

Appropriate Assessment Screening Report

PRESENTED TO

Sonas

Proposed Refuge Development at Kilcross, Sandyford, Co. Dublin

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1 INTRODUCTION

1.1 Background

Enviroguide Consulting was commissioned by Sonas to prepare an Appropriate Assessment Screening Report for a proposed refuge development on lands at Kilcross, Sandyford, Co. Dublin, hereafter referred to as 'Proposed Development' or 'Site', when referring to the application area. This report contains information to enable the Competent Authority to undertake Stage 1 Appropriate Assessment (AA) screening in respect of the Proposed Development.

1.2 Quality Assurance and Competence

Enviroguide Consulting is a multi-disciplinary consultancy specialising in the areas of the Environment, Waste Management and Planning. All Enviroguide consultants carry scientific or engineering qualifications and have a wealth of experience working within the Environmental Consultancy sectors, having undergone extensive training and continued professional development.

Enviroguide Consulting as a company remains fully briefed in European and Irish environmental policy and legislation. Enviroguide staff members are highly qualified in their field. Professional memberships include the Chartered Institution of Wastes Management (CIWM), the Irish Environmental Law Association and Chartered Institute of Ecology and Environmental Management (CIEEM).

All surveying and reporting have been carried out by qualified and experienced ecologists and environmental consultants. BT, Ecologist with Enviroguide, undertook the Site walkover and desktop research for this report.

BT has a B.Sc. in Environmental Biology (Hons) and a PhD in Marine Ecology from University College Dublin, and a wealth of experience in desktop research, literature scoping-review and report writing as well as practical field experience (Habitat surveys, intertidal surveys, winter bird surveys, bat surveys, vantage point surveys and non volant mammal surveys). Bryan has experience in compiling Biodiversity Chapters of Environmental Impact Assessment Reports (EIARs), AA screening and Natura Impact Statement (NIS) reports, and in the overall assessment of potential impacts to ecological receptors from a range of developments.

1.3 Description of Proposed Development

1.3.1 Site Location

The Site is located within the Kilcross Estate, Sandyford, Co. Dublin (Figure 1). The Site is located on within the existing residential area of Kilcross Estate (Figure 2) and is accessed via the R117 road which links the Site to Dundrum to the north and Sandyford village to the south. The surrounding lands are mainly composed of residential and retail developments. The M50 motorway is located approximately 50m north of the Site. Fitzsimons Wood pNHA (001753) is located approximately 150m south west of the Site and is accessible via the Kilcross Estate.

1.3.2 Proposed Development Description

The Proposed Development will consist of a 12 apartment (six one bed and six two bed) refuge complex for victims of domestic violence (Figure 3 and Figure 4). Each apartment will consist of a kitchen/dining area, bathroom, shower room, storage cupboards, balconies and external garden space. The Proposed Development will also provide common space for meeting rooms, staff offices and areas for initial counselling and necessary medical attention for both clients and staff on duty.

1.3.2.1 Construction Phase (12 months)

The construction works will involve stripping of existing topsoil at the Site, excavations for foundation and traditional construction techniques.

All construction works will occur in a single phase which is estimated to take 12 months to complete. During the general excavation of the foundations there will be additional heavy goods vehicle (HGV) movements to and from the Site. All suitable material will be used for construction and fill activities where possible and appropriate. It is understood that a tower crane will be erected to hoist materials on Site in the construction of the Proposed Development. Two excavators and four dumper trucks will be required on Site. Several mitigation measures for noise, dust, litter and other environmental nuisances associated with the Construction Phase are outlined in the Construction and Environmental Management Plan (CEMP).

No public personnel, be it pedestrian or vehicular, will be permitted to enter the Site. Appropriate signage will be positioned at approach roads to the Site area so as to inform the public of the Site activities.

For the duration of the proposed infrastructure works it is envisaged that the maximum working hours shall be 08:00 to 18:00 Monday to Saturday (excluding bank holidays), subject to the restrictions imposed by the local authorities. No working will be allowed on Sundays and Public Holidays unless express permission is obtained from the Local Authority.

1.3.2.2 Operational Phase (indefinite)

It's expected that the refuge will provide employment for 6-10 permanent staff and provide accommodation for 30-35 residents of this facility during the Operational Phase. The facility will be open 24 hours a day, seven days per week with limited emergency services available at night.

