Proposed Interim Works at Dún Laoghaire Baths

EIA Screening Report

March 2012
The Proposed Interim Works at Dún Laoghaire Baths

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1 INTRODUCTION

Dún Laoghaire Rathdown County Council proposes to undertake works at the Royal Victoria Baths, hereafter referred to as 'proposed interim works at the Baths site'. They are situated on high ground to the southern side of Dún Laoghaire between the East Pier and Sandycove, with panoramic views over Scotsman’s Bay. The land area of the site within which the interim works is proposed to be undertaken is 3.2 hectares, as shown in Figure 1.

The original Baths east of the East Pier were constructed in 1843 by John Crosthwaite and named the Royal Victoria baths. In 1896 Kingston Urban District Council purchased the baths site. The firm Alexander Fraser was engaged to build the new baths on today’s site. In June 1908 it was reported that the works were nearly completed and are largely what is in existence today. The baths were improved and extended in the 1930s, but presently the site is not in use and has run derelict.

RPS have been commissioned to undertake screening for the determination of the requirement for an Environmental Impact Assessment (EIA) for the proposed interim works at the Baths site.

1.1 SCREENING

Screening is the term used to describe the process of ascertaining whether a development requires an EIA and is determined by reference to mandatory and discretionary provisions. In interpreting which projects are likely to have significant environmental effects the provisions and criteria as set out in the Planning and Development Acts (2000-2010) and the Planning and Development Regulations (2001-2011) must be adhered to. Determination criteria are also outlined within the European Communities (Environmental Impact Assessment) Amendment Regulations (S.I. 93/1999) and (S.I. 538/2001) which implements the EIA Directive 85/337/EC, as amended by Directive 97/11/EC.

The overriding consideration in determining whether a development should be subject to EIA is the likelihood of significant environmental effects. Significant effects may arise by virtue of the type of development, the scale or extent of the development and the location of the development in relation to sensitive environments.

The EIA Directive lists those projects for which an EIA is mandatory (Annex I) and those projects for which EIA may be required (Annex II). With regard to Annex II projects, Member States can choose to apply thresholds or use case by case examination or a combination of both to assess whether these projects require EIA. For development schemes in Ireland, a combination of both is used.

1.2 STUDY AREA

The Baths site is located between Newtownsmith and the East Pier on high ground that can feel exposed when the weather is windy and the seas are rough. Newtownsmith which lies to the south was transformed in the 1930s into a promenade and public park, and is used extensively for walking. This promenade fronts onto the original rock foreshore of Scotman’s Bay, which continues towards Sandycove and the Forty Foot bathing place.

North of the Baths site, lies the Maritime Gardens Walkway that connects with the East Pier and is situated parallel to Queen’s Road. The Maritime Gardens Walkway is presently used as a coastal route of access to the East Pier, but in recent years it has become run down and the walkways and steps are in need of repair. The railway line passes in front of the Baths site through a tunnel that is covered over at the junction of Queen’s Road, Windsor Terrace and Park Road, which also lies directly in front of one of the two entrances to the People’s Park.
Location of Baths Site

Figure 1

Site Boundary

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1.3 COUNTY DEVELOPMENT PLAN OBJECTIVES

The area at Newtownsmith is specifically outlined within the Dún Laoghaire Urban Framework Plan that is contained within the Dún Laoghaire Rathdown County Development Plan (2010-2016). An appropriate framework has been outlined and it is stated that any redevelopment of the Baths site must have regard to seven key recommendations. They include:

- “Retention and refurbishment of existing Baths Building: The existing Baths building will be retained with a modern extension, if required, to accommodate the proposed public amenities/facilities.
- Provision of enhanced public amenities: Provision will be made in any development for the following facilities – swimming facilities, facilities for younger children, walkways, cycle facilities, a restaurant/coffee shop with a public viewing area and facilities for various marine therapies.
- Preference for Concept A over Concept B: (these concepts for the coastal Environmental Improvement Scheme from the East Pier to Sandycove were the subject of comprehensive public consultation).
- Minimise Infill Development: The extent of any infill development will be limited to providing adequate sea defences. Protection of any proposed development and/or the provision of a continuous walkway/cycleway from the East Pier to Sandycove will have due regard for the sensitive ecology of the area.
- Provision of a swimming pool: It is considered that public swimming facilities should be provided.
- Provision of car parking: The provision of additional car parking spaces will be investigated further.
- Scale of Proposed Development: In order to reduce the scale and cost of any development project the area between the East Pier and the Baths site will be prioritised for upgrading and renewal”.

In addition, the Baths site is outlined as a Specific Local Objective (SLO) within the County Development Plan. These SLOs detail the work that the Council intends to initiate within the lifetime of the County Development Plan. For the Dún Laoghaire Baths site it is stated under SLO 21 that:

“To develop an enhancement scheme for the area between the East Pier and Sandycove. This scheme will include proposals for the upgrading and development of the Dún Laoghaire Baths site and facilitate improved pedestrian linkage to the East Pier in accordance with the recommendations of the Dún Laoghaire Baths Sub-Committee. This objective will require any scheme to also provide adequate sea defences and take into consideration that the area between the East Pier and Sandycove is a pNHA”.

The proposed interim works at the Baths site is outlined in Section 1.4 and it has taken cognisance of Objective 21 within the County Development Plan.
1.4 THE PROPOSED INTERIM WORKS

The interim works at the Baths site will provide for the retention and securing of the existing building for use as artist workspaces, a gallery café with outdoor seating and public toilet facilities, as shown in Figure 2. The proposed removal of dilapidated structures, as outlined in Figure 3 will permit the creation of a new route that will connect Newtownsmith with the East Pier and the Peoples Park. There are a number of buildings within the Bath’s site, with the main building referred to as the Baths Pavilion, being retained, while the newer outbuildings to the rear of the original main building will be demolished to provide space for the connecting walkway. In order to ensure the long-term survival of the baths building as a local amenity and to provide connectivity with other amenities in the area, the following works are proposed to be carried out:

- Secure the existing Dún Laoghaire Baths site;
- Demolition and removal of specific dilapidated structures;
- Renovation and re-opening of pavilion building to provide public café/gallery, toilets, terrace area and artists studios;
- Creation of a new route with associated landscaping to connect the walkway at Newtownsmith to both the East Pier and the Peoples Park;
- Enhanced facilities for swimming and improved access to the waters edge e.g. ramps, steps and renovation of the existing bandstand;
- Creation of a small jetty in line with the existing structure and the provision of a changing area;
- Upgrading of lower walkway in maritime gardens linking the new jetty with the East Pier; and
- Extension and burying of existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe.

