristics of a greenfield site. The criteria provide a consistent approach to addressing both rate and volume of run-off as well as ensuring the environment is protected from pollution that is washed off roads and buildings.

The requirements of SUDS are typically addressed by provision of the following:

- Interception storage;
- Treatment storage (not required if interception storage is provided);
- Attenuation storage;
- Long term storage (not required if growth factors are not applied to Qbar when designing attenuation storage).

In the case of the subject site, interception storage will be provided, and growth factors will not be applied to the allowable discharge for the 100-year event. This means that both treatment storage and long term storage (neither of which would be practical on this site) are not required.

Interception Storage

Interception storage for the development will be provided by the planting on the green and blue roofs which totals approximately 1,350 m2 and the landscaped areas of the podium totalling approximately 500m2. There is a drainage board within the green and blue roof build-ups which stores up to 13.5mm of rainfall, this together with the planting substrate will far exceed the recommendations of GDSDS to intercept the first flush (5 to 10mm).

Permeable Paving

The paved areas of the ground floor courtyard to the southwest of Block A will be constructed with permeable paving which will be designed for pedestrian loadings only and will consist of selected paving blocks on a 50mm layer of 2/6.3mm laying course, on approved geotextile on a 250mm layer of 4/20mm coarse graded aggregate. The 250mm coarse graded aggregate layer in the permeable paving will provide an attenuation storage. based on the storage provided, the permeable paving would be capable of storing up to 75mm of rainfall in the coarse aggregate layer which would cater for the runoff from a 1:100 year storm event of critical duration. The permeable paving will also be provided with an overflow to accommodate any extreme rainfall events which will connect to the proposed surface water drainage gravity pipe system within the carpark

Flow Controls and Bypass Interceptor

A number of downpipes will be provided from the blue roofs which will allow discharge to the gravity surface water drainage in the carpark at ground level. Each of the downpipes will be fitted with flow control mechanisms to limit flow to greenfield runoff rates. Although the vast majority of the carpark at ground floor level will be covered, there will be a number of open areas to the podium above for natural ventilation purposes which will allow some rainfall into the carpark. It is proposed to install a number of gullies centrally in the carpark to cater for the low level of surface water drainage required. To prevent possible contamination in the event of an oil spillage a class 1 bypass separator will be provided on the surface water outlet from the ground level carpark.

Flood Risk

A stage 3 flood risk assessment was carried out on the site by JBA Consulting Engineers. As part of the flood risk assessment a site specific hydraulic model was developed to investigate the flood risk to the site. This model was run for various flooding scenarios and concluded that the key areas of the proposed residential dwellings will not be impacted by any of the modelled flood events.

3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in question is approximately 0.42ha in area. It is located within the town centre of Balbriggan. It is bounded by High Street to the east and by Quay Street to the north. It is bounded to the west and south by the rear of the properties which front onto Drogheda Street, including the Bracken Court Hotel.

The site is surrounded by the built up and amenity areas of Balbriggan. The dominant habitats locally include buildings and artificial surfaces, amenity grasslands and gardens as well as scattered tress and parkland. Site location maps can be seen in Figures 2 and 3, whilst an aerial photograph of the site and its surrounding habitats is shown in Figure 4.



Figure 2 – Site Location Map



Figure 3 – Site Location Map (Site Outlined in Red)

HABITATS WITHIN THE SITE

No part of the application site lies within any area that is designated for nature conservation purposes. All proposed development works within the application site will take place on areas of low biodiversity value. The habitats within the study area are limited and mainly consist of buildings and artificial surfaces (BL3), with some areas of scattered trees and shrubs along with pockets of recolonising bare ground.

There are few features of biodiversity value on the site. The defining characteristic of the site is the old shopping centre that dominates the site. The majority of the site therefore falls into the <u>Buildings and Artificial Surfaces BL3</u> category. Access to the roof of this buildings is provided by High Street and there is an existing car park and bicycle repair business in this roof area. Small pockets of the roof area have been colonised by plant species such as the ubiquitous red valerian *Centranthus ruber*, buddleia *Buddleia* davidii and pellitory of the wall *Parietaria judaica*.