1.3.3 Drainage and Water Supply

1.3.3.1 Surface water

The ground conditions at the Site are poor and therefore, an attenuated system is considered most appropriate for this Site. Surface water from the Site will drain into an attenuation tank beneath courtyard at the centre of the Site (Figure 5). The surface water will discharge through a 225mm drain via hydrobrake before joining the existing surface water system of the Kilcross estate to the north west of the Site (Figure 5). A petrol and silt interceptor will be included in the proposed surface water system prior to discharge to the existing network (per comms with Dara Magee of AOCA, 07/02/2024). The existing surface water network discharges into the Slang Stream (EPA Code:09S04) to the west of the Site before ultimately flowing into Grand Canal

Dock and Dublin Bay (per comms Mr. Jonathan Grant, Senior Executive Technician within Dun Laoghaire - Rathdown, 06/09/2023).

1.3.3.1.1 Sustainable Drainage Systems (SuDS) measures incorporated into the surface water design

Permeable Paving: Permeable paving will form part of the project design to facilitate direct surface water drainage to ground and reduce the volume of surface water which will be directed towards the existing network.

Green roof: Approximately 410m² of intensive green roofing will be provided on site. Green roofs help reduce pressure on the stormwater network by retaining rainfall and releasing it over a longer period of time. They also provide biodiversity benefits to for birds and pollinators.

1.3.3.2 Foul Drainage

Foul drainage at the Site drains via a 225mm foul sewer before joining the existing foul network within Kilcross estate to the north west of the Site (Figure 5). The foul network ultimately terminates at Ringsend Wastewater Treatment Plant (WwTP).