It is proposed that the existing Baths Pavilion together with a smaller outbuilding will be retained, weathered and secured while the remaining dilapidated outbuildings to the rear and side of the Pavilion will be removed. The original baths entrance along Windsor Terrace will be restored to provide access to the studio space and café facilities. It is also proposed to create new public toilets, which will be accessed at street level. The footpath along Windsor Terrace will be upgraded and new street trees will be planted.

The removal of the dilapidated structures to the rear of the Baths Pavilion will create a new pedestrian and cycle route that will connect the Newtownsmith walkway with the East Pier. The alignment of the walkway will reflect the original rocky shoreline and sitting and viewing points will be incorporated along it. The land adjoining the walkway will be re-graded to create grassy areas that will provide continuation of the park at Newtownsmith with the Maritime Gardens leading on to the East Pier.

The new promenade will be linked by new steps to the café terrace that will be located in the Baths Pavilion. The access point to the new steps will be linked to the pedestrian crossing point on Windsor Terrace, which will provide a through route for pedestrians to the Peoples Park, the entrance for which lies in close proximity to the pedestrian crossing point.

The proposed landscaping for the interim works will have materials chosen from a palette primarily of stone, concrete and steel. Lighting will be installed along the newly constructed walkway to the rear of the Baths Pavilion and the design for the lighting will be a combination of modern and reproduction styles. In addition, the planting along the walkway will compliment the materials used for its construction.
Outline of the Dilapidated Structures to be removed

Figure 3
1.5 LEGISLATIVE REQUIREMENT

The Planning and Development Act, (2000-2010) and the Planning and Development Regulations (2001-2011) outline the requirements for the assessment of the effects of certain public and private projects on the environment. In addition, the European Communities (Environmental Impact Assessment) Regulations, 1999, as amended, set thresholds above which an EIA is required. Both of the aforementioned regulations outline the steps which identify whether an EIA is triggered.

Section 176 of the Planning and Development Act provides the initial steps in relation to the criteria of determination on whether an EIA is required. It states that:

(1) “the Minister may, in connection with the Council Directive or otherwise, make regulations;

(a) identifying development which may have significant effects on the environment, and

(b) specifying the manner in which the likelihood that such development would have significant effects on the environment is to be determined.

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may provide for all or any one or more of the following matters:

(a) the establishment of thresholds or criteria for the purpose of determining which classes of development are likely to have significant effects on the environment;

(b) the establishment of different such thresholds or criteria in respect of different classes of areas;

(c) the determination on a case-by-case basis, in conjunction with the use of thresholds or criteria, of the developments which are likely to have significant effects on the environment;

(d) where thresholds or criteria are not established, the determination on a case-by-case basis of the developments which are likely to have significant effects on the environment;

(e) the identification of selection criteria in relation to—

(i) the establishment of thresholds or criteria for the purpose of determining which classes of development are likely to have significant effects on the environment, or

(ii) the determination on a case-by-case basis of the developments which are likely to have significant effects on the environment.

(3) Any reference in an enactment to development of a class specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989), shall be deemed to be a reference to a class of development prescribed under this section.”

Development which requires an EIA for the Purposes of Part 10 of the Planning and Development Regulations is outlined under two separate sections, Part 1 and Part 2. Under Part 2, Infrastructure Projects, item 10 (b), (e) and (k) pertains to this proposed interim works scheme. Table 1 lists these legislative requirements, which make the carrying out of an EIA mandatory for certain types of development, and indicates whether an EIA would be mandatory for the proposed interim works at the Dún Laoghaire Baths site.
Table 1: Summary of Legislative Requirements under which an EIA would be Mandatory

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| Part 2 (10) (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.) | S.I. 600 of 2001 of the Planning and Development Regulations  
S.I. 93 of 1999 of European Communities (EIA) (Amendment) Regulations | No |
| Part 2 (10) (e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length. | S.I. 600 of 2001 of the Planning and Development Regulations  
S.I. 93 of 1999 of European Communities (EIA) (Amendment) Regulations | No |
| Part 2 (10) (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes. | S.I. 600 of 2001 of the Planning and Development Regulations  
S.I. 93 of 1999 of European Communities (EIA) (Amendment) Regulations | No |

As previously mentioned, the site where the interim works will occur is 3.2 hectares in size. There will also be the creation of a small promenade in line with the existing structure, which is 12m in length and will be extended out to give an overall length of 21m. The existing stormwater outlet pipe, which is presently located where the Baths site meets Newtownsmith, will be buried and extended out by 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe. Thus an EIA is not a mandatory requirement for the proposed interim works at Dún Laoghaire Baths.

While the mandatory requirements for developments are relatively straightforward, being based on type and scale, the discretionary (or sub-threshold) requirements are based on an assessment of the likely significant environmental effects of the proposed interim works at the Baths site.

1.6 SUB-THRESHOLD

In considering whether sub-threshold proposed interim works are likely to have significant environmental effects, the Planning Authority, under Schedule 7 of the Planning and Development Regulations, must have regard to the criteria set out in article 27 of the European Communities (EIA) Regulations, 1999. This article refers to the criteria for determining whether works would or would not be likely to have significant effects on the environment set out in Annex III to the EIA Directive, as amended.

The criteria, as per Schedule 7 of the Planning and Development Regulations are grouped under three headings (i) Characteristics of Proposed Development, (ii) Location of the Proposed Development and (iii) Characteristics of Potential Impacts. Consent authorities must have regard to these criteria in forming an opinion as to whether or not a sub-threshold development such as the proposed interim works at the Baths site, are likely to have significant effects on the environment.
The criteria are as follows:

1. **“Characteristics of the proposed development”**
   The characteristics of proposed development in particular:
   - the size of the proposed development,
   - the cumulation with other proposed development;
   - the use of natural resources,
   - the production of waste,
   - pollution and nuisances,
   - the risk of accidents, having regard to substances or technologies used.

