Appropriate Assessment Screening and Natura Impact Statement

In support of the Appropriate Assessment of the planned development of the Former Royal Oak public house site at Finglas Road & Old Finglas Road, Glasnevin, Dublin 11, as per the requirement of Article 6 (3) of the Habitats Directive (Council Directive 92/43/EEC)

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1. INTRODUCTION

1.1 Planned development description

The proposed development site is located on a 3845m² vacant site along the Finglas Road at Glasnevin, Dublin 11, Figure 1. Page 3. The following is a description of the proposed development:

(i) removal of existing carpark, associated areas of hard-standing surface and construction materials on site; (ii) construction of a Build-To-Rent residential development within a new part six, part seven, part eight, part nine storey over basement level plant room apartment building comprising 103 no. apartments (10 no. studio, 33 no. one-bedroom & 60 no. two-bedroom) all of which have direct access to private amenity space, in the form of a balcony or terrace, and shared access to 450.9sq.m of internal resident's amenities, 1,061sq.m of external communal amenity space (1st floor & 7th floor roof terraces) and 365sq.m of public open space (public terrace and landscaped area at ground level); (iii) provision of 48 no. vehicular parking spaces (including 3 no. mobility parking spaces and 5 no. electric charging spaces), 2 no. motorcycle parking spaces, 222 no. bicycle parking spaces, bin stores, switch room and ESB substation at ground floor/undercroft level; (iv) provision of 1 no. new vehicular entrance and 7 no. new pedestrian entrances to the development and associated public amenity areas from Old Finglas & Finglas Road, 3 no. pedestrian entrances will provide access to the provided public open space, 2 no. pedestrian entrances will provide direct access to 2 no. ground floor level apartments and 2 no. pedestrian entrances will provide direct access to the apartment building; and, (v) all ancillary works including landscaping, boundary treatments, provision of internal footpaths, provision of foul and surface water drainage, green roofs and all site services, site infrastructure and associated site development works necessary to facilitate the development. This Natura Impact Statement has been prepared in respect of the proposed development.

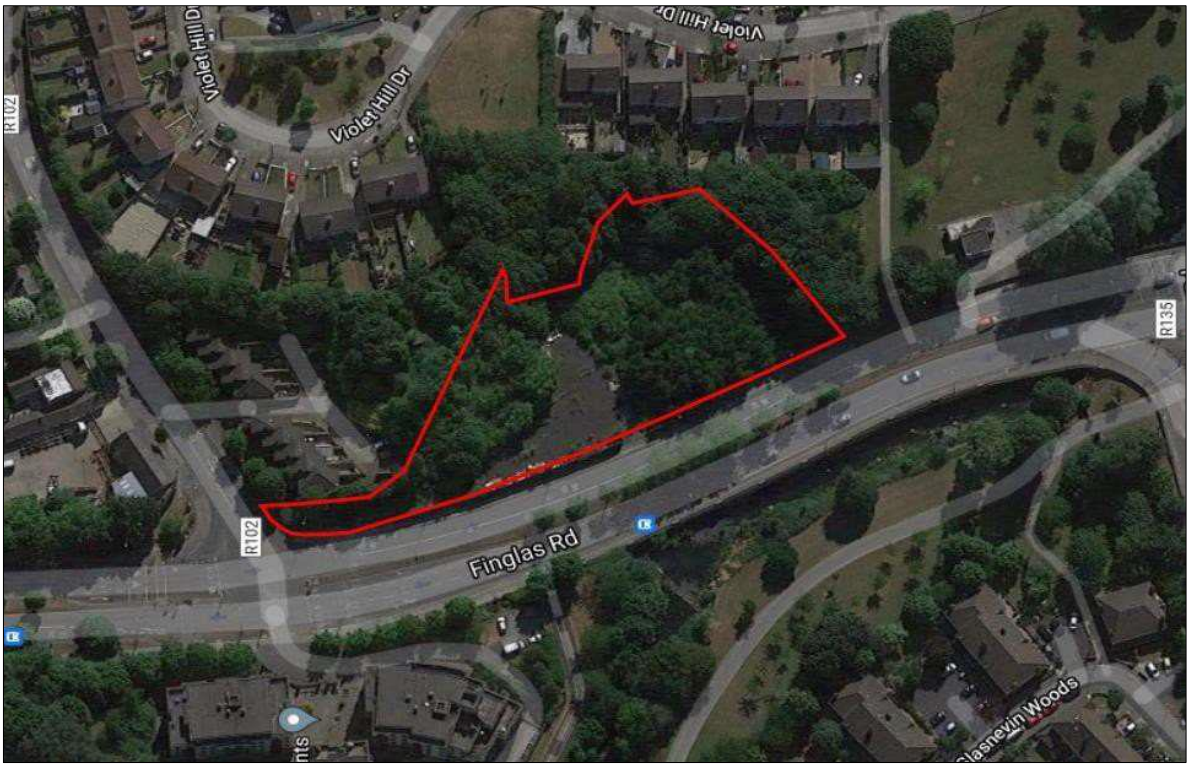


Figure 1. *Location and outline of the site*

An Appropriate Assessment Screening for this development, having regard to Article 6 of the *Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora* (as amended) (hereafter referred to as the 'Habitats Directive') has been prepared. Article 6 is transposed in Ireland primarily by S.I. No. 447 of 2011, *European Communities (Birds and Natural Habitats) Regulations 2011* and by the *Planning and Development (Amendment) Act 2010*, as amended.

An Appropriate Assessment (AA) is required if likely significant effects on European sites arising from a proposed or existing development cannot be ruled out at the screening stage, either alone or in combination with other plans or projects. Following the Appropriate Assessment screening process, the outcome has concluded that impacts on European sites arising from this planned development, in the absence of mitigation measures, cannot be ruled out and a Natura Impact Statement (NIS) is required.

2. APPROPRIATE ASSESSMENT - an overview

2.1 Principal legislation underpinning the Appropriate Assessment process

- The EU Habitats Directive (92/43/EEC) gives protection to sites (SAC's - Special Areas of Conservation) which support particular habitats and species listed in annexes to this directive.

Articles 6(3) and 6(4) of this Directive call for the undertaking of an Appropriate Assessment for plans and projects likely to effect designated sites.

- The Birds Directive (Council Directive 79/409/EEC) implies that particular protection is given to sites (SPA's - Special Protection Areas) which support certain bird species listed in Annex I of the Directive and that surveys of development sites should consider the status of such species.

- The Wildlife Act 1976 (and its amendment of 2000) provides protection to the majority of wild birds and animals. Interference with such species can only occur under licence. Under the act, it is an offence to "wilfully interfere with or destroy the breeding place or resting place of any protected wild animal." The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage. NHAs are not part of the European network and so the Appropriate Assessment process does not apply to them.

2.2 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. European 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 European 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.*"

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 European sites are 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.*"

2.3 Aim of Appropriate Assessment

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a site's conservation objectives. Appropriate Assessment is an assessment of the potential effects of a proposed plan - 'in combination' with other plans and projects - on one or more European sites. The 'Appropriate Assessment' itself is a statement which must be made by the competent authority which says whether the plan affects the integrity of a European site. The actual process of determining whether the plan will affect the site is also commonly referred to as 'Appropriate Assessment.'

If adverse impacts on the 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 (European Commission, 2000, 2001).

The conclusions of the appropriate assessment report should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site (European Commission, 2000, 2001).

Under the terms of the directive (European Commission, 2000, 2001), consent can only be granted for a project if the appropriate assessment either concludes that (a) the integrity of the site will not be adversely affected, or (b) where an adverse effect is anticipated, it is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead. The competent authority is required to complete the Appropriate Assessment in consultation with the National Parks and Wildlife Service (NPWS).

The EU Guidance sets out a number of principles as to how to approach decision making during the appropriate assessment process. The primary one is *'the precautionary principle'* which requires that the conservation objectives of European sites should prevail where there is uncertainty. When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

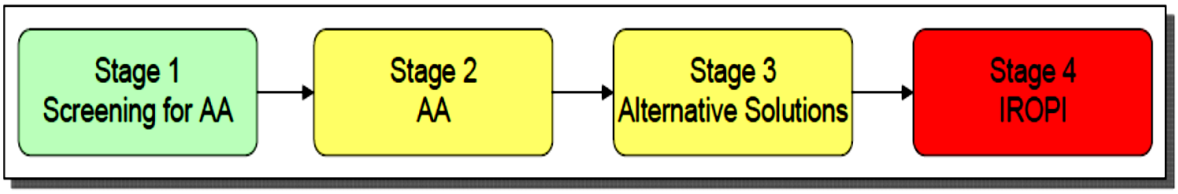
- There will be no significant effects on a European site.
- There will be no adverse effects on the integrity of a European site.
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a European site *and*

- 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, there may not be a need to proceed through all four stages in undertaking the Appropriate Assessment.