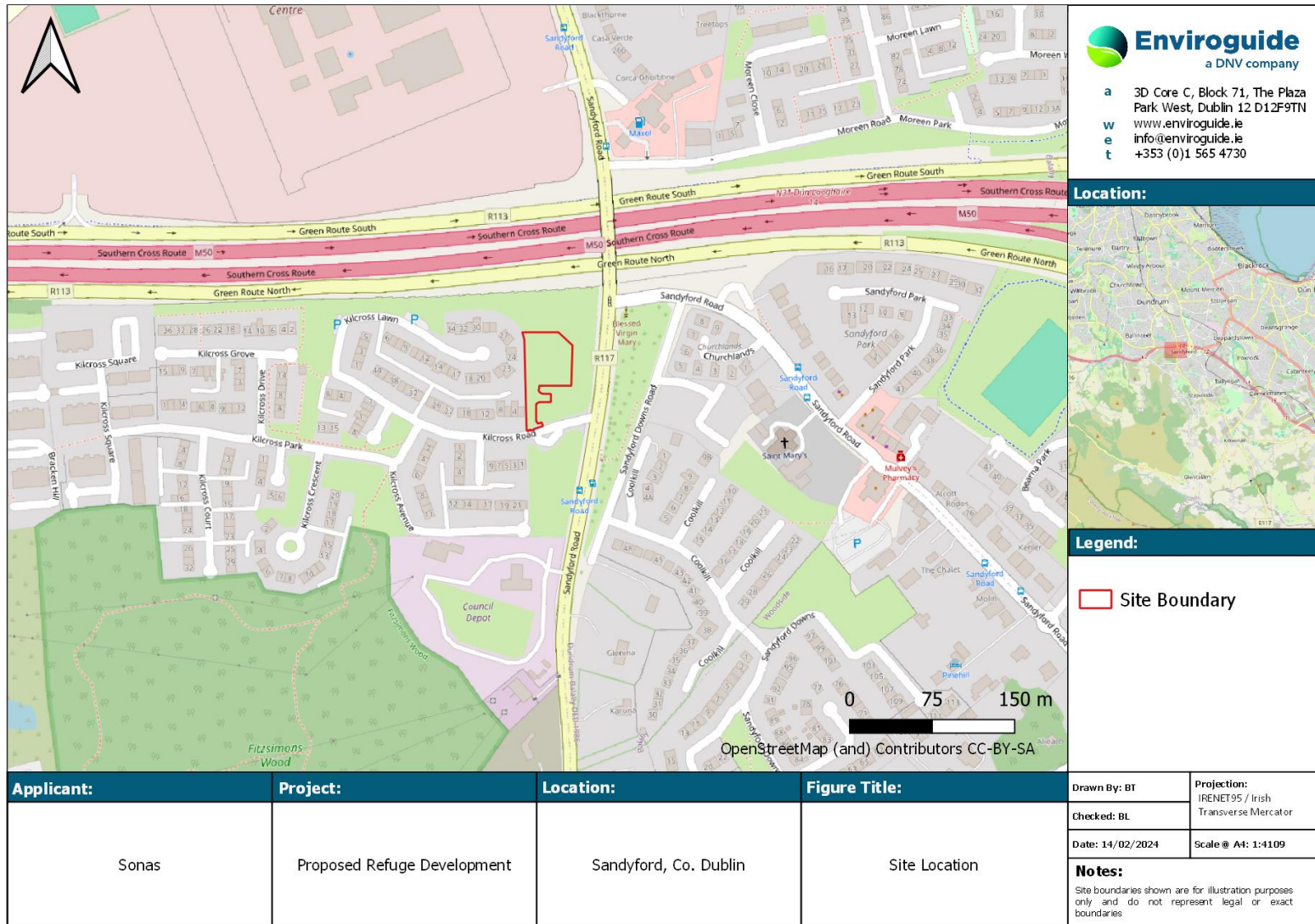


FIGURE 1. SITE LOCATION.

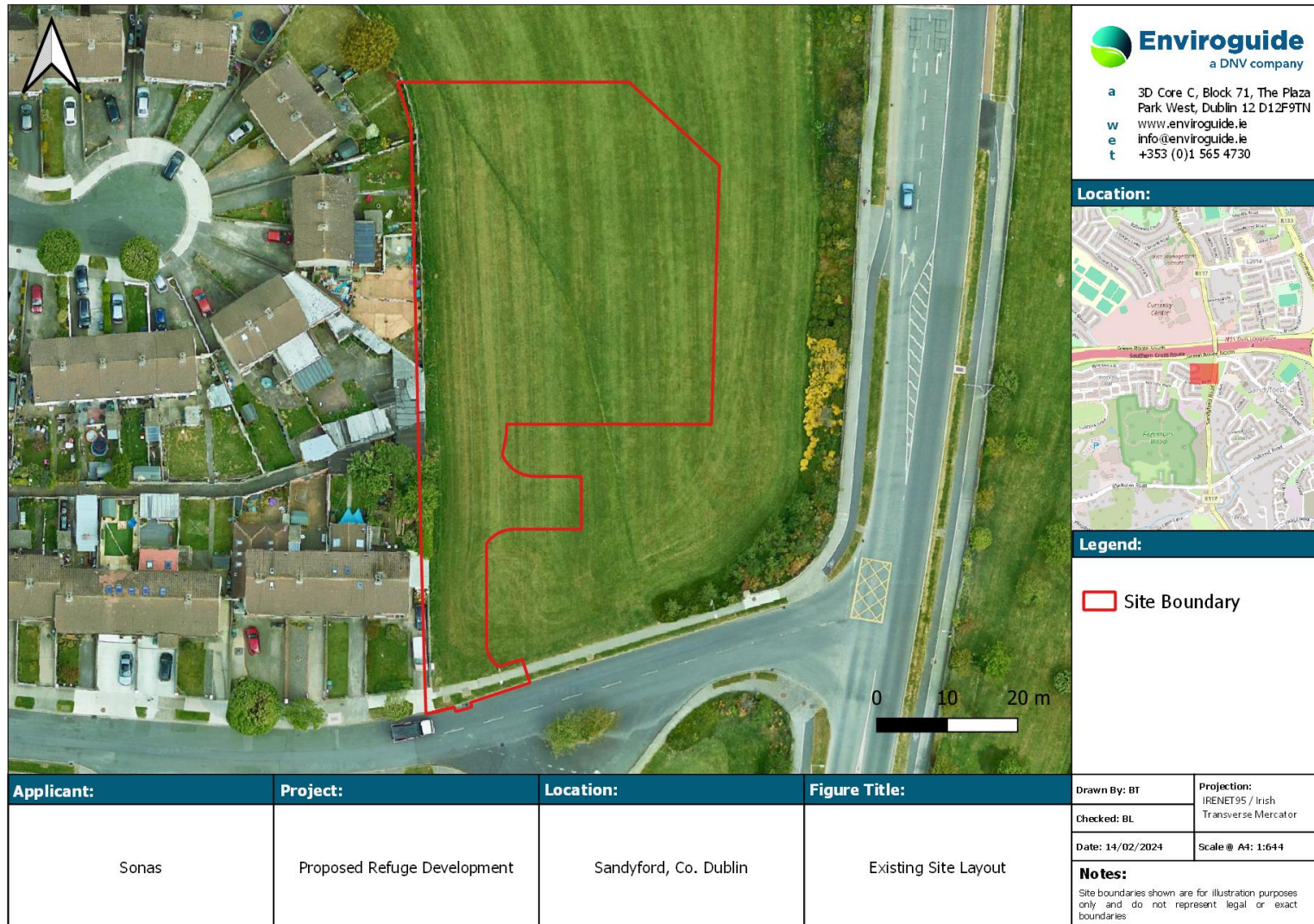


FIGURE 2. EXISTING SITE LAYOUT.