2. **Location of proposed development**
   The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:
   - existing land use,
   - the relative abundance, quality and regenerative capacity of natural resources in the area,
   - the absorption capacity of the natural environment, paying particular attention to the following areas:
     - (a) wetlands,
     - (b) coastal zones,
     - (c) mountain and forest areas,
     - (d) nature reserves and parks,
     - (e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
     - (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
     - (g) densely populated areas,
     - (h) landscapes of historical, cultural or archaeological significance.

3. **Characteristics of potential impacts**
   The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:
   - the extent of the impact (geographical area and size of the affected population),
   - the transfrontier nature of the impact,
   - the magnitude and complexity of the impact,
   - the probability of the impact,
   - the duration, frequency,
   - reversibility of the impact”.

The decision as to whether works are likely to have significant effects on the environment must be taken with reference to the criteria in Schedule 7 of the Planning and Development Regulations 2001.

### 1.7 SUB-THRESHOLD ASSESSMENT

In order to assist planning and other consent authorities in deciding if significant effects on the environment are likely to arise in the case of works that are below the national mandatory EIA thresholds, the Minister for the Environment, Heritage and Local Government published a Guidance document in August 2003. With reference to this guidance and the criteria outlined under Schedule 7 of the Planning Regulations an assessment was undertaken in order to determine if the proposed interim works at the Baths site is likely to have significant effects on the environment. Of all of the criteria above, the items listed under 2 (b), (e) and (h) are the areas where focus was given in determining the likelihood of significant effect.
1.7.1 Ecology

The Baths site is located along a coastal stretch called Scotsman’s Bay, which is designated as a proposed Natural Heritage Area (pNHA), Dalkey Coastal Zone and Killiney Hill (site code 001206). The Wildlife Act (1976) and Wildlife Amendment Act (2000) provides for the designation and conservation of NHAs, which are sites that conserve and protect nationally important plant and animal species and their habitats. Planning authorities have a responsibility to ensure that these sites are protected and conserved. In 1995 a number of pNHAs were published on a non-statutory basis but have not since been statutorily enacted.

The Dalkey Coastal Zone and Killiney Hill pNHA stretches from Scotsman’s Bay to the White Rocks at Killiney, incorporating Dalkey Island. This coastal system has a range of habitats from sub-littoral to coastal heath. The islands and surroundings are important for bird species such as Herring gulls, Great black-backed gulls, Lesser black-backed gulls, Common terns, Arctic terns, Roseate terns, Shelduck, Mallard, Oystercatcher, Cormorants, Shags, Curlew, Turnstones and Purple sandpipers. Scotsman’s Bay provides habitat for sea birds and is a feeding area for a number of these species. The Common tern, Arctic tern, Sandwich tern and Roseate tern are protected under the EU Birds Directive. The Mediterranean gull which is also protected under the EU Birds Directive, has been spotted at Sandycove during the winter season.

Some of the original rocky foreshore still remains on the seaward side of the promenade at Newtownsmith, which adjoins the Baths site. The inter-tidal pools along this section support a diversity of seaweeds and marine invertebrates. Scotsman’s Bay is thought to be a nursery ground for young fish and crustaceans. Due to the characteristics of the proposed interim works at the Baths site, there will not be any significant effects on the pNHA.

Other ecological sites in the vicinity of the Baths site include Dalkey Islands SPA (004172), Bray Head SAC (000174), South Dublin Bay SAC (00210) and the Sandymount Strand and Tolka Estuary SPA (004024). In line with the EU Habitats Directive, an Appropriate Assessment Screening of the proposed works at the Baths site has been undertaken and is included in Appendix A. Further details on Appropriate Assessment are outlined in Section 1.8 of this report.

1.7.2 Human Beings

The Baths site is located on a coastal position to the southern end of Dún Laoghaire Town. There are three different types of community that could be affected by the proposed interim works at the Baths site, those being the resident community, the working community and the visiting community. The main potential effects on community arise from the potential to increase noise and air pollution, and to alter existing views.

The location of the Baths site between Newtownsmith and the East Pier means that it lies directly within an area that has a high amenity usage. Both the local community and visiting community come to this area to walk, run or cycle along Newtownsmith and the East Pier and enjoy the outdoor facilities that it offers. The Peoples Park located inland and directly behind the Baths site provides an open space for people to enjoy, with the additional facilities of a playground and a coffee shop. Every Sunday a market takes place in this Park whereby a number of stalls sell fresh food produce along with additional stalls selling a variety of products such as clothing, jewellery and plants.

The central location of the Baths sites between Glasthule Village to the south and the main town centre of Dún Laoghaire to the north provides an ideal location for the facilities that are proposed, including a coffee shop with terrace, artist workspace and public toilet facilities. The opening up of the Baths site with the connection of the walkways from Newtownsmith to Maritime Gardens and the East Pier will provide the potential to bring further visitors, and increase of present day usage of this area. The improved bathing facilities and access to the coastal area will provide a pleasant forum for swimming activities.
Whilst the Baths site does not adjoin any residential or commercial premises, there are commercial premises fronting onto Windsor Terrace and Marine Terrace at the junction of Park Road as well as residential units. During the construction phase there may be minor effects on these residents and commercial premises due to the increased construction traffic and the potential for short durations of increased noise. Minor increases in dust may result from the proposed interim works but they will be mitigated through the dampening of the road surfaces.

### 1.7.3 Landscape

Landscape has two separate but closely related aspects. The first is visual impact, i.e. the extent to which a new structure can be seen in the landscape and the second is impact on landscape character, i.e. effects on the fabric or structure of the landscape. As part of the proposed interim works at the Baths site, the main structure of the Baths Pavilion will remain along with a smaller outbuilding while the remaining dilapidated outbuildings to the rear will be removed, providing a new through route. Therefore the effects on the character of the physical and visual landscape of the site and its surroundings will not be significantly altered. The proposed scheme will bring positive effects as the existing site is derelict and is a visual eyesore due to the dilapidated structures and the graffiti present on the exterior walls of the Pavilion.

![Rear view of the Baths site from Newtownsmith](image)

### 1.7.4 Archaeology, Architecture and Cultural Heritage

As previously mentioned, the original Baths east of the East Pier were constructed in 1843 and the new baths on todays site were around 1908, and are largely what is in existence today. There is archaeological heritage associated with the site but there are no recorded archaeological sites within the Baths site. The closest record of monument and place is Glasthule Martello Tower (DU023-017), which is located within the People Park that adjoins Winsor Terrace and Park Road.