2.4 The Appropriate Assessment four-stage process

The Habitats Directive promotes a hierarchy of avoidance, mitigation, and compensatory measures. Appropriate Assessment involves the following four stages:



1. *Stage 1: Screening* – The process which identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. If mitigation measures, other than what are standard good practices, are identified during the screening, then the process should proceed to Stage 2, Appropriate Assessment.

2. *Stage 2: Appropriate Assessment* – The 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 structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

3. *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 European site.

4. *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 report has been structured as a stage-by -stage approach as follows:

- Description of the project
- Identification of European sites potentially impacted upon by the subject development
- Identification and description of any individual and cumulative impacts on any European site likely to result from the project

- Assessment of the significance of the impacts identified above on-site integrity. Exclusion of sites and qualifying interests where it can be objectively concluded that there will be no significant effects
- Presentation of findings and mitigation measures.

3. METHODOLOGY

3.1 Personnel – Statement of authority

This Appropriate Assessment was carried out by Ecologist Seán Meehan in July 2021, with minor amendments made in April 2022. Seán holds a BSc in Agricultural Science (UCD) and a MSc in Biological Recording (University of Birmingham, UK). He has been an Associate member of CIEEM (Chartered Institute of Ecology and Environmental Management) for five years and operates in accordance with their code of professional conduct. He has been a practicing ecologist in Ireland for eight years and has worked and consulted on various development projects including housing developments, windfarms, roads and other infrastructure projects, such as greenways and canals.

3.2 Guidance

This screening report has been prepared with reference made to the following guidance documents:

- European Commission (2000). *Managing European Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*
- European Commission (2002). *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.*
- European Commission (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 (2010 revision). *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.*
- European Commission (2000). *Communication from the Commission on the precautionary principle.*
- CIEEM (Chartered Institute of Ecology and Environmental Management) (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland – Terrestrial, Freshwater and Coastal.*

3.3 Online consultation

The primary body consulted regarding matters involving European sites is the National Parks and Wildlife Service (NPWS). Information pertaining to European sites within the Republic of Ireland is

typically held by NPWS and is accessible to the public through their on-line database at www.npws.ie Consultations carried out involved searching through the NPWS database for information pertaining to the potential impact of the proposed development on European sites within 15 km of the proposed development.

3.4 Desktop Study

3.4.1 Resources

This screening report has been prepared with reference made to the following desktop information:

- Mapping and ortho-imagery: www.osi.ie , www.bing.com/maps
- Site synopses for European sites, qualifying interests, and conservation objectives. Available on www.npws.ie (Accessed September 27th, 2021)
- National Biodiversity Datacentre (NBDC) - Information pertaining to protected plant and animal species at and adjacent to the site. www.biodiversityireland.ie
- Dublin City Council online planning searches – information on planning history in the area to ascertain potential cumulative impacts (Accessed October 17th, 2021)
- Myplan.ie National Planning Application Map Viewer: National Planning Application Map Viewer - My Plan (Accessed October 17th, 2021)
- Maps - Catchments.ie - Catchments.ie (Accessed September 27th, 2021) for information and data in relation to the River Tolka and other relevant watercourses.
- Information on location and nature of the development supplied by the applicant's design team.

Information on the site and the area of the proposed development was studied prior to the completion of this statement. Aerial photographs and maps were examined and the websites of the National Parks and Wildlife Service (NPWS), the Environmental Protection Agency (EPA) and the National Biodiversity Data Centre (NBDC) were consulted for information on European sites and the distance of these sites from the proposed development.

4. SITE DESCRIPTION

The proposed development site is located on a 3845m² vacant site along the Finglas Road at Glasnevin, Dublin 11, site centroid ITM 713979 373684. The entire frontage of the site is along the Finglas Road (R135), facing westwards. The eastern and southern boundaries adjoin residential areas, Finglas Road Old (R102) and Violet Hill Drive. Tolka Valley Park is located on the western side of the R135 road, opposite the site entrance.

Temporary and permanent fencing surround the site and access onto the site was not possible. However, due to its location and small size, an adequate assessment of the site was possible from the Finglas Road, Violet Hill Drive and a green area to the immediate south of the site. The now demolished

Royal Oak public house formerly occupied this site, with heaps of rubble remaining across the site with clear areas of the former car park now supporting common ruderal floral species. The eastern and southern boundaries of the site are comprised of narrow linear strips of planted mixed broadleaf woodland, chiefly sycamore *Acer pseudoplatanus,* growing on raised earthen banks. The ground layer of the linear woodland is dominated by ivy *Hedera helix* with little other floral diversity noted. This woodland is subjected to ongoing dumping of both garden and domestic waste.

The River Tolka passes within 30 metres of the R135 (Finglas Road) frontage of the site, passing under the Finglas Road. No watercourses within the boundary of the site were noted although storm drains are present in the former car park and on the Finglas Road along the frontage of the site. The River Tolka is one of Dublin's major rivers, rising east of Dunshaughlin, Co. Meath and discharging into Dublin Bay between East Wall and western Clontarf. With much of the river flowing through an urban landscape, it is prone to pollution incidents and currently has a Q-value score of '3', indicative of poor water quality, and is at risk of failing to meet WFD (Water Framework Directive) objectives by 2027. The nearest Tolka water monitoring point to the planned development site, RS09T011100, is located to the east of the R135, close to Violet Hill Drive (Grid Reference 314326, 237438).

EPA hydrology maps[1] also show an underground watercourse, named 'Bachelors Stream,' code IE_EA_09T011100, flowing under the site and discharging into the River Tolka. Soil on the site is classified as being basic, shallow and well drained mineral type soil derived mainly from calcareous parent materials. Land on the site is classified as 'Made Built Land.'

4.1 Flood risk Assessment

A Stage 1 Flood Risk Identification was conducted for the site[2] (Curtins, 2021). According to the Strategic Flood Risk Assessment of the Dublin City Development Plan 2016-2022, the site is considered within Flood Zone C which is defined as an area within the lowest risk of flooding from rivers and the sea. This flood risk assessment was undertaken taking cognisance of the guidance given in the Office of Public Works (OPW) and Department of Environment, Heritage and Local Government (DEHLG) document *"The Planning System and Flood Risk Management"* (2009).

The findings of the Stage 1 Flood Risk Identification are as follows:

- There is no known record of flooding on the site.
- A satisfactory degree of confidence exists that the subject site is not prone to potential flood issues.
- It is concluded that a Stage 2 Initial Flood Assessment is not required.

[1] EPA Maps

[2] Flood Risk Assessment, Revision V03. Curtins Consulting Ltd, October 2021.

4.2 Ecology

4.2.1 Flora

The proposed development site is located within the Ordnance Survey National Grid 10km Square O13. Species records from the National Biodiversity Data Centre (NBDC) online database for this 10km square (hectad) were reviewed on the 07.09.2021 for the presence of rare, protected or threatened flora species. Subsequently any records for protected rare of threatened species were then directly searched within the database to ascertain their record location. In addition, a search of the 1km grid square O1437 (monad) encompassing the site was completed, and these records reviewed to identify if any rare or protected species have been recorded within the environs of the site.

Table 1 presents details of protected, threatened and endangered vascular plant species found in the 10km grid square (O13) within which the proposed development site is located. None of these species were recorded on the proposed development site. There were no protected, rare or threatened flora species identified on site nor within monad O1437.