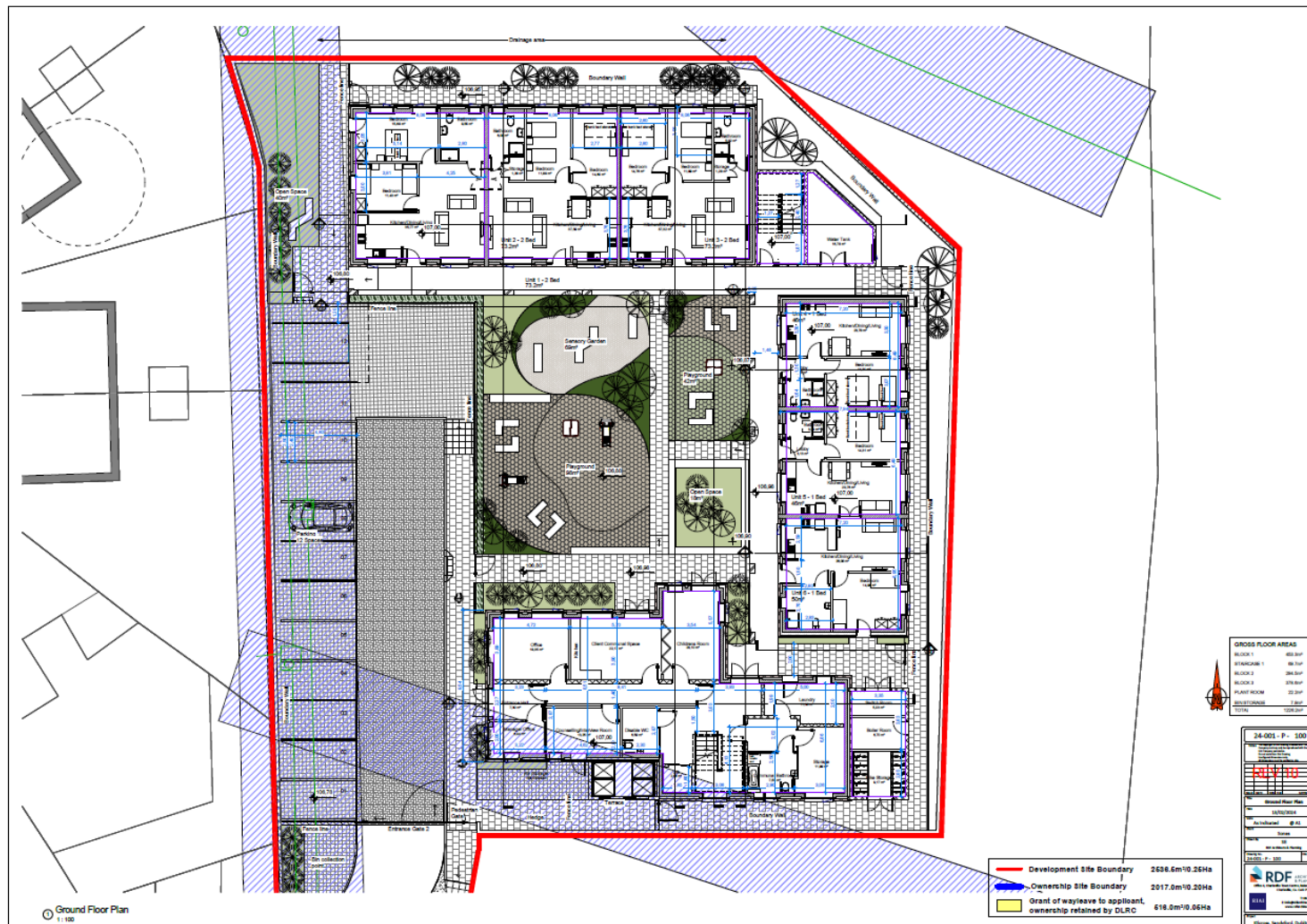


FIGURE 3. PROPOSED SITE LAYOUT (RDF ARCHITECTURE DRG No: 24-001-P-010).