A detailed investigative report was undertaken by Bolton Consultancy\(^1\) to ascertain if there is any survival of Glasthule Battery on the Baths site. These Battery sites were built between 1804 and 1805.

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\(^1\) Dr. Jason Bolton (2011) Dun Laoghaire Baths, Investigation Works
as part of a number of fortifications along the Dublin coastline. The first edition ordnance survey map has a battery marked on the location of the Baths site but the detailed investigation, which involved significant site work, concluded that “further investigative work would be unlikely to uncover any new significant findings”. The investigation established that substantial remains of the battery do not survive. It is proposed that during demolition of any of the twentieth century structures within the site, in particular if any concrete flooring surfaces are to be disturbed, archaeological monitoring should be undertaken as there is a slight possibility that some original features may exist behind current retaining walls.

This coastal area is well known for its bathing places, including ‘The Forty Foot’, at Sandycove, which is in close proximity to the Baths site. The Forty Foot has been in existence since the 1800’s and was originally known as the Forty Foot Hole. The well known Martello Tower (DU023-019) at Sandycove, situated directly behind the Forty Foot is a well known Martello Tower due to the brief residency of James Joyce. This Tower is known as Joyces Tower and is presently a Museum.

1.8 APPROPRIATE ASSESSMENT

An Appropriate Assessment (AA) is required under the EU Habitats Directive (92/43/EEC), as amended by Directive 97/62/EC, for any plan or project likely to have a significant effect on an internationally important site for nature conservation, i.e. Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), also known as Natura 2000 sites. The proposed interim works at the Baths site is not located directly within a site that has been designated for nature conservation; however there are both SAC and SPA sites in proximity to this scheme.

AA is a four stage process comprising of; Stage 1 AA Screening, Stage 2 Appropriate Assessment, Stage 3 Assessment of Alternative Solutions and Stage 4, Assessment Where Adverse Impacts Remain.

The Habitats Directive was transposed into Irish Law through the Natural Habitats Regulations (S.I. 94/1997), as amended by S.I. 233/1998 and S.I. 378 of 2005. Subsequently the regulations, 1997 to 2005 were consolidated by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011) which has been transposed into Irish law.

Appropriate Assessment is contained within the 1997 Habitats Regulations which state that:

A local authority when duly considering an application for planning permission...in respect of a proposed development that is not directly connected with, or necessary to the management of, a European site but likely to have a significant effect thereon either individually or in combination with other developments, shall ensure that an appropriate assessment of the implications for the site in view of the site's conservation objectives is undertaken (Articles 27 (1)).

The relatively recent Birds and Natural Habitats Regulations (S.I 477/2011) provide an outline of the requirement for AA Screening in advance of consent for an application. Part 5, Regulation 42 (2) states that "a public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken".

Due to the close proximity of the proposed scheme to Dalkey Islands SPA (004172), South Dublin Bay SAC (00210) and the Sandymount Strand and Tolka Estuary SPA (004024), AA Screening has been undertaken. The Screening identified the likely impacts from the proposed scheme at the Baths site upon these Natura 2000 sites, either alone or in combination with other plans or projects, and considered whether these impacts are likely to be significant. The AA Screening assessment used a typical 15km “zone of influence” to determine possible effects. It was concluded in the AA Screening Statement Report which is included within Appendix A of this report, that the interim works at the Baths site will not have a significant effect on the Natura 2000 network and a Stage 2 Appropriate Assessment is not required.
1.9 CONCLUSION

In line with the criteria outlined in Part 10 and Section 7 of the Planning and Development Regulations (2001), it is concluded that the proposed interim works at the Baths site, including new walkways, extension to an existing structure to create a small promenade, extension of storm water outfall pipe and refitting of the interior of the existing buildings will not have a significant effect on the environment.

It is recognised that during the construction period for the interim works there may be minor disruption in the area surrounding the Baths site, through construction traffic and any minor noise effects from the works. The operational phase of the Baths site will have positive effects on the surrounding community and businesses in the area as it is likely that the site will attract visitors to the area.

While there is no requirement under planning law to undertake an Environmental Impact Assessment (EIA), it is proposed that an Environmental Impact Report (EIR) is carried out to ensure that any minor environmental impacts are addressed and mitigated as part of the construction and subsequent operation of the Interim Works at Dún Laoghaire Baths.
APPENDIX A

AA SCREENING REPORT
Appropriate Assessment Screening of the Proposed Interim Works at Dún Laoghaire Baths

DOCUMENT CONTROL SHEET

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Document Title: Appropriate Assessment Screening of the Proposed Interim Works at Dún Laoghaire Baths

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Rev. | Status       | Author(s)      | Reviewed By   | Approved By   | Office of Origin | Issue Date   |
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1 INTRODUCTION

1.1 BACKGROUND

This report comprises information in support of screening for an Appropriate Assessment in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act 2010; and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) for the proposed interim works at Dún Laoghaire Baths, Dún Laoghaire, Do. Dublin.

1.2 EXISTING SITUATION

The original Baths east of the East Pier in Dún Laoghaire were constructed in 1843 by John Crosthwaite and named the Royal Victoria baths. In 1896 Kingston Urban District Council purchased the baths site. The firm Alexander Fraser was engaged to build the new baths at its current location. In June 1908 it was reported that the works were nearly completed and these are largely what is in existence today. The baths were improved and extended in the 1930s, but presently the site is not in use and has run derelict.