At street level there is a small, enclosed yard and access to this yard is just off Quay St. There are areas of Recolonising Bare Ground (ED3) in this small yard. The main plant species noted here included red valerian, nettles *Urtica diocia*, cleavers *Galium aparine*, hawksbeard *Crepis*

capillaris, bramble *Rubus fruticosus agg* with stonecrop *Sedum acre* growing in some of the cracks in the concrete.

There is a steep embankment rising from the southern corner of this yard and along the eastern perimeter of the application site. This habitat is described as <u>Scrub</u> WS1 and the dominant species noted here included hawthorn *Crataegus monogyna*, elder *Sambucus nigra* and buddleia. Ivy *Hedera helix* also grows prolifically in this area. Also noted here was evidence of previous growth of Japanese knotweed *Fallopia japonica*. Evidence remains as dead and hollow canes and no new growth was apparent. In late May, if this species was alive then growth would be very obvious. This plant was obviously treated with herbicide in the past.

There are also some scattered trees along the northern boundary of the application site, behind the existing bicycle shop and behind the dwellings that front onto High St. Species noted here included ash *Fraxinus excelsior*, hawthorn, buddleia and elder.

Overall Evaluation of Habitats within the Site

Overall, the biodiversity of the application site can be considered as low. There are no botanical features on the site of any scientific interest and there are no habitats of biodiversity value in the site.

WATER FEATURES AND QUALITY

The application site lies within the Nanny Delvin Hydrometric Area (o8) and Catchment (o9), the Palmerstown Sub-Catchment (o10) and the Matt Sub-Basin (o10). There are no drains or streams within or adjacent to the applicant site. The Bracken River is 15m north of the application site, and it flows behind the buildings which front onto the north side of Quay Street. This stream rises in lands to the south of Balbriggan. It flows in a north-easterly direction towards Balbriggan, through the town and the park and under the Balbriggan Bridge, where it discharges to Balbriggan Harbour, approximately 162m north-east of the site.

The EPA have not classified the ecological status of the Bracken River or its tributaries. However, it is generally considered to be At Risk of not achieving good ecological status as required under the Water Framework Directive. The ecological status of the Balbriggan Harbour and the sea around it is high. Under the requirements of the WFD, all watercourses must achieve good status within a specified time frame.



Figure 4 – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats.

3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopses, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are eleven Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the application site are summarised in Table 1 and a map showing their locations relative to the application site is shown in Figure 5. A full description of all these sites can be read on the website of the National Parks and Wildlife Service (npws.ie).

Site Name & Code	Distance	Qualifying Interests	Significant Effects
River Nanny Estuary and Shore SPA 004158	5km north	 Oystercatcher (Haematopus ostralegus) Ringed Plover (Charadrius hiaticula) Golden Plover (Pluvialis apricaria) Knot (Calidris canutus) Sanderling (Calidris alba) Herring Gull (Larus argentatus) Wetlands & Waterbirds 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.
Skerries Islands SPA 004122	6.4km south-east	Cormorant Phalacrocorax carbo	There are no watercourses on the site, therefore there are no source-pathway-receptor

		 Shag Phalacrocorax aristotelis Light-bellied Brent Goose Branta bernicla hrota Purple Sandpiper Calidris maritima Turnstone Arenaria interpres Herring Gull Larus argentatus 	linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out.
Rockabill to Dalkey Island SAC 003000	7.9km east	 Reefs <i>Phocoena phocoena</i> (Harbour Porpoise) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.
Rockabill SPA 004014	8.3km east	 Roseate Tern (Sterna dougallii) Common Tern (Sterna hirundo) Arctic Tern (Sterna paradisaea) Purple Sandpiper (Calidris maritima 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.
Boyne Coast and Estuary SAC 001957	10.8km north	 Estuaries Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonizing mud and sand Spartina swards (Spartinion maritimae) Atlantic salt meadows (Glauca Puccinellietalia maritimae) Mediterranean salt meadows (Juncetalia maritimi) Embryonic shifting dunes Shifting dunes along the shoreline with 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.