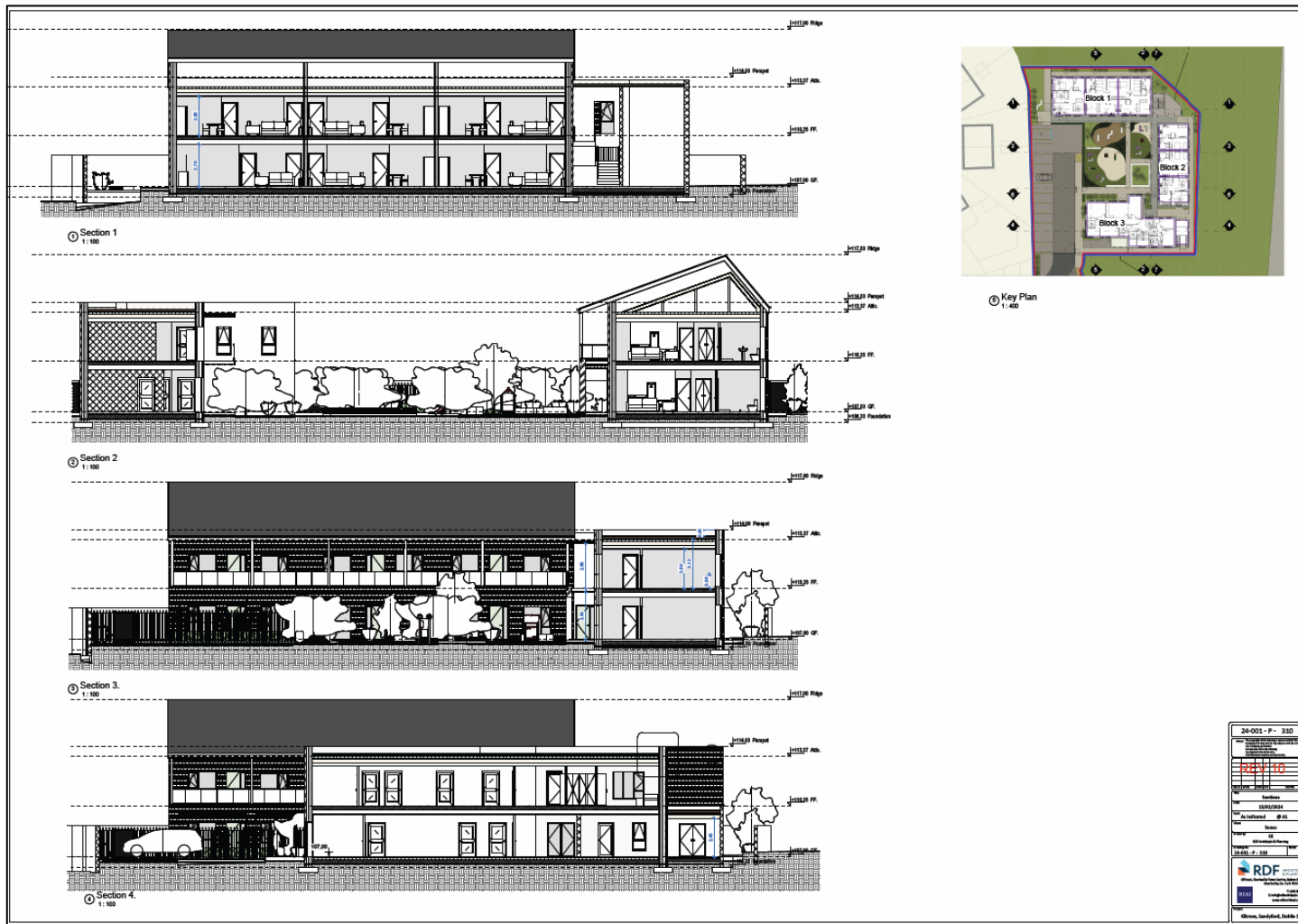


FIGURE 4: SECTIONS AND ELEVATIONS (RDF ARCHITECTURE DRG No: 24-001-P-310).