Table 1. *Threatened and endangered flora species occurring in hectad O13*

Species	Date of last record	Database	Designation / Status[3]	Location
Betony *Stachys officnialis*	18/05/2012	Ireland's Bioblitz	Threatened species / Endangered Flora Protection Order 2015	Phoenix Park
Blue fleabane *Erigeron acer*	29/07/2010	Online Atlas of Vascular Plants 2012 onwards	Threatened species / Endangered	Slaney Road Industrial Estate, Dublin 9
Cornflower *Centaurea cyantus*	06/06/2018	Online Atlas of Vascular Plants 2012 onwards	Threatened species / Regionally extinct	Near St. James' Gate, Dublin
Great burnet *Sanguisorba officinalis*	30/09/2016	Ireland's Bioblitz	Threatened species / Endangered Flora Protection Order 2015	UCD, Belfield
Hairy St. John's wort *Hypericum hirsutum*	23/07/2020	Áras an Uachtaráin Biodiversity Audit 2019-2020	Threatened species / Endangered Flora Protection Order 2015	Phoenix Park
Hairy violet *Viola hirta*	18/05/2012	Ireland's Bioblitz	Threatened species / Endangered Flora Protection Order 2015	Phoenix Park
Meadow Barley *Hordeum secalinum*	31/12/2007	Irish Crop Wild Relative Database	Threatened species / Endangered	Phoenix Park

[3] http://www.irishstatutebook.ie/eli/2015/si/356/made/en/print List of flora species designated as per the Flora Protection Order 2015

			Flora Protection Order 2015	
Nettle-leaved bellflower *Campanula trachelium*	04/07/2020	Online Atlas of Vascular Plants 2012 onwards	Threatened species / Endangered	Grand Canal, Harcourt Street
Opposite-leaved pondweed *Greonlandia densa*	31/12/1999	BSBI tetrad for Ireland	Threatened species / Endangered Flora Protection Order 2015	O13N (Possibly River Tolka)
Purple Surge *Euphorbia peplis*	30/09/2016	Ireland's Bioblitz	Threatened species / Regionally extinct	UCD, Belfield
Round-leaved Crane's-bill *Geranium rotundifolium*	12/03/2019	Online Atlas of Vascular Plants 2012 onwards	Threatened species / Endangered	Near Jervis Street, Dublin 1.

Additionally, the NPWS protected bryophyte map viewer was reviewed to ascertain if there were any protected bryophyte species in the environs of the site (https://www.npws.ie/maps-and-data/flora-protection-order-map- viewer-bryophytes). There were no protected bryophytes located on the site or in the immediate environs.

4.2.2 Habitats on and beside the site

The following habitats, classified as per Fossitt[4], occur on or adjacent to the site:

- *ED2 Spoil and bare ground* – within the site
- *ED3 Recolonising bare ground* – within the site
- *BL3 Buildings and artificial surfaces* – Former car park within the site and road surfaces R135 and pavements
- *WD5 Scattered trees and parkland* – in the residential areas surrounding the site and occurs in Tolka Valley Park
- *WD1 Mixed broadleaved woodland* – found around the site boundaries
- *FW2 Lowland (depositing) watercourse* – River Tolka

4.2.3 Invasive species

No legally controlled Schedule III (Birds and Habitats Regulations, 2011[5]) invasive plant species were recorded on the site. However, due to the entire site not being accessible to the surveyor, it is recommended that a pre-construction survey for invasives is conducted. There is a NBDC record for Japanese knotweed *Fallopia japonica* (31/07/2009) within the 100 metres square (0140376) in which the site is located. This record is possibly from along the banks of the River Tolka, as Japanese knotweed is often associated with riparian habitats along watercourses.

[4] Fossitt J.A. (2000). A Guide to Habitats in Ireland. The Heritage Council, Kilkenny.
[5] S.I. No. 477 of 2011 (Ireland) European Communities (Birds and Natural Habitats) Regulations 2011

4.2.4 Fauna (except avian species)

A search of the online NBDC database records for monad O1437 (a monad is an area of 1km²) within which the planned development will be located, returned the following protected mammal species (Table 2). Species such as fox *Vulpes vulpes* and rabbit *Oryctolagus cuniculus* are also likely to be widespread in the area. Otters occur on the River Tolka. There are records for bat species from along the Tolka within 500 metres of the development and the development's lighting design will ensure that light spill does not affect the Tolka or its riparian banks.

Table 2. *Protected species recorded within monad O1437*

Species	Date of record(s)	Database	Designation / Status	Location
European otter *Lutra lutra*	04/05/1980	Otter Survey of Ireland	EU Habitats Directive Annex II species Wildlife Act 1976 (and subsequent amendments)	Within the 100m square 0140376
Daubenton's bay *Myotis daubentonii*	07/08/2009	National Bat Database of Ireland All Ireland Daubenton's Bat Waterway Survey	EU Habitats Directive Annex IV species Wildlife Act 1976 (and subsequent amendments)	Along the River Tolka at: O141374 O142374
Pipistrelle bat *Pipistrellus sensu lato*	08/08/2007 23/08/2007	National Bat Database of Ireland All Ireland Daubenton's Bat Waterway Survey	EU Habitats Directive Annex IV species Wildlife Act 1976 (and subsequent amendments)	Along the River Tolka at: O139376 (neighbouring monad, within 100 metres of the planned development site) O141374 O144376

There are NBDC records for the following bird species in monad OI437. Their BoCCI (Birds of Conservation Concern in Ireland)[6] status is also provided (Table 3). In addition, common bird species associated with parkland, residential gardens and watercourses also occur on and around the site.

Table 3. *Bird species recorded in monad O1437*

Common name	Scientific name	BoCCI status
Common Buzzard	*Buteo buteo*	Green
Common Moorhen	*Gallinulla chloropus*	Green
Common Raven	*Corvus corax*	Green
Common Wood Pigeon	*Columba palumbus*	Green

[6] Gilbert G, Stanbury A and Lewis L (2021), "Birds of Conservation Concern in Ireland 2020 –2026". Irish Birds 9: 523—544

Eurasian Treecreeper	*Certhia familiaris*	Green
Goldcrest	*Regulus regulus*	Amber
Grey heron	*Ardea cinerea*	Green
Long-tailed Tit	*Aegithalus caudatus*	Green
Dipper	*Cinclus cinclus*	Green
Wren	*Troglodytes troglodytes*	Green

4.3 National Conservation Designations

Although not European site designations, NHAs (National Heritage Areas) and Proposed NHAs, (referred to as pNHAs) are national sites of interest for conservation that have been identified by NPWS. These sites become NHAs once they have been formally advertised and landowners have been notified of their designation. NHAs are protected under the Wildlife (Amendment) Act, 2000, from the date they are formally proposed. NHA is a statutory designation according to the Wildlife (Amended) Act, 2000 and requires consultation with NPWS if any development impacts on a pNHA. These sites are important on a national level and create a network of habitats across Ireland benefitting many species and habitats that are often qualifying interests of European sites. Table 4 lists all pNHAs and NHAs located within 5km of the applicant site.

Article 10 of the EU Habitats Directive and Habitats Regulations 2011 recognises the importance of non-European designated sites (such as NHAs and pNHAs), along with other features such as hedgerows, woodland etc, for allowing biodiversity to move across the landscape and between designated European sites.

Table 4. *pNHA and NHA sites located within 5km of the applicant site*

Site name	Site code	Distance from the applicant site
Royal Canal pNHA	002103	0.65km south
Santry Demesne pNHA	000178	3.3km north-east
North Dublin Bay pNHA	000206	4.1km south-east
Liffey Valley pNHA	000128	4.9km south-west

5. SCREENING FOR APPROPRIATE ASSESSMENT

The proposed residential development is not directly connected with the management of any European site. Therefore, an assessment of the potential for significant effects on the integrity of European sites because of this project is required.

5.1 Zone of influence

The zone of influence comprises the area within which the proposed development may potentially affect the conservation objectives or qualifying interests (QI) of a European site. In ecological and environmental impact assessment, for an impact to occur there must be a risk enabled by having a source (e.g., construction works at a proposed development site), a ‘receptor’ (e.g., a SAC) or other

ecologically sensitive feature, a pathway between the source and the receptor (e.g., a watercourse which connects the proposed development site to the SAC). Whilst there is no recommended zone of influence, guidance from the National Parks and Wildlife Service (NPWS) 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 (cumulative).

Although not definitive, up to 15km from a planned development is an accepted distance in which to screen European sites. If, for example, a hydrological pathway exists that could potentially function as a vector between the site of a planned development and Natura sites beyond 15km, then the zone of influence should be extended.