		 Ammophila arenaria (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) 	
Rogerstown Estuary SAC 000208	11.2km south	 Estuaries Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonizing mud and sand Spartina swards (Spartinion maritimae) Atlantic salt meadows (Glauco-Puccinellietalia maritimae) Mediterranean salt meadows (Juncetalia maritimi) Shifting dunes along the shoreline with Ammophila arenaria (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.
Rogerstown Estuary SPA 004015	11.2km south	 Light-bellied Brent Goose (Branta bernicla hrota) Grey Plover (Pluvialis squatarola) Greylag Goose (Anser anser) Knot (Calidris canutus) Ringed Plover (Charadrius hiaticula) Oystercatcher (Haematopus ostralegus) Shelduck (Tadorna tadorna) Shoveler (Anas clypeata) Dunlin (Calidris 21etanu) Redshank (Tringa tetanus) Black-tailed Godwit (Limosa limosa) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.
The Boyne Estuary SPA 004080	12.7km north	 Shelduck (Tadorna tadorna) Oystercatcher (Haematopus ostralegus) Golden Plover (Pluvialis apricaria) Grey Plover (Pluvialis squatarola) Lapwing (Vanellus vanellus) Knot (Calidris canutus) Sanderling (Calidris alba) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and

		 Black-tailed Godwit (Limosa limosa) Redshank (Tringa totanus) Turnstone (Arenaria interpres) Little Tern (Sterna albifrons) Wetlands & Waterbirds 	significant effects upon these species will not arise.
The River Boyne and River Blackwater SAC 002299	14.7km north-west	 River lamprey (Lampetra fluviatilis) Salmon (Salmo salar) Otter (Lutra lutra) Alkaline fens Alluvial forests with alder Alnus glutinosa and ash Fraxinus excelsior 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.
Malahide Estuary SAC 000205	14.9km south	 Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows (Glauco-Puccinellietalia maritimae) Mediterranean salt meadows (<i>Juncetalia</i> <i>maritimi</i>) Shifting dunes along the shoreline with Ammophila arenaria (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SAC and significant effects arising from pollution during construction or operation can be ruled out. There will be no direct or indirect impacts or significant effects upon the QIs of this SAC.
Malahide Estuary SPA 004025	14.9km south	 Great Crested Grebe (Podiceps cristatus) Light-bellied Brent Goose (Branta bernicla hrota) Shelduck (Tadorna tadorna) Pintail (Anas acuta) Goldeneye (Bucephala clangula Red-breasted Merganser (Mergus serrator) Oystercatcher (Haematopus ostralegus) Golden Plover (Pluvialis apricaria) 	There are no watercourses on the site, therefore there are no source-pathway-receptor linkages between the application site and this SPA and significant effects arising from pollution during construction or operation can be ruled out. The site does not support any habitat that could be used by the QIs of this SPA and significant effects upon these species will not arise.

	 Grey Plover (Pluvialis squatarola) Knot (Calidris canutus) Dunlin (Calidris alpine alpina) Black-tailed Godwit (Limosa limosa) Bar-tailed Godwit (Limosa lapponica Redshank (Tringa totanus)
--	---

Table 1 – Natura 2000 Sites Within 15km of the Proposed Site



Figure 5 – The Application Site (Pinned) in relation to the Natura 2000 Sites (SACs – Red Hatching; SPAs – Pink Hatching). 15km Boundary Shown.

3.4 IMPACT ASSESSMENT

The potential impacts and significant effects of the proposed development on the Natura 2000 sites identified above are described below.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The proposed development will consist of the construction of new residential development on a site in the centre of Balbriggan, at Templar Place. This application site has no ecological connectivity to any Natura 2000 site and there are no natural habitats within the application site, which consists entirely of buildings and artificial surfaces. The construction and operation of the proposed development will have no significant effect upon the Natura 2000 sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these sites. There is a sufficient distance between the application site and all Natura 2000 sites to ensure that potential direct and indirect impacts will be avoided. There will be no impacts upon the Qualifying Interests of any designated site.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Given the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified, the likelihood of any direct, indirect or cumulative impacts on these designated sites arising from the construction and operation of the proposed development are low.

Land-take: There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site. There will be no loss of undesignated habitats of biodiversity value.

Distance from Natura 2000 site or key features of the site: There are eleven Natura 2000 sites within 15km of this proposed development. The closest of these is the River Nanny Estuary and Shore SPA and this is 5km north of the application site. There is no hydrological connectivity between the application site and this SAC, or any other SAC / SPA within 15km of the site.