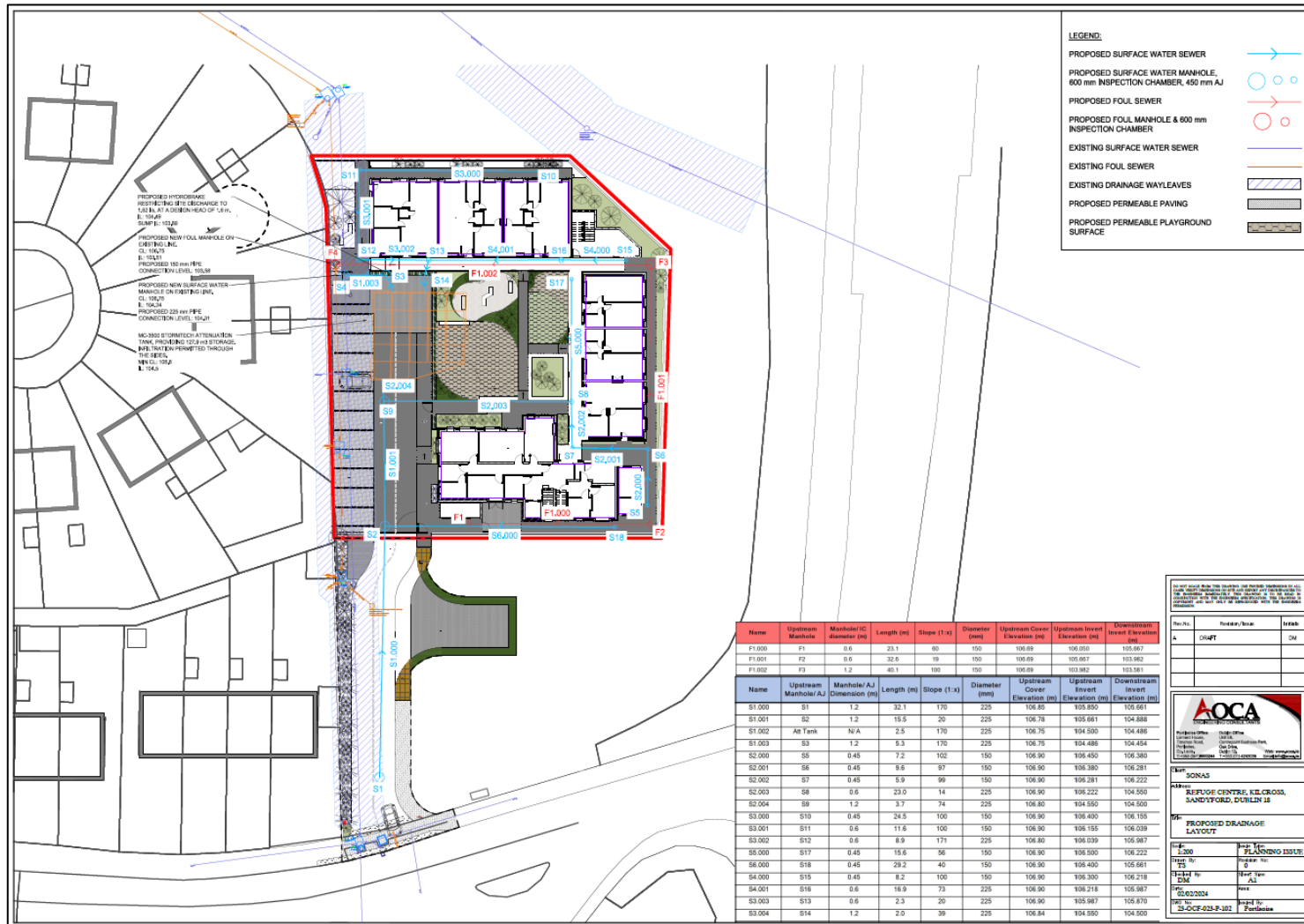


FIGURE 5. EXISTING AND PROPOSED DRAINAGE NETWORK AT THE SITE (AOCA DRG No. 23-OCF-023-P-102).

2 LEGISLATIVE AND POLICY CONTEXT

2.1 Legislative Background

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs). The Habitats Directive has been transposed into Irish law through the EC (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011).

It is the responsibility of each Member State to designate SPAs and SACs, both of which will form part of the Natura 2000 Network, a network of protected sites throughout the European Community. These designated sites are referred to as “Natura 2000 sites” or “European sites”. SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the sites; from these the conservation objectives of the site are derived.

An AA is a required assessment to determine the likelihood of significant effects, based on best scientific knowledge, of any plans or projects on European sites. A screening for AA determines whether a plan or project, either alone or in combination with other plans and projects, is likely to have significant effects on a European site, in view of its conservation objectives.