Consideration is therefore given to the source-pathway-receptor linkage and associated risks between the proposed development and European sites. For a significant effect to occur there needs to be a risk associated with pollutant linkages whereby a source (i.e. contaminant or pollutant arising from construction activities) affects a particular receptor (i.e. European site) through a particular pathway (e.g. a watercourse which connects the proposed development with the European site).

The identification of risk does not automatically mean that an effect will occur, nor that it will be significant. The identification of these risks means that there is a possibility of environmental or ecological damage occurring. The level and significance of the effect depends upon the nature of the consequence, likelihood of the risk and characteristics of the receptor. The precautionary principle is applied for the purposes of screening to ensure that consideration and pre-emptive action is undertaken where there is a lack of scientific evidence.

5.2 Scoping designated sites of relevance to this application

Sites designated for protection by the EU are Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These form the Natura 2000 network of sites and are commonly referred to as 'European Sites'. It is these sites that are of relevance to the screening process for Appropriate Assessment.

It is general practice, when screening a plan or project for compliance with the Habitats Directive, to identify all European sites within the functional area of the plan/project itself and within 15 km of the boundaries of the area the plan/project applies to. This approach is currently recommended in the Department of the Environment, Heritage and Local Government's document '*Guidance for Planning Authorities'* and as a precautionary measure, to ensure that all potentially affected European sites are included in the screening process. Screening is also designed to examine if the QI / SIC[7] of European sites are likely to be impacted by the proposed development.

[7] The term qualifying interest (QI) is used when referring to the habitats or species for which an SAC is designated; the term special conservation interest (SCI) is used when referring to the bird species (or wetland habitats) for which an SPA is designated.

5.3 Identified European sites

The qualifying interests and conservation objectives for each European site within 15 km of the development site (Figure 2) were considered regarding the potential for the development to have a negative impact on the conservation objectives and integrity of the Natura sites. Table 5 lists all European sites within 15km of the development. Site synopses and details outlining conservation objectives for these sites are available to view on the NPWS website[8]. Figure 1 shows the location of these sites in relation to the site of the planned development.

Table 5. *European sites within 15km of the proposed development*

European Site	NPWS site code	Distance from the application site
South Dublin Bay and River Tolka Estuary SPA	004024	4.3km south-east
South Dublin Bay SAC	000210	6.7km south-east
North Bull Island SPA	004006	7km east
North Dublin Bay SAC	000206	7.2 km east
Baldoyle SAC	000199	10.1km north-east
Baldoyle Bay SPA	004016	10.6km north-east
Malahide Estuary SPA	004025	11km north-east
Malahide Estuary SAC	000205	11.1km north-east
Howth Head SAC	000202	12.5km east
Rockabill to Dalkey Island SAC	003000	13.2km east
Rye Water Valley / Carton SAC	001398	13.5km west
Glenasmole Valley SAC	001209	14.1km south-west
Irelands Eye SAC	002193	14.5km north-east
Ireland's Eye SPA	004117	14.5km north-east
Rogerstown Estuary SAC	000208	14.8km north-east

[8] Protected Sites in Ireland | National Parks & Wildlife Service (npws.ie) Accessed September 27th[th], 2021

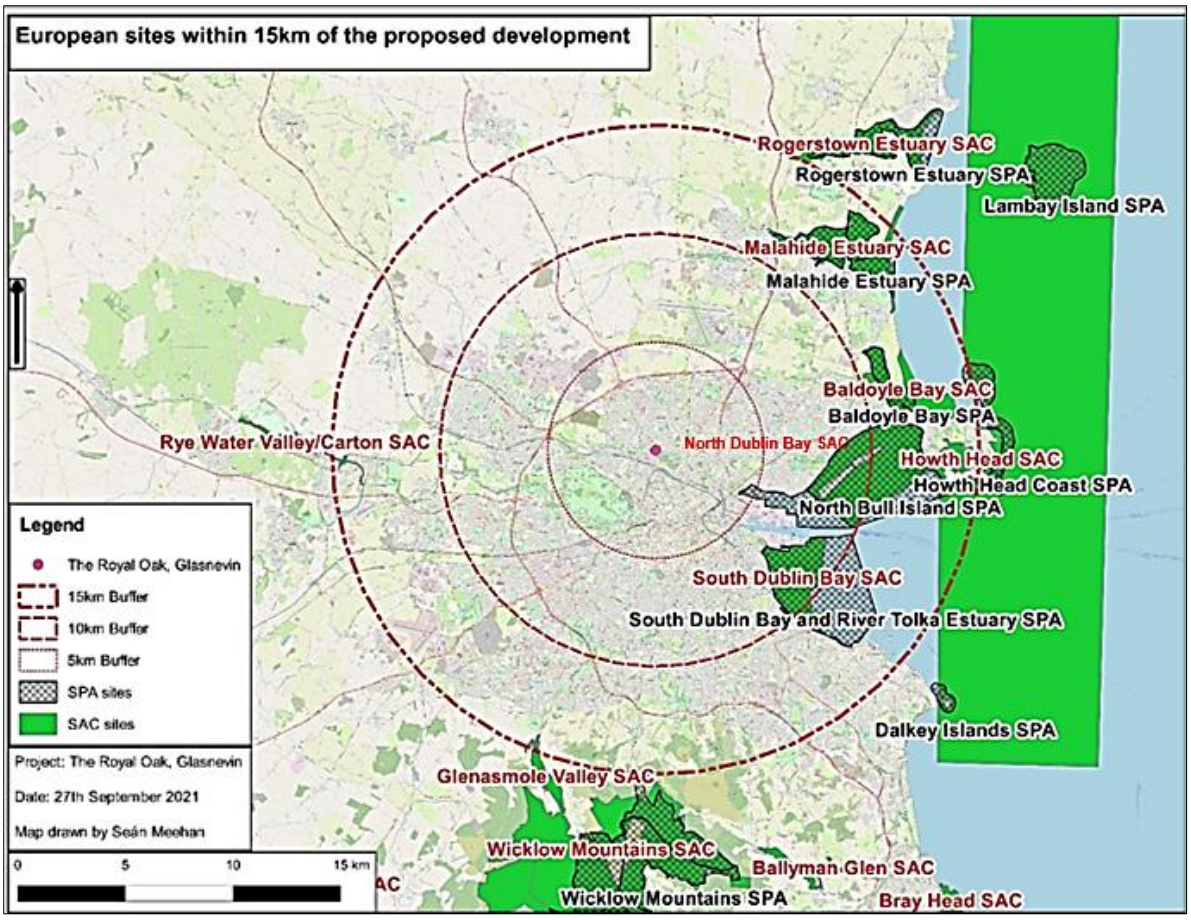


Figure 1. *European (Natura 2000) sites in relation to the proposed development*

5.4 Screening of relevant European sites

A hydrological pathway between the proposed development and European sites located in Dublin Bay via the River Tolka has been identified. Additionally, a potential pathway via the public sewer system has also been identified. Theoretically, the potential zone of impact of effects on water quality from the proposed development could extend over a significant area within Dublin Bay, posing a threat to as many as eight European sites within Dublin Bay. The following potential impacts on European sites are considered:

1. Will the proposed development result in direct habitat loss from any European site? Are there any resource requirements such as water or gravel abstraction?

The proposed development is located 4.3km from the nearest European site boundary (South Dublin Bay and River Tolka Estuary SPA). There will be no habitat loss in any European site, nor will there be any direct or indirect resource requirements that could potentially impact on designated sites.

2. Is there potential for the site to provide 'ex situ' habitat for the SCI's of the SPAs located in Dublin Bay?

The proposed development site does not provide suitable ex situ habitat for any of the SCI bird species of the SPAs located within Dublin Bay due to non-availability of suitable habitats for such species, small site area and the site's location beside a major road and residential areas.

Tolka Valley Park may offer some 'ex situ' habitat for such species however the proposed development will not result in any land-take, modification or disturbance to this park.

3. Is there the potential for construction noise disturbance / increased human activity impacts on SCI species of the SPAs or QI of SACs?

The nearest Natura site boundary is 4.3km from the planned development and noise generated during construction / increased human activities will not disturb SCI species or QI species associated with any European site due to this distance. Any construction related noise from the planned site will be absorbed by the existing background noise levels associated with traffic and other urban generated noise in this area.

4. Is there a risk of impacts on / changes to water quality in a European site, via the River Tolka?

The River Tolka has been identified as a potential 'source-pathway-receptor' between the planned development and European sites. The planned site is located within 30 metres of the River Tolka and a potential risk of contaminants entering the river, originating on site during construction, in the absence of mitigation, has been identified.