Resource requirements (water abstraction etc.): No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

Emissions: There will be no emissions from the application site to any designated site during the constructional phase of the project. There are no surface water features within the application site and there is no hydrological connectivity between the application site and any designated area. The closest water feature to the site is the Bracken River, which is 15m north of the site. This stream discharges to Balbriggan Harbour, which is not designated as an SAC / SPA.

Clean surface water from the application site will be directed in the public system whilst wastewater will be diverted into the existing foul sewer. This will have no impact upon any designated site or the habitats or species within any designated site.

Excavation requirements: Construction and demolition waste and excavated material from the construction will be used on site. Any remaining will be disposed of in a responsible manner in a licensed facility away from any designated sites.

Transportation requirements: No access to any areas of any designated site will be required during any phase of project.

In-Combination / Cumulative Impacts: The proposed application was considered in combination with other developments or proposed developments in the Balbriggan area and potential cumulative impacts were considered. Any individual application that has the potential to impact upon a Natura 2000 site will be subject to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. The construction and operation of the proposed development will have no impacts when considered in combination with other plans and projects that have been screened for Appropriate Assessment or where mitigation measures have been included as part of Appropriate Assessment (Natura Impact Statement).

Duration of construction, operation, decommissioning etc: Construction will take approximately two years.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area or interference with any protected habitat within any SAC or SPA. There will be no interference with the boundaries of any designated site. There will be no loss or fragmentation or disturbance to any of the riparian habitats along any watercourse. There will be no loss of habitats defined as Qualifying Interests for any designated site.

Disturbance to key species: The bird species identified as using the SPAs within 15km of the site are mostly wading species that use the estuarine and coastal habitats of the estuaries of Co. Dublin and Meath and the surrounding areas. They will not be impacted upon by the construction or operation of the proposed development. There will be no deterioration in water quality within any SPA that may lead to indirect impacts upon these bird species. The roof of the building is being used by nesting herring gulls *Larus argentatus*. Demolition of the building will be done outside of the nesting season for these gulls. The urban areas of Balbriggan and potentially the replacement building to be constructed will provide ample alternate nesting opportunities for this species, and the demolition of the building will have no significant effect upon this species.

Habitat or species fragmentation: There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the site and any Natura 2000 site will be damaged or destroyed. There will be no loss of any habitat of biodiversity value.

Reduction in species density: There will be no reduction in species density within any SAC and SPA. There will be no reduction of bird density in any SPA arising from the application. There will be no loss of any non-designated feeding areas used by birds that are listed in Annex I of the Birds Directive. Demolition of the building will be done outside of the bird nesting season.

Changes in key indicators of conservation value (water quality etc.): There will be no negative impacts upon surface or ground water quality within any SAC or SPA. There will be no negative impacts upon the water quality in any designated site. There will be no deterioration in water quality in any watercourse.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None Fragmentation: None

Disruption & disturbance: None

Change to key elements of the site (e.g. water quality etc.): None

3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix		
Name of project	Construction of a Residential Development at Templar Place, Balbriggan, Co. Dublin.	
Name and location of Natura 2000 site	There are eleven Natura 2000 sites within 15km of this proposed development. The closest of these is the River Nanny Estuary and Shore SPA and this is 5km north of the application site. There is no hydrological connectivity between the application site and this SAC, or any other SAC / SPA within 15km of the site.	
Description of project	A Residential Development (SHD)	
Is the project directly connected with or necessary to the management of the site?	No	
Are there other projects or plans that together with project being assessed could affect the site?	No	
The Assessment of Significance of Effects		
Describe how the project is likely to affect the Natura 2000 site	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.	
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts	
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely	
Data Collected to Carry out the Assessment		
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist	
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Fingal County Council	
Level of assessment completed	Stage 1 Appropriate Assessment Screening	
Where can the full results of the assessment be accessed and viewed	Full results included	

4 APPROPRIATE ASSESSMENT CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 10km of the application site. This report has analysed the potential impacts and effects of the proposed project on the Special Conservation Interests of these designated sites. It has evaluated the significance of these potential impacts and effects in view of these sites' conservation objectives.

In view of best scientific knowledge and on the basis of objective information, it can be concluded that this application, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites. It is of the opinion of this author that this application does not need to proceed to Stage II of the Appropriate Assessment process.

Noncer Mc Loughlin

Noreen McLoughlin, MSc, MCIEEM. Ecologist.

(PI Insurance details available on request)