1.3 LEGISLATIVE CONTEXT

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "The Habitats Directive", provides legal protection for habitats and species of European importance. Articles 3 to 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. These 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/ECC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Article 6(4) states:

If, in spite of a negative assessment of the implications for the [Natura 2000] 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, 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.
1.4 STAGES OF THE APPROPRIATE ASSESSMENT

Both EU and national guidance exists in relation to Member States fulfilling their requirements under the EU Habitats Directive, with particular reference to Article 6(3) and 6(4) of that Directive. The methodology followed in relation to this AA screening has had regard to the following guidance:


In complying with the obligations under Article 6(3) and following the EC2000 and MN2000 Guidelines, this AA has been structured as a stage by stage approach as follows:

1) Screening stage

- Description of the project;

- Identification of Natura 2000 sites potentially affected;

- Identification and description of individual and cumulative impacts likely to result;

- 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;

- Screening conclusion.
2 SCREENING

2.1 STUDY AREA

The Baths site is located between Newtownsmith and the East Pier on high ground that can feel exposed when the weather is windy and the seas are rough. Newtownsmith which lies to the south was transformed in the 1930s into a promenade and public park, and is used extensively for walking. This promenade fronts onto the original rock foreshore of Scotmans’s Bay, which continues towards Sandy Cove and the Forty Foot bathing place.

North of the Baths site, lies the Maritime Gardens Walkway that connects with the East Pier and is situated parallel to Queen’s Road. The Maritime Gardens Walkway is presently used as a coastal route of access to the East Pier, but in recent years it has become run down and the walkways and steps are in need of repair. The railway line passes in front of the Baths site through a tunnel that is covered over at the junction of Queen’s Road, Windsor Terrace and Park Road, which also lies directly in front of one of the two entrances to the People’s Park.

2.2 DESCRIPTION OF PROJECT

The interim works at the Baths site will provide for the retention and securing of the existing building for use as artist workspaces, a gallery café with outdoor seating and public toilet facilities, as shown in Figure 1. The proposed removal of dilapidated structures, as outlined in Figure 2 will permit the creation of a new route that will connect Newtownsmith with the East Pier and the Peoples Park. There are a number of buildings within the Bath’s site, with the main building referred to as the Baths Pavilion, being retained, while the newer outbuildings to the rear of the original main building will be demolished to provide space for the connecting walkway.

In order to ensure the long-term survival of the Baths building as a local amenity and to provide connectivity with other amenities in the area, the following works are proposed to be carried out:

- Secure the existing Dún Laoghaire Baths site;
- Demolition and removal of specific dilapidated structures;
- Renovation and re-opening of pavilion building to provide public café/gallery, toilets, terrace area and artists studios;
- Creation of a new route with associated landscaping to connect the walkway at Newtownsmith to both the East Pier and the Peoples Park;
- Enhanced facilities for swimming and improved access to the waters edge e.g. ramps, steps and renovation of the existing bandstand;
- Creation of a small jetty in line with the existing structure and the provision of a changing area;
- Upgrading of lower walkway in maritime gardens linking the new jetty with the East Pier; and
- Extension and burying of existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe.
It is proposed that the existing Baths Pavilion together with a smaller outbuilding will be retained, weathered and secured while the remaining dilapidated outbuildings to the rear and side of the Pavilion will be removed. The original baths entrance along Windsor Terrace will be restored to provide access to the studio space and café facilities. It is also proposed to create new public toilets, which will be accessed at street level. The footpath along Windsor Terrace will be upgraded and new street trees will be planted.

The removal of the dilapidated structures to the rear of the Baths Pavilion will create a new pedestrian and cycle route that will connect the Newtownsmith walkway with the East Pier. The alignment of the walkway will reflect the original rocky shoreline and sitting and viewing points will be incorporated along it. The land adjoining the walkway will be re-graded to create grassy areas that will provide continuation of the park at Newtownsmith with the Maritime Gardens leading on to the East Pier.

The new promenade will be linked by new steps to the café terrace that will be located in the Baths Pavilion. The access point to the new steps will be linked to the pedestrian crossing point on Windsor Terrace, which will provide a through route for pedestrians to the Peoples Park, the entrance for which lies in close proximity to the pedestrian crossing point.

The proposed landscaping for the interim works will have materials chosen from a palette primarily of stone, concrete and steel. Lighting will be installed along the newly constructed walkway to the rear of the Baths Pavilion and the design for the lighting will be a combination of modern and reproduction styles. In addition, the planting along the walkway will compliment the materials used for its construction.

### 2.2.1 Design & Construction Methodology

As part of the proposed interim works two aspects will be extended out into the water:

- Creation of a small promenade in line with the existing structure; and

- Extension and burying of existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe.

The following measures shall be incorporated into the design and construction methodology to ensure that the shore is protected from polluting substances (e.g. construction related sediments, fuels, concrete, etc.). All materials shall be properly stored in designated areas and away from the shore. All fuels or chemicals kept on the site shall be stored in bunded containers. All machinery shall be well-maintained and refuelling carried out within bunded enclosures or away from the beach. Where machinery is working within the immediate vicinity of the beach, oil interceptors shall be installed. Spoil and fluids need to be contained and handled according to their contaminants. All other waste material, including rubbish shall be contained in appropriate receptacles and disposed of properly. Emergency response procedures shall be in place to deal with accidental spillages should such occur. This shall include appropriate training of the crew members and a contact list of relevant statutory organisations (to include EPA and NPWS). All accidental spillages shall be contained and cleaned up immediately. Relevant organisations (EPA and NPWS) shall be consulted regarding remediation measures and these shall be carried out without delay in the event of pollution risk to the adjacent waterbody.
Figure 2  
Outline of the Dilapidated Structures to be removed
2.3 BRIEF DESCRIPTION OF THE NATURA 2000 SITES

This section of the screening process describes the Natura 2000 sites within a 15km radius of the proposed interim works. A 15km buffer zone has been chosen as a precautionary measure, to ensure that all potentially affected Natura 2000 sites are included in the screening process, which is in line with Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities produced by the Department of the Environment, Heritage and Local Government.

Table 2.1 lists the SACs and Table 2.2 lists the SPA that are within 15km of the project area, and Figure 3 shows their locations in relation to the proposed interim works.

The integrity of a Natura 2000 site (referred to in Article 6.3 of the EU Habitats Directive) is determined based on the conservation status of the Qualifying Interests of the SAC or SPA. The Qualifying Interests for each site have been obtained through a review of the Conservation Objectives available from the NPWS.