The principal pathway between the site and the River Tolka is via the storm water drains along the RI35 road that discharge into the Tolka via an outfall approximately 30 metres from the planned development. Potential contaminants generated during the construction phase include concrete, hydrocarbons and soil sediment.

A Dublin Port simulation of tidal movements for Dublin Bay[9] shows that the northern section of the South Dublin Bay and River Tolka Estuary SPA 004024, into which the River Tolka discharges, experiences notably stronger tidal action in comparison to surrounding waters. It is likely that this is due to the narrow nature of the Tolka Estuary, the presence of the North Bull Island wall and the South Bull Island Wall (Poolbeg) acting as deflectors, diverting water that originated from the River Tolka away from these adjacent European sites. The discharge of the River Liffey near this area also contributes to the faster movement of discharged waters out to sea.

Taking this tidal regime and the geographical attributes of this part of Dublin Bay, it is considered likely that any pollutants transported via the River Tolka could potentially affect the integrity of South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC before being transported out to sea and undergoing dilution and breakup by marine water action. South Dublin Bay

[9] Tidal Atlas - Dublin Port Accessed September 27th, 2021

SAC and other European sites in Dublin Bay are considered unlikely to be affected by a pollution incident caused by discharge from the River Tolka.

5. Is there a risk of impacts on / changes to water quality via the public sewer system?

Foul water generated by the operational development will discharge to the existing sewer network to be treated at Ringsend Wastewater Treatment Plant (WWTP). Despite the current capacity issues associated with Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay European sites are currently classified by the EPA as being of "Unpolluted" water quality status. The Tolka Estuary is currently classified by the EPA as being "Potentially Eutrophic." Future foul water discharges to Dublin Bay are considered likely to decrease in pollutant levels in the long-term as An Bord Pleanála granted planning permission for an upgrade to Ringsend WWTP in April 2019, which will increase capacity at the plant. It is also an objective of the Greater Dublin Strategic Drainage Study that all development plans within the catchment of the Ringsend WWTP, to include Sustainable Urban Drainage Systems (SUDS) within new developments.

Additionally, the EIAR for the Ringsend WWTP Upgrade plant indicates that the main area of dispersal of the treated effluent from the Ringsend WWTP is in the Tolka Basin and around the North Bull Island. South Dublin Bay is unaffected by the effluent (Irish Water, 2018 EIAR)[10]. Therefore, South Dublin Bay SAC was not anticipated to be or potentially effected by wastewater discharges from the development.

6. Are there 'In-combination' effects on European sites arising from this development?

The potential 'in-combination' effect of this project along with others, present and future, require assessment to see if their combined or cumulative impacts could affect European sites. The Dublin City Council online planning portal[11] and Myplan.ie[12] was accessed to establish what other developments were currently in planning in the area around this proposed development (Table 6).

Table 6. *Recent planning permissions granted or pending in the area around the proposed development*

WEB1384/20 PERMISSION GRANTED 02.10.2020 Retain rear single storey extension at 3, Glasnevin Oaks, Glasnevin, Dublin 11
4054/18 PERMISSION GRANTED 09.01.2019 Planning Permission for the construction of a double storey extension to gable end & rear of house, with single storey elements to rear & front of house, double storey extension for use as ancillary accommodation for family members at 32, Violet Hill Drive, Glasnevin, Dublin 9
2633/17 PERMISSION GRANTED 31.01.2018

[10] Irish Water (2018b) Ringsend Wastewater Treatment Plant Upgrade Project. Environmental ImpactAssessment Report Volume 3- Ringsend Wastewater Treatment Plant Part A: Report June 2018
[11] PLANNINGAPPLICATION Map (dublincity.ie) Accessed April 1st, 2022
[12] Myplan.ie Accessed April 1st, 2022

Retention for a development consisting of a raised monopitch roofed structure to the rear of the property at Elita Quality Meats, Unit 11a Bellevue Industrial. Estate. Off Tolka Valley Road, Finglas, Dublin 11.
3069/20 PERMISION GRANTED 24.12.2020 Planning permission for demolition of existing dormer style dwelling house of a floor area of 66m2 and associated site clearance works, including planning permission for a new replacement two storey dwelling house of floor area 228m2 with connection into existing foul and surface water sewer network, connection into existing public water mains, new boundary walls and all associated site development works at No. 2, Old Finglas Road, Dublin, 11.
3554/19 PERMISSION GRANTED 22.10.2019 The development consists of the retention of a garden boundary wall at 37, Violet Hill Drive, Glasnevin, Dublin 11
310721 – Merville Place SHD GRANT PERMISSION WITH CONDITIONS – 18/10/2021 Submitted to ABP on 01/07/2021 Demolition of existing structures and construction of 191 no. apartments, childcare facility and associated site works. Finglas Road, Dublin 11.
DCC 3902/20 1 - 4, Rivermount Cottages, Ballyboggan Road, Finglas, Dublin 11 GRANT EXTENSION OF DURATION OF PERMISSION Permission for development at this 0.747 ha site. The development will consist of the demolition of 4 no. existing dwellings and ancillary buildings known as Nos. 1-4 Rivermount Cottages (320m2) and the construction of a residential development arranged in 3 no. blocks (Block A, B and C) ranging from 4 to 5 no. storeys in height over basement/undercroft level (12,106.2m2, including basement). Blocks A and B incorporate a setback fifth storey. The maximum height of the development, taken from street level is 20.9m, including lift overrun. The development will comprise 99 no. residential units (47 no. 1-bedroom apartments, 50 no. 2-bedroom apartments and 2 no. 3-bedroom apartments); residential amenity areas comprising residents lounge and meeting rooms (296.4m2) and private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels for each block). The development also consist of: amendments to the existing northern boundary wall; the provision of a new set-down area on Ballyboggan Road; the provision of 57 no. car parking spaces and 3 no. motorcycle parking spaces at the basement/undercroft level; the provision of bicycle stores providing 162 no. long-stay bicycle parking spaces and 34 no. short-stay (visitor) bicycle parking spaces at basement/undercroft level and 36 no. short-stay bicycle parking spaces adjacent to Ballyboggan Road. The development will also include: New vehicular access arrangements, for residents, emergency/refuse vehicles, and pedestrian access is via Ballyboggan Road; minor upgrade works to Ballyboggan Road; all piped infrastructure and ducting; plant rooms; ESB substation; lift access and stair cores; internal roads

and pathways; hard and soft landscaping and boundary treatments; changes in level; waste management areas; attenuation tank; lighting; and all associated site development and excavation works above and below ground. A Natura Impact Statement will be submitted to the planning authority with this application. The Natura Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the relevant planning authority.

Dublin Bay is the end point for most of County Dublin's watercourses and as a result is vulnerable to suffer the effects of combined pollution loads transported by these rivers and streams. Waterbodies discharging into Dublin Bay rise or flow through all four County Dublin local authority areas, and adjacent counties such as Wicklow and Kildare, and this is addressed in the '*The Regional Planning Guidelines for the Greater Dublin Area 2010-2022*[13]. This document includes the following policy objectives to which the relevant local authorities must have regard to when compiling and adopting their county development plans:

- *Strategic Policy GIP2:* To protect and conserve the natural environment, including in particular nationally important and EU designated sites such as Special Protection Areas, Candidate Special Areas of Conservation and proposed Natural Heritage Areas, protected habitats and species, and habitats and species of local biodiversity value. This policy also includes new or extended ecological sites that are notified or designated in the lifetime of the RPGs. Appropriate measures to protect European sites should be identified at the initial stages of all planning processes and included as a material consideration in order to inform future development.

- *Strategic Recommendation SR6:* Plans and projects associated with zoned expansions needed to meet Economic Development and satisfy the Settlement Strategy that have the potential to negatively impact on European sites will be subject to HDA according to Article 6 of the Habitats Directive and in accordance with best practice and guidance.

- *Strategic Recommendation PIR15:* Seek continued investment in wastewater treatment facilities and networks to meet the needs of the River Basin Management Plans and to achieve the targets for good water status for river, coastal and transitional waters in the Water Framework Directive.