This AA Screening has been undertaken to determine the potential for significant effects on relevant European sites. The purpose of this assessment is to determine, the appropriateness, or otherwise, of the Proposed Development in the context of the conservation objectives of such sites.

2.1.1 Legislative Context

The obligations in relation to Appropriate Assessment have been implemented in Ireland under Part XAB of the Planning and Development Act 2000, as amended (“the 2000 Act”), and in particular Section 177U and Section 177V thereof. The relevant provisions of Section 177U in relation to AA screening have been set out below:

“177U.— (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2)...

(3)...

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

(5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.”

An Appropriate Assessment is required under Article 6 of the Habitats Directive where a project or plan may give rise to significant effects upon a European site. Paragraph 3 states that:

“6(3) 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.”

2.1.2 Recent ruling relating to Sustainable Urban Drainage Systems (SUDS) as embedded mitigation

According to the ruling delivered in open court in Luxembourg on the 15th of June 2023 (Eco Advocacy CLG v An Bord Pleanála 2023) regarding the interpretation of Article 6(3) of Directive 92/43, the Article must be interpreted as meaning that:

“In order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project for a site, account may be taken of the features of that plan or project which involve the removal of contaminants and which therefore may have the effect of reducing the harmful effects of the plan or project on that site, where those features have been incorporated into that plan or project as standard features, inherent in such a plan or project, irrespective of any effect on the site”.

As such, standardised embedded mitigation (such as the use of SUDS in large-scale residential developments), that are incorporated into the design of a proposal or project and which may result in a reduction of effects impacting European sites, but where the primary reason of the embedded mitigation is **not** to protect a European site, are permitted for consideration during the undertaking of AA.

2.2 Policy Context

2.2.1 Dún Laoghaire-Rathdown County Development Plan¹

Policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028 that are of relevance to this Screening Report are outlined below:

- **GIB11: Coastal Area Feasibility Study** It is a Policy Objective to explore undertaking a comprehensive feasibility study on the recreational potential along the coastal area of the County, which comprehensively addresses recreational impact - including visitor numbers, mapping and surveying of sensitive habitats and species and identification of significant threats on European sites - and which would allow an assessment of any future proposals, alone or in combination, to assess impact on the coastal and marine zone within and adjacent to the County boundary. The Council will explore the possibility of carrying out this study with adjoining and/or coastal Local Authorities and/or other agencies.
- **GIB18: Protection of Natural Heritage and the Environment** It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.
- **GIB19:** It is a Policy Objective to ensure the protection of natural heritage and biodiversity, including European Sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines.
- **GIB21:** It is a Policy Objective to protect and preserve areas designated as proposed Natural Heritage Areas, Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.
- **GIB22:** It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/ avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological

¹ Dún Laoghaire-Rathdown County Development Plan 2022-2028. Available at: https://www.dlrcoco.ie/sites/default/files/atoms/files/written_statement.pdf [Accessed August 2023]

Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).

- **GIB23:** It is a Policy Objective to protect the Ecological Network which will be integrated into the updated Green Infrastructure Strategy and will align with the DLR County Biodiversity Action Plan. Creating this network throughout the County will also improve the ecological coherence of the Natura 2000 network in accordance with Article 10 of the Habitats Directive. The network will also include non-designated sites.
- **GIB25:** It is a Policy Objective to retain and protect hedgerows in the County from development, which would impact adversely upon them. In addition, the Council will promote the protection of existing site boundary hedgerows and where feasible require the retention of these when considering a grant of planning permission for all developments. The Council will promote the County's hedgerows by increasing coverage, where possible, using locally native species and to develop an appropriate code of practice for road hedgerow maintenance. The Council will promote the protection of existing hedgerows when considering a grant of planning permission for all developments.
- **GIB28:** It is a Policy Objective to prepare an 'Invasive Alien Species Action Plan' for the County which will include actions in relation to Invasive Alien Species (IAS) surveys, management and treatment and to also ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are or were previously present, the applicants will be required to submit a control and management program for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011).

2.2.2 Dún Laoghaire-Rathdown Biodiversity Action Plan

Dún Laoghaire-Rathdown Biodiversity Action Plan (BAP) is set out to protect and improve biodiversity, following five main themes:

1. Biodiversity research including climate change adaption and mitigation;
2. Building for Biodiversity;
3. Delivery of the Ecological Network across the Dún Laoghaire-Rathdown;
4. Raising awareness among the public, local communities, and council staff; and,
5. Increased collaboration with stakeholders.