Table 2.1: SACs within 15km of the Proposed Interim Works at Dún Laoghaire Baths

<table>
<thead>
<tr>
<th>Site Code</th>
<th>Site Name</th>
<th>Qualifying Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>000199</td>
<td>Baldoyle Bay</td>
<td>Tidal mudflats and sandflats [1140]; Atlantic salt meadows [1330]; Mediterranean salt meadows [1410]; and Salicornia mud [1310].</td>
</tr>
<tr>
<td>000202</td>
<td>Howth Head</td>
<td>European Dry heath [4030]; and Vegetated sea cliffs [1230].</td>
</tr>
<tr>
<td>002193</td>
<td>Ireland's Eye</td>
<td>Perennial vegetation of stony banks [1220]; and Vegetated sea cliffs [1230].</td>
</tr>
<tr>
<td>002006</td>
<td>North Dublin Bay</td>
<td>Tidal mudflats and sandflats [1140]; Atlantic salt meadows [1330]; Mediterranean salt meadows [1410]; Salicornia mud [1310]; Marram dunes (White Dunes) [2120]; Fixed dunes (Grey Dunes) [2130]; Humid Dune Slacks [2190]; Embryonic shifting dunes [2110]; and Annual vegetation of drift lines [1210].</td>
</tr>
<tr>
<td>000210</td>
<td>South Dublin Bay</td>
<td>Tidal mudflats and sandflats [1140].</td>
</tr>
<tr>
<td>000714</td>
<td>Bray Head</td>
<td>Vegetated sea cliffs [1230]; and European dry heaths [4030].</td>
</tr>
<tr>
<td>002122</td>
<td>Wicklow Mountains</td>
<td>Blanket bog (Active) [7130]; Northern Atlantic wet heaths [4010]; Lutra lutra (Otter)</td>
</tr>
<tr>
<td>Site Code</td>
<td>Site Name</td>
<td>Qualifying Feature</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>000725</td>
<td>Knocksink Wood</td>
<td>Petrifying springs with tufa formation [7220]; and Alluvial forests [91E0].</td>
</tr>
<tr>
<td>000713</td>
<td>Ballyman Glen</td>
<td>Petrifying springs with tufa formation [7220]; and Alkaline fens [7230].</td>
</tr>
</tbody>
</table>

**Table 2.2: SPAs within 15km of the Proposed Interim Works at Dún Laoghaire Baths**

<table>
<thead>
<tr>
<th>Site Code</th>
<th>Site Name</th>
<th>Qualifying Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>004016</td>
<td>Baldoyle Bay SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Light-bellied Brent Goose, Shelduck, Ringed Plover, Golden plover, Grey Plover, Bar tailed Godwit and Wetlands &amp; Waterbirds.</td>
</tr>
<tr>
<td>004113</td>
<td>Howth Head Coast SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Kittiwake.</td>
</tr>
<tr>
<td>004117</td>
<td>Ireland's Eye SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Cormorant, Herring Gull, Kittiwake, Guilemot and Razorbill.</td>
</tr>
<tr>
<td>004006</td>
<td>North Bull Island SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull and Wetlands &amp; Waterbirds.</td>
</tr>
<tr>
<td>004024</td>
<td>South Dublin Bay and River Tolka Estuary SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern and Wetlands &amp; Waterbirds.</td>
</tr>
<tr>
<td>004172</td>
<td>Dalkey Island SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Roseate Tern, Common Tern and Arctic Tern.</td>
</tr>
<tr>
<td>004040</td>
<td>Wicklow Mountains SPA</td>
<td>To maintain the favourable conservation status of the bird species listed as Special Conservation Interests for this SPA: Merlin and Peregrine.</td>
</tr>
</tbody>
</table>
Natura 2000 Sites

Proposed Interim Works at Dun Laoghaire Baths

Figure 3

Scale: 1:160,000 @ A4

Data Source: Special Areas of Conservation (SAC) and Special Protection Areas (SPA) boundaries downloaded from the National Parks and Wildlife (NPWS) website www.npws.ie

Notes:
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2.4 ASSESSMENT CRITERIA

2.4.1 Direct, Indirect or Secondary Impacts

Table 2.1 and 2.2 list the Natura 2000 sites within 15km of the proposed works area. There are 16 sites in all, 9 SACs and 7 SPAs. None of the Natura 2000 sites lie within the boundaries of the proposed interim works area; therefore, no direct impacts will occur through landtake or fragmentation of habitats.

There are two principal activities involved in the construction phase of the proposed interim works:

1) Aspects that will be extended out into the water, which includes the creation of a small promenade in line with the existing structure, and the extension and burying of the existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe; and

2) Aspects that are based on land, which includes the demolition and removal of dilapidated structures, and the associated upgrades works on land.

Those aspects of the proposed interim works which will be on the beach or within the water have the potential for the re-suspension of solids within the water. The volume of suspended material generated by the proposed interim works is likely to be low and rapidly dispersed by the tide in Dún Laoghaire. Therefore, it is anticipated that the proposed interim works will not have a significant impacts on the South Dublin Bay SAC, North Dublin Bay SAC, Howth Head SAC, Ireland’s Eye SAC or Baldoyle Bay SAC, or the habitats and species for which they are designated.

In addition, the suspended solids will not form a ‘barrier’ to dispersal, and therefore, fish will be able to avoid affected areas and it is also unlikely to restrict the feeding activities of fish. Further, sediment re-suspension will be temporary and unlikely to have an impact on the habitat for invertebrate species. If any area is affected it will be very small compared to the available unaffected feeding areas outside the area of construction. Any bird species which may feed on fish or invertebrates are unlikely to be affected by the proposed interim works. Given the nature of the proposed interim works and its distance from the nearest SPAs (the Dalkey Islands SPA and South Dublin Bay and River Tolka Estuary SPA), it is not anticipated that the proposed interim works would result in any noise disturbance to birds. Therefore, no significant potential impacts are anticipated in relation to these SPAs from the proposed interim works.

The proposed development works will contain the necessary pollution control measures to ensure the prevention of any polluting substances from entering the water at Dún Laoghaire. In addition, the risk of spillage of hydrocarbons will be mitigated by strict site management. Therefore, it is not anticipated that the proposed interim works will impact on Dún Laoghaire or any of the Natura 2000 sites identified.

Bray Head SAC, Wicklow Mountains SAC, Knocksink Wood SAC and Ballyman Glen SAC are all at elevated locations relative to the proposed interim works, with no connecting pathways, e.g. streams or rivers, and therefore, no significant potential impacts are anticipated in relation to these SACs from the proposed interim works.