- *Strategic Recommendation PIR16:* Ensure that future capacity is provided in growth towns through expansion and upgrading of facilities where necessary and/or exploration of alternatives such as connecting to adjoining drainage systems or changes to catchments to enable growth towns to provide for the population growth envisaged in the settlement strategy and thus enable a more sustainable settlement pattern to be supported.

[13] Greater-Dublin-Area-Regional-Planning-Guidelines-2010-2022-Volume-I.pdf (emra.ie) Accessed September 2021.

- *Strategic Recommendation PIR17:* Identification and development of a suitable site for the Greater Dublin Regional Drainage Project - Regional wastewater treatment, marine outfall and orbital drainage system in the north coast of the GDA to enable the continued population and economic growth and the physical consolidation of the metropolitan area, by reducing the catchment size for Ringsend and providing new treatment capacity through network connections.

- *Strategic Recommendation GIR21:* Plans and projects that have the potential to negatively impact on European sites will be subject to a Habitats Directive Assessment (HDA) according to Article 6 of the Habitats Directive and in accordance with best practice and guidance.

As already stated, Dublin Bay is currently not classified as 'polluted,' and the proposed development will not result in any measurable effect on water quality in Dublin Bay. There are also protective policies and objectives in place at a strategic planning level to protect water quality in Dublin Bay. Therefore, and having regard to the policies and objectives referred to above, it is concluded that the possibility of any other plans or projects acting in combination with this proposed development to give rise to significant effects on any European site in, or associated with, Dublin Bay, can be excluded. Additionally, discharge from Ringsend WWTP is permitted under an EPA licence (D0034-01) to ensure environmental legislative requirements are meet. It is not considered likely that effluent discharge from Ringsend WWTP will affect the overall water quality in Dublin Bay, or the European sites located there.

5.5 Screening conclusion

Taking the influence of tidal regimes, marine dilution and the length of the River Tolka downstream from the site (4.3km) the zone of impact of potential water quality effects is not considered likely to extend beyond north Dublin Bay. The following European sites can be screened out due to distance and / or the tidal and dilution effects of the marine waters in Dublin Bay and the Irish Sea and / or the lack of a source-pathway-receptor between them and the proposed development. These sites are:

- Baldoyle SAC
- Baldoyle Bay SPA
- Malahide Estuary SPA
- Malahide Estuary SAC
- Howth Head SAC
- Rockabill to Dalkey Island SAC
- Rye Water Valley / Carton SAC
- Glenasmole Valley SAC
- Irelands Eye SAC
- Ireland's Eye SPA
- Rogerstown Estuary SAC

It is considered that three European sites, South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) and North Dublin Bay SAC (000206) are at risk of significant effects in

the event of pollution incident originating on the proposed development site, in the absence of appropriate mitigation measures during construction and operation. The identified pathway is via the River Tolka. Following this screening, it is hereby concluded that a Stage 2 Appropriate Assessment is required.

6. STAGE 2 – APPROPRIATE ASSESSMENT

6.1 Qualifying interests and Special Conservation Interests of sites potentially affected

The Stage 1 Appropriate Assessment screening has concluded that the potential for significant impacts on the following European Sites cannot be excluded**:**

- North Dublin Bay SAC (Site code 000206)
- North Bull Island SPA (Site code 004006)
- South Dublin Bay and River Tolka Estuary SPA (Site code 004024)

Detailed NPWS Site Synopses for the three sites can be viewed / downloaded via the following links:

- North Dublin Bay SAC (000206)
  North Dublin Bay SAC | National Parks & Wildlife Service (npws.ie)
- North Bull Island SPA (004006)
  North Bull Island SPA | National Parks & Wildlife Service (npws.ie)
- South Dublin Bay and River Tolka Estuary SPA (004024)
  South Dublin Bay and River Tolka Estuary SPA | National Parks & Wildlife Service (npws.ie)

(a) North Dublin Bay SAC (000206)

Table 7 sets out the Qualifying Interests of North Dublin Bay SAC

Table 7. *Qualifying Interests of North Dublin Bay SAC 000206*

Site Code	Site Name	Qualifying Interests
000206	North Dublin Bay SAC	**Habitats:** [1140] Mudflats and sandflats not covered by seawater at low tide [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1410] Mediterranean salt meadows (*Juncetalia maritimi*) [2110] Embryonic shifting dunes [2120] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)[2190] Humid dune slacks

		Species: [1395] Petalwort *Petalophyllum ralfsii*

Conservation objectives[14] (habitats): To maintain the favourable conservation condition of the QI habitats in North Dublin Bay SAC (000206). Habitat specific conservation attributes and targets are available to view on the NPWS website[15]

(b) North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024)

Table 8 sets out the Special Conservation interests of North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024). These have been provided together as they share many common SCI species and are also adjacent to each other.

Table 8. *North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024)*

Site Code	Site Name	Special Conservation Interests
004006	North Bull Island SPA	**Habitats:** [A999] Wetlands **Species:** [A046] Light-bellied Brent Goose *Branta bernicla hrota* [A048] Shelduck *Tadorna tadorna* [A052] Teal *Anas crecca* [A054] Pintail *Anas acuta* [A056] Shoveler *Anas clypeata* [A130] Oystercatcher *Haematopus ostralegus* [A140] Golden Plover *Pluvialis apricaria* [A141] Grey Plover *Pluvialis squatarola* [A143] Knot *Calidris canutus* [A144] Sanderling *Calidris alba* [A149] Dunlin *Calidris alpina* [A156] Black-tailed Godwit *Limosa limosa* [A157] Bar-tailed Godwit *Limosa lapponica* [A160] Curlew *Numenius arquata* [A162] Redshank *Tringa totanus* [A169] Turnstone *Arenaria interpres* [A179] Black-headed Gull *Chroicocephalus ridibundus*
004024	South Dublin Bay and River Tolka Estuary SPA	**Habitats:** [A999] Wetlands **Species:** [A046] Light-bellied Brent Goose *Branta bernicla hrota* [A130] Oystercatcher *Haematopus ostralegus* [A137] Ringed Plover *Charadrius hiaticula*

[14] NPWS (2013) Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht
[15] ConservationObjectives.rdl (npws.ie)

		[A141] Grey Plover *Pluvialis squatarola*[16] [A143] Knot *Calidris canutus* [A144] Sanderling *Calidris alba* [A149] Dunlin *Calidris alpina* [A157] Bar-tailed Godwit *Limosa lapponica* [A162] Redshank *Tringa totanus* [A179] Black-headed Gull *Chroicocephalus ridibundus* [A192] Roseate Tern *Sterna dougallii* [A193] Common Tern *Sterna hirundo* [A194] Arctic Tern *Sterna paradisaea*

Conservation objectives[17] (bird species) for North Bull Island SPA: To maintain the favourable conservation condition of the SCI bird species in North Bull Island SPA which is defined by the two attributes: Population trend (measured by percentage change) and distribution (measured by range, timing and intensity of use of areas).

- The objective for population trend for the long-term population trend to remain stable or increase.
- The objective for population distribution is for no significant decrease in the range, timing or intensity of use of areas by light-bellied brent goose, other than that occurring from natural patterns of variation.

- (Wetland and Waterbirds [A999]: To maintain the favourable conservation condition of the wetland habitat in North Bull Island as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined in terms of area.

- Target: The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 1,713 hectares, other than that occurring from natural patterns of variation.

Conservation objectives[18] (bird species) for South Dublin Bay and River Tolka Estuary SPA: To maintain the favourable conservation condition of the SCI bird species in South Dublin Bay and River Tolka Estuary SPA which is defined by the two attributes: Population trend (measured by percentage change) and distribution (measured by range, timing and intensity of use of areas).

- The objective for population trend for the long-term population trend to remain stable or increase.

[16] Grey Plover is proposed for removal from the list of Special Conservation Interests for South DublinBay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species.
[17] NPWS (2015) Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
[18] NPWS (2015) Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

- The objective for population distribution is for no significant decrease in the range, timing or intensity of use of areas by light-bellied brent goose, other than that occurring from natural patterns of variation.

- (Wetland and Waterbirds [A999]: To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined in terms of area.

- Target: The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,192 hectares, other than that occurring from natural patterns of variation.