2.3 Stages of Appropriate Assessment

This AA Screening Report (the 'Screening Report') has been prepared by Enviroguide Consulting. It considers whether the Proposed Development is likely to have a significant effect on a European site and whether a Stage 2 AA is required.

The AA process is a four-stage process. Each stage requires different considerations, assessments and tests to ultimately arrive at the relevant conclusion for each stage.

An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

The four stages of an AA, can be summarised as follows:

- **Stage 1: Screening.** The Screening for AA considers whether a plan or project is directly connected to or necessary for the management of a European site, or whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a European site in view of its conservation objectives.
- **Stage 2: Natura Impact Statement (NIS).** Where Stage 1 determines that significant effects are likely, uncertain or unknown, the preparation of a NIS is required. The NIS must include a scientific examination of evidence and data to classify potential impacts on any European site(s) in view of their conservation objectives in the absence of mitigation. The NIS will identify appropriate mitigation to remove the potential for likely significant adverse effects on any European site(s). If the competent authority determines that the plan or project would have an adverse effect on the integrity of any European site(s) despite mitigation, it can only grant consent after proceeding through stages 3 and 4.
- **Stage 3: Assessment of alternative solutions.** If the outcome of Stage 2 is negative i.e., adverse impacts to the sites cannot be scientifically ruled out, despite mitigation, the plan or project should proceed to Stage 3 or be abandoned. This stage examines alternative solutions to the proposal.
- **Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.** The final stage is the main derogation process examining whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project to adversely affect a European site, where no less damaging solution exists.

The Habitats Directive promotes a hierarchy of avoidance, mitigation, and compensatory measures. First the project should aim to avoid any negative effects on European sites by identifying possible effects early in the planning stage and designing the project to avoid such effects. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If the project is still likely to result in adverse effects, and no further practicable mitigation is possible, a refusal for planning permission may be recommended. In this case, the project will generally only be considered where no alternative solutions are identified and the project is required for IROPI, or, in the case of priority habitats, considerations of health or safety, or beneficial consequences of primary importance for the environment or to other IROPI. Then compensation measures are required for any remaining adverse effects.

3 AA SCREENING METHODOLOGY

3.1 Guidance

This Screening Report has been undertaken in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision);
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities.* Circular NPW 1/10 & PSSP 2/10;
- *Communication from the Commission on the precautionary principle* (European Commission, 2000);
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019);
- *Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC* Brussels, 28.9.2021 C (European Commission, 2021); and
- *Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March 2021.*

3.2 Screening Steps

Screening for AA involves the following steps:

- Establish whether the plan or project is directly connected with or necessary for the management of a European site;
- Description of the baseline existing environment at the Site of the Proposed Development;
- Identification of relevant European site(s) potentially affected;
- Identification and description of potential effects on the relevant European site(s);
- Assessment of the likely significance of the effects identified on the relevant European site(s);
- Description and characterisation of other projects or plans that in combination with the Proposed Development have the potential for having significant effects on the European site; and
- Exclusion of sites where it can be objectively concluded that there will be no significant effects.

It should be noted that any mitigation measures and/or measures intended or included for the purposes of avoiding adverse effects arising as a result of the Proposed

Development on any European site **have not been considered** as part of this Screening Report. This includes best practice measures and development requirements, such as SUDS, where they act to prevent significant impacts on a European site.

3.3 Desk Study

A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of this Screening Report. The desktop study relied on the following sources:

- Information on the network of European Sites, boundaries, QIs and conservation objectives, obtained from the National Parks and Wildlife Service (NPWS) at www.npws.ie;
- Text summaries of the relevant European sites taken from the respective Standard Data Forms and Site Synopses available at www.npws.ie;
- Information on waterbodies, catchment areas and hydrological connections obtained from the Environmental Protection Agency (EPA) at www.gis.epa.ie;
- Information on bedrock, groundwater, aquifers and their statuses, obtained from Geological Survey Ireland (GSI) at www.gsi.ie;
- Satellite imagery and mapping obtained from various sources and dates including Google, Digital Globe, Bing and Ordnance Survey Ireland; and
- Information on the existence of permitted developments, or developments awaiting decision, in the vicinity of the Proposed Development from the Dún Laoghaire-Rathdown County Council online planning database (<https://www.dlrcoco.ie/planning-applications/planning-applications-online-search>) and the National Planning Database (DHLGH, 2023).

For a complete list of the documents consulted as part of this assessment, see *Section 6 References*.

3.4 Field surveys

An ecological walkover was