The overall objective of the proposed interim works is to ensure the long-term survival of the Baths building as a local amenity and to provide connectivity with other amenities in the area. Any disturbance to bird species as a result of the increased amenity value and usage of the area is considered extremely unlikely, and no significant potential impacts are anticipated in relation to Dalkey Islands SPA or South Dublin Bay and River Tolka Estuary SPA, or any of the SPA’s within the 15km radius of the proposed interim works.
2.4.2 Cumulative and in Combination Impacts

It is not anticipated that the proposed interim works will result in any impacts on the SPAs and SACs within the 15km boundary. No other pathway has been identified by which any plan or project could have a significant ‘in combination’ effect on any of the Natura 2000 sites.

Table 2.3 identifies the potential direct, indirect and secondary impacts of the proposed interim works at Dún Laoghaire Baths on Natura 2000 sites within a 15 km radius of the proposed interim works.
## Table 2.3: Potential Significant Impacts on Natura 2000 sites from the Proposed Interim Works at Dún Laoghaire Baths

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Direct Impacts</th>
<th>Indirect/Secondary</th>
<th>Resource Requirements (Drinking Water Abstraction Etc.)</th>
<th>Emissions (Disposal to Land, Water or Air)</th>
<th>Excavation Requirements</th>
<th>Transportation Requirements</th>
<th>Duration of Construction, Operation, Decommissioning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldoyle Bay SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>Howth Head SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>Ireland's Eye SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>North Dublin Bay SAC</td>
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<td>No impact on qualifying habitat or species</td>
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<td>No impact on qualifying habitat or species</td>
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<td>No impact on qualifying habitat or species</td>
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</tr>
<tr>
<td>South Dublin Bay SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>Bray Head SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>Wicklow Mountains SAC</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
<td>No impact on qualifying habitat or species</td>
</tr>
<tr>
<td>Knocksink Wood SAC</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
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</tr>
<tr>
<td>Ballyman Glen SAC</td>
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<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
</tr>
<tr>
<td>Baldoyle Bay SPA</td>
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<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying habitat</td>
<td>No impact on qualifying species</td>
</tr>
<tr>
<td>Site Name</td>
<td>Direct Impacts</td>
<td>Indirect/ Secondary</td>
<td>Resource Requirements (Drinking Water Abstraction Etc.)</td>
<td>Emissions (Disposal to Land, Water or Air)</td>
<td>Excavation Requirements</td>
<td>Transportation Requirements</td>
<td>Duration of Construction, Operation, Decommissioning</td>
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</tr>
<tr>
<td>Howth Head Coast SPA</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
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<td>No impact on qualifying species</td>
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<tr>
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<td>No impact on qualifying species</td>
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<tr>
<td>North Bull Island SPA</td>
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<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
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<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
</tr>
<tr>
<td>South Dublin Bay and River Tolka Estuary SPA</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
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<tr>
<td>Dalkey Island SPA</td>
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<td>No impact on qualifying species</td>
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<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
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<tr>
<td>Wicklow Mountains SPA</td>
<td>No impact on qualifying species</td>
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<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
<td>No impact on qualifying species</td>
</tr>
</tbody>
</table>
2.4.3 Likely Changes to the Natura 2000 Site(s)

The likely changes that will arise from the interim works at Dún Laoghaire Baths have been examined in the context of a number of factors that could potentially affect the integrity of the identified Natura 2000 sites. Overall, it has been found that the implementation of the proposed interim works will not affect the integrity of the identified Natura 2000 sites.

Table 2.4: Likely Affect on Natura 2000 Sites

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Reduction of Habitat Area</th>
<th>Disturbance to Key Species</th>
<th>Habitat or Species Fragmentation</th>
<th>Reduction in Species Density</th>
<th>Changes in Key Indicators of Conservation Value (Water Quality Etc.)</th>
<th>Climate Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldoyle Bay SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Howth Head SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Ireland's Eye SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>North Dublin Bay SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>South Dublin Bay SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Bray Head SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Wicklow Mountains SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Knocksink Wood SAC</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Ballyman Glen SAC</td>
<td>None</td>
<td>None</td>
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<td>None</td>
</tr>
<tr>
<td>Baldoyle Bay SPA</td>
<td>None</td>
<td>None</td>
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<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Howth Head Coast SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Ireland's Eye SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>North Bull Island SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>South Dublin Bay and River Tolka Estuary SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Dalkey Island SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Wicklow Mountains SPA</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>
2.4.4 Elements of the Project where the Impacts are Likely to be Significant

No elements of the proposed interim works at Dun Laoghaire Baths are likely to cause significant impacts on Natura 2000 sites.
3 SCREENING CONCLUSIONS AND STATEMENT

The likely impacts that will arise from the proposed interim works at Dún Laoghaire Baths have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 network. None of the sites within 15km of the development area will be adversely affected. A finding of No Significant Effects Matrix has been completed and is presented in Section 4 of this Screening Statement.

On the basis of the findings of this Screening for Appropriate Assessment of Natura 2000 Sites, it is concluded that the interim works at Dún Laoghaire Baths will not have a significant effect on the Natura 2000 network and a Stage 2 Appropriate Assessment is not required.
4 FINDING OF NO SIGNIFICANT EFFECTS REPORT MATRIX

<table>
<thead>
<tr>
<th>Name of project or plan</th>
<th>Proposed Development at Bioniche Pharma</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and location of Natura 2000 site</td>
<td>Baldoyle Bay SAC; Howth Head SAC; Ireland's Eye SAC; North Dublin Bay SAC; South Dublin Bay SAC; Bray Head SAC; Wicklow Mountains SAC; Knocksink Wood SAC; Ballyman Glen SAC; Baldoyle Bay SPA; Howth Head Coast SPA; Ireland's Eye SPA; North Bull Island SPA; South Dublin Bay and River Tolka Estuary SPA; Dalkey Islands SPA; and Wicklow Mountains SPA.</td>
</tr>
</tbody>
</table>

Description of the project or plan

The interim works at the Baths site will provide for the retention and securing of the existing building for use as artist workspaces, a gallery café with outdoor seating and public toilet facilities, as shown in Figure 1. The proposed removal of dilapidated structures, as outlined in Figure 2 will permit the creation of a new route that will connect Newtownsmith with the East Pier and the Peoples Park. There are a number of buildings within the Bath’s site, with the main building referred to as the Baths Pavilion, being retained, while the newer outbuildings to the rear of the original main building will be demolished to provide space for the connecting walkway.