6.2 Potential impacts on European sites in the absence of mitigation

The screening stage of this Appropriate Assessment identified three European sites at risk of potential impacts as a result of a pollution incident originating on the proposed development site. The transfer of this risk is via the River Tolka. No specific direct impact was identified such as habitat loss or disturbance of SCI species in any European site. A number of potential indirect impacts arising during construction and operation have been identified:

Construction phase

- Hydrocarbon and / or chemical leakage could occur from construction site equipment due to faulty machinery, incorrect refuelling methods or improper storage of fuels on site. Contaminated water could enter the River Tolka via the storm drain network.
- Use of wet cement is a requirement during construction. Run-off water from recent cemented areas will result in highly alkaline water with high pH. Vehicles entering and exiting the site could potentially carry cement on their wheels onto the public road in the absence of wheel washing, allowing this to enter storm drains.
- Soil excavation in the initial stages of the construction phase could result in sediment runoff into the public storm drains or directly into the River Tolka. Invasive species, such as Japanese knotweed could potentially be spread via contaminated soils.

The transfer of hydrocarbons, chemicals, sediments via the River Tolka has the potential to impact SCI bird species by reducing available food through fish mortality which could affect feeding habitats for the bird species that rely on the sand and mudflats downstream in Dublin Bay for food sources. Contaminants could potentially cause habitat degradation to QI habitats. Otter and salmonoids could also at risk of being impacted upon in the event of a pollution incident.

Operation phase

No direct or indirect impacts on European sites arising from the operation phase of the proposed development is predicted.

7. MITIGATION

7.1 Mitigation by design

7.1.1 Foul water

With reference to the Infrastructure Report for Planning[19] (Curtins, 2022) submitted with the planning application, it is proposed to construct a new separate surface water drainage system for the site. The foul network will be a ø150mm foul sewer with a gradient of 1/94. The proposed foul drainage system has the capacity to cater the wastewater demand (3.22 l/s). The proposed foul drainage system has the capacity to cater the wastewater demand generated by toilets, wash hand basins, showers, sinks and floor drains. The foul network will flow by gravity into the existing ø375mm concrete foul sewer onto Finglas Road. A letter of acceptance (Appendix A) has been obtained from Irish water for foul; the new connection to the existing network is feasible without upgrade[20].

7.1.2 Surface runoff

With reference to the Infrastructure Report for Planning[21] (Curtins, 2022) submitted with the planning application, it is proposed to construct a new separate surface water drainage system for the site. The pipes' diameters will range between ø100mm and ø225mm. This will include a new attenuation system (186m3), a flow control device to limit the discharge (2 l/s) and a soakaway that will collect runoff from roofs and paved area, flowing to an existing stormwater utility access hole on the public storm water network. The proposed surface water drainage system has the capacity to cater the 100year returning period event. A green roof is proposed for the parking bays. A by-pass separator is provided.

7.2 Construction phase mitigation - CEMP

A Construction and Environmental Management Plan (CEMP) outlining mitigation and preventative measures to ensure the protection of the River Tolka has been prepared by Awn Consulting[22].

Best practice construction site management measures are required during the construction phase to minimise the risk of pollutants (cement residues, hydrocarbons, toxic materials etc) and significant sediments being transferred from the construction site, via the existing surface water drainage infrastructure, into the River Tolka. Blockage of this surface water drainage infrastructure with sediments must also be avoided.

Groundwater Protection / Prevention of fuel spillages

- Refueling of site plant and vehicles shall only be conducted by using a mobile refueling vehicle fitted with appropriate spill kit

[19] Infrastructure Report for Planning, Revision V04. Curtins Consulting Ltd. March 2022.

[20] Irish Water Pre-connection enquiry response, reference CDS2100493, dated 12th August 2021.

[21] Infrastructure Report for Planning, Revision V04. Curtins Consulting Ltd. March 2022.

[22] Construction Environmental Management Plan. Awn Consulting. March 2022

- Plant fuel and liquid construction materials shall be stored in impermeable bunded containers which are covered from the elements. All vehicles, generators etc shall be inspected (minimum once per week) to ensure that there is no fuel leaking.
- All empty containers containing residual quantities of oils, hydrocarbons, chemicals etc shall be stored in dedicated bunded receptacles prior to removal from site.
- Oil spill kits shall be located throughout the site
- All construction staff shall be informed of how to clean a spill and correctly dispose of the contaminated material.
- Accidental oil or fuel spills shall be immediately cleaned with appropriate absorbent materials.
- All contaminated material shall be placed in an appropriately labelled waste receptacle awaiting off- site disposal by an appropriately licenced waste contractor.

Disposal of groundwater

Any groundwater which is removed from site by pumping to facilitate excavation works will be treated to remove soil (e.g. pass through settling tanks) prior to discharging to the public surface water drainage infrastructure. This shall be done in order to prevent silt creating blockages. It is intended that de-watering shall only occur for a short period of time with groundwater removed at shallow depths only. Details of the proposed de-watering regime and disposal of groundwater should be discussed / agreed with the Local Authority prior to commencement of construction.

Wheel washing / Road Cleaning

The surface water drains on the R135 road to the front of the site have been identified as a potential pathway between the site and the River Tolka. A potential source of debris and dust on public roads is from trucks exiting the construction site. The wheels of vehicles exiting the site will be power washed (or similar) to remove muck and debris. Discharge from wheel-wash areas will be directed through a suitably sized settlement area or silt trap. Debris and sediment from the wheel wash area will be disposed off-site at a suitably licensed facility.

Provision will be made for cleaning access routes to / from site within a suitable distance of the site to remove potential construction related debris. The extent and frequency of road sweeping may be adjusted to take account of highly intensive work activities e.g. excavation, concrete pouring etc. Road sweeping will be carried out by a suitably sized mechanical road sweeper. Adequate care shall be taken to minimise the risk of pollution to the River Tolka, resulting from this activity.

The following measures will minimise the dust deposited on local roads (and therefore minimise the risk of sediment entering storm drains)

Air Quality Control and Mitigation Measures

- Unnecessary movement of vehicles on site shall be avoided
- All vehicles / plant shall be turned off when not in operation. Idling engines shall not be permitted for excessive time periods

- Exhaust emissions from vehicles and other plant operating on site shall be minimised by routine servicing and the use of low emission fuels where possible
- An appropriate speed limit will be imposed on vehicles entering / leaving site to minimise the generation of airborne dust
- Materials shall be transported to / from site in covered vehicles
- The overloading of trucks entering / leaving the site shall not be permitted
- During dry periods, dust emissions at heavily trafficked locations (on-site & off site) shall be controlled by spraying surfaces with water and/or suitable wetting agent
- Road sweeping shall be carried out to clean public road surfaces from debris
- Materials will be stockpiled on site to minimise exposure to wind and the production of airborne dust
- Water spray will be used, as required, to minimise the potential for airborne dust during dry or windy periods
- Rubble chutes and receptor skips shall be used during construction works to minimise / control the production of airborne dust
- Measures shall be taken to control the generation of dust during operations such as drilling, grinding, polishing of concrete, paving, stone etc including the installation of wind breaks and dust barriers
- Concrete cutting equipment shall be fitted with a water dampening system, as required, to minimise the production of dust.
- Air quality monitoring shall be carried out at sample locations on the site boundary to ensure that air quality standards associated with dust deposits is acceptable. Where levels are found to exceed specified limits, dust generating activities shall cease immediately and enhanced mitigation measures shall be provided by the Contractor.
- A complaints log shall be maintained by the Contractor. Should there be a complaint relating to the generation of dust, this should be investigated by the Contractor.

7.3 Construction and Demolition Waste Management

A Resource & Waste Management Plan (Curtins, 2022)[23] has been provided as part of the application documentation. This shall be implemented throughout the construction of the development to ensure:

- That site activities are effectively managed to minimise waste generation and to maximise the re-use and recycling of waste materials
- That waste materials are appropriately segregated and stored in a managed dedicated waste storage area
- That all waste materials generated by site activities are removed from site by appropriately permitted waste haulage contractors and that all wastes are disposed of at approved licensed facilities in compliance with the Waste Management Act 1996 and all associated Waste Management Regulations

[23] Resource & Waste Management Plan, Revision VO4. Curtins Consulting. March 2022.

8. CONCLUSION AND NATURA IMPACT STATEMENT

The proposed residential development at the site of the former Royal Oak public House has been assessed with regard to:

- the nature, size and location of the proposed development and possible impacts arising from the proposed project
- the qualifying interests and conservation objectives of the relevant European sites
- the potential for in-combination effects arising from other plans and projects.

It is concluded that with the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction and operational phase as per this Natura Impact Statement report, the CEMP and the Resource and Waste Management Plan, significant negative effects on the conservation objectives or site integrities of North Bull Island SPA, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, alone or in combination with other plans and projects, are not likely.

SIGNED:

Seán Meehan ACIEEM

Ecologist

April 2nd, 2022

9. APPENDICES

Appendix A. Irish water pre-connection enquiry response

Gianluca Saracino

Curtins
11 Pembroke Lane
Dublin 2
D02 CX62

Uisce Éireann
Bosca OP 448
Oifig Sheachadta na
Cathrach Thoir
Cathair Chorcaí

Irish Water
PO Box 448,
South City
Delivery Office,
Cork City.

www.water.ie

12 August 2021

Re: CDS21004913 pre-connection enquiry - Subject to contract | Contract denied

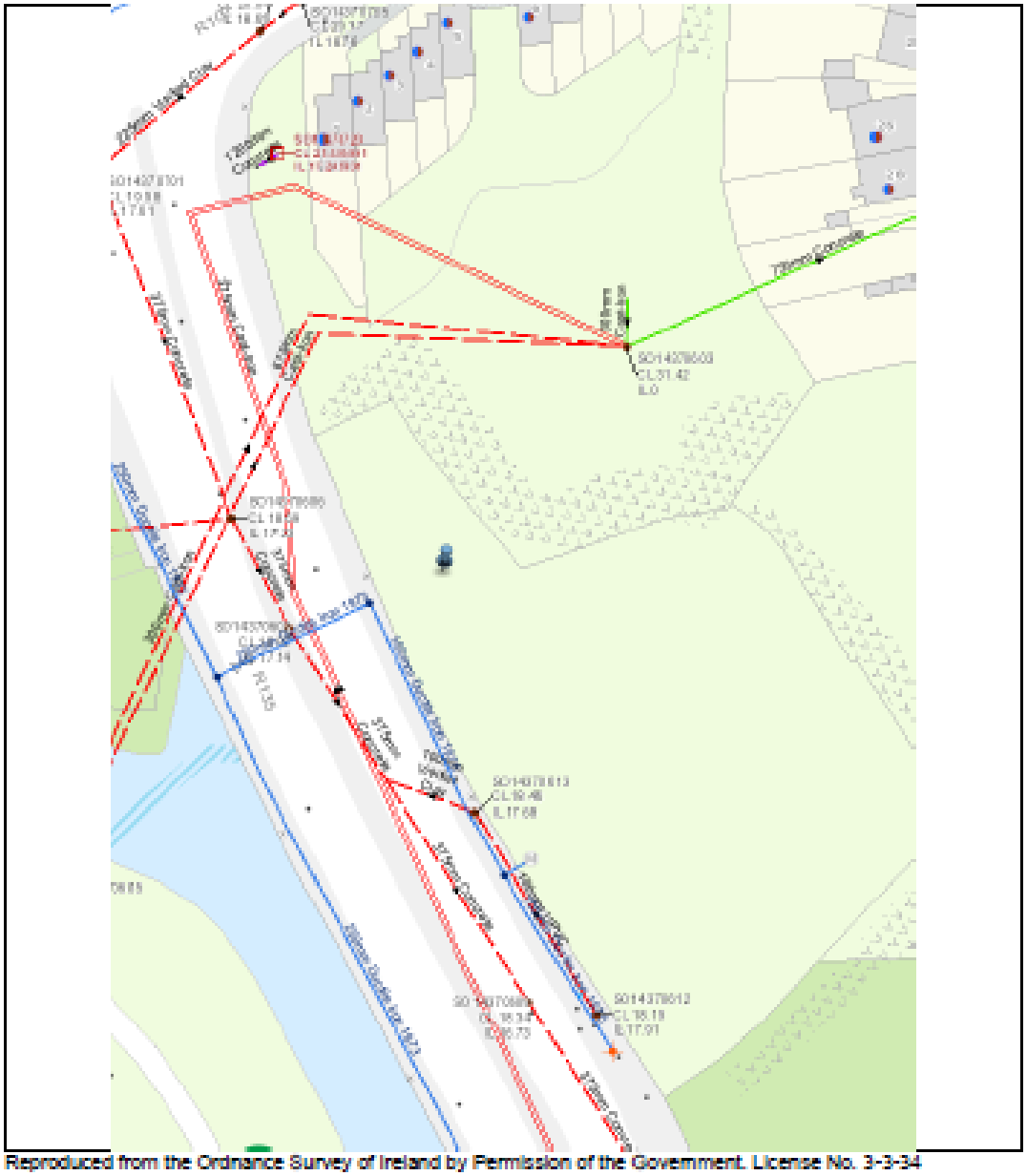
Connection for Housing Development of 110 units at Finglas Road, Dublin, Co.Dublin

Dear Sir/Madam,

Irish Water has reviewed your pre-connection enquiry in relation to a Water & Wastewater connection at Finglas Road, Dublin, Co.Dublin (the **Premises**). Based upon the details you have provided with your pre-connection enquiry and on our desk top analysis of the capacity currently available in the Irish Water network(s) as assessed by Irish Water, we wish to advise you that your proposed connection to the Irish Water network(s) can be facilitated at this moment in time.

SERVICE	OUTCOME OF PRE-CONNECTION ENQUIRY THIS IS NOT A CONNECTION OFFER. YOU MUST APPLY FOR A CONNECTION(S) TO THE IRISH WATER NETWORK(S) IF YOU WISH TO PROCEED.
Water Connection	Feasible without infrastructure upgrade by Irish Water
Wastewater Connection	Feasible without infrastructure upgrade by Irish Water
SITE SPECIFIC COMMENTS	
Wastewater Connection	The proposed Development indicates that Irish Water assets are present on the site. The Developer has to demonstrate that proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the assets during and after the works. Drawings (showing clearance distances, changing to ground levels) and Method Statements should be included in the Detailed Design of the Development. A wayleave in favour of Irish Water will be required over the assets that are not located within the Public Space.
The design and construction of the Water & Wastewater pipes and related infrastructure to be installed in this development shall comply with the Irish Water Connections and Developer Services Standard Details and Codes of Practice that are available on the Irish Water website. Irish Water reserves the right to supplement these requirements with Codes of Practice and these will be issued with the connection agreement.	

The map included below outlines the current Irish Water infrastructure adjacent to your site:



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Whilst every care has been taken in its compilation Irish Water gives this information as to the position of its underground network as a general guide only on the strict understanding that it is based on the best available information provided by each Local Authority in Ireland to Irish Water. Irish Water can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. This information should not be relied upon in the event of excavations or any other works being carried out in the vicinity of the Irish Water underground network. The onus is on the parties carrying out excavations or any other works to ensure the exact location of the Irish Water underground network is identified prior to excavations or any other works being carried out. Service connection pipes are not generally shown but their presence should be anticipated.

General Notes:

1) The initial assessment referred to above is carried out taking into account water demand and wastewater discharge volumes and infrastructure details on the date of the assessment. **The availability of capacity may change at any date after this assessment.**
2) This feedback does not constitute a contract in whole or in part to provide a connection to any Irish Water infrastructure. All feasibility assessments are subject to the constraints of the Irish Water Capital Investment Plan.
3) The feedback provided is subject to a Connection Agreement/contract being signed at a later date.
4) A Connection Agreement will be required to commencing the connection works associated with the enquiry this can be applied for at https://www.water.ie/connections/get-connected/
5) A Connection Agreement cannot be issued until all statutory approvals are successfully in place.
6) Irish Water Connection Policy/ Charges can be found at https://www.water.ie/connections/information/connection-charges/
7) Please note the Confirmation of Feasibility does not extend to your fire flow requirements.
8) Irish Water is not responsible for the management or disposal of storm water or ground waters. You are advised to contact the relevant Local Authority to discuss the management or disposal of proposed storm water or ground water discharges
9) To access Irish Water Maps email datarequests@water.ie
10) All works to the Irish Water infrastructure, including works in the Public Space, shall have to be carried out by Irish Water.

If you have any further questions, please contact Marina Byrne from the design team via email mzbyrne@water.ie For further information, visit **www.water.ie/connections.**

Yours sincerely,

Yvonne Harris

Yvonne Harris

Head of Customer Operations