In order to ensure the long-term survival of the baths building as a local amenity and to provide connectivity with other amenities in the area, the following works are proposed to be carried out:

- Secure the existing Dún Laoghaire Baths site;
- Demolition and removal of specific dilapidated structures;
- Renovation and re-opening of pavilion building to provide public café/gallery, toilets, terrace area and artists studios;
- Creation of a new route with associated landscaping to connect the walkway at Newtownsmith to both the East Pier and the Peoples Park;
- Enhanced facilities for swimming and improved access to the waters edge e.g. ramps, steps and
renovation of the existing bandstand;
• Creation of a small jetty in line with the existing structure and the provision of a changing area;
• Upgrading of lower walkway in maritime gardens linking the new jetty with the East Pier; and
• Extension and burying of existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe.

It is proposed that the existing Baths Pavilion together with a smaller outbuilding will be retained, weathered and secured while the remaining dilapidated outbuildings to the rear and side of the Pavilion will be removed. The original baths entrance along Windsor Terrace will be restored to provide access to the studio space and café facilities. It is also proposed to create new public toilets, which will be accessed at street level. The footpath along Windsor Terrace will be upgraded and new street trees will be planted.

The removal of the dilapidated structures to the rear of the Baths Pavilion will create a new pedestrian and cycle route that will connect the Newtownsmith walkway with the East Pier. The alignment of the walkway will reflect the original rocky shoreline and sitting and viewing points will be incorporated along it. The land adjoining the walkway will be re-graded to create grassy areas that will provide continuation of the park at Newtownsmith with the Maritime Gardens leading on to the East Pier.

The new promenade will be linked by new steps to the café terrace that will be located in the Baths Pavilion. The access point to the new steps will be linked to the pedestrian crossing point on Windsor Terrace, which will provide a through route for pedestrians to the Peoples Park, the entrance for which lies in close proximity to the pedestrian crossing point.

The proposed landscaping for the interim works will have materials chosen from a palette primarily of stone, concrete and steel. Lighting will be installed along the newly constructed walkway to the rear of the Baths Pavilion and the design for the lighting will be a combination of modern and reproduction styles. In addition, the planting along the walkway will compliment the materials used for its construction.

| Is the project or plan directly connected with or necessary to the management of the site? | No |
| Are there other projects or plans that together with the project or plan being assessed could affect the site? | No. |

**The Assessment of Significance of Effects**

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.

The proposed interim works at Dún Laoghaire Baths is not likely to affect any site that makes up the Natura 2000 network.
Explain why these effects are not considered significant.

None of the Natura 2000 sites lie within the boundaries of the proposed interim works area; therefore, no direct impacts will occur through landtake or fragmentation of habitats.

There are two principal activities involved in the construction phase of the proposed interim works:

1) Aspects that will be extended out into the water, which includes the creation of a small promenade in line with the existing structure, and the extension and burying of the existing stormwater outlet pipe, 50m in order for it to be located beyond the low water mark. A new wall and viewing area will be built over the outfall pipe; and

2) Aspects that are based on land, which includes the demolition and removal of dilapidated structures, and the associated upgrades works on land.

Those aspects of the proposed interim works which will be on the beach or within the water have the potential for the re-suspension of solids within the water. The volume of suspended material generated by the proposed interim works is likely to be low and rapidly dispersed by the tide in Dún Laoghaire. Therefore, it is anticipated that the proposed interim works will not have a significant impacts on the South Dublin Bay SAC, North Dublin Bay SAC, Howth Head SAC, Ireland’s Eye SAC or Ballydine Bay SAC, or the habitats and species for which they are designated.

In addition, the suspended solids will not form a ‘barrier’ to dispersal, and therefore, fish will be able to avoid affected areas and it is also unlikely to restrict the feeding activities of fish. Further, sediment re-suspension will be temporary and unlikely to have an impact on the habitat for invertebrate species. If any area is affected it will be very small compared to the available unaffected feeding areas outside the area of construction. Any bird species which may feed on fish or invertebrates are unlikely to be affected by the proposed interim works. Given the nature of the proposed interim works and its distance from the nearest SPAs (the Dalkey Islands SPA and South Dublin Bat and River Tolka Estuaries SPA), it is not anticipated that the proposed interim works would result in any noise disturbance to birds. Therefore, no significant potential impacts are anticipated in relation to these SPAs from the proposed interim works.

The proposed development works will contain the necessary pollution control measures to ensure the prevention of any polluting substances from entering the water at Dún Laoghaire. In addition, the risk of spillage of hydrocarbons will be mitigated by strict site management. Therefore, it is not anticipated that the proposed interim works will impact on Dún Laoghaire or any of the Natura 2000 sites identified.

Bray Head SAC, Wicklow Mountains SAC, Knocksker Wood SAC and Ballyman Glen SAC are all at elevated locations relative to the proposed interim works, with no connecting pathways, e.g. streams or rivers, and therefore, no significant potential impacts are anticipated in relation to these SACs from the proposed interim works.

The overall objective of the proposed interim works is to
ensure the long-term survival of the Baths building as a local amenity and to provide connectivity with other amenities in the area. Any disturbance to bird species as a result of the increased amenity value and usage of the area is considered extremely unlikely, and no significant potential impacts are anticipated in relation to Dalkey Islands SPA or South Dublin Bay and River Tolka Estuary SPA, or any of the SPA’s within the 15km radius of the proposed interim works.

| List of agencies consulted: provide contact name and telephone or e-mail address. | - |
| Response to consultation. | - |

### Data Collected to Carry Out the Assessment

| Who carried out the assessment? | RPS |
| Sources of data | NPWS database  
Information from RPS. |
| Level of assessment completed | Desktop |
| Where can the full results of the assessment be accessed and viewed? | Dún Laoghaire Rathdown County Council |
| Overall Conclusion | Stage 1 Screening indicates that the proposed interim works at Dún Laoghaire Baths will not have a significant negative impact on the Natura 2000 network. Therefore, a Stage 2 'Appropriate Assessment' under Article 6(3) of the Habitats Directive 92/43/EEC is not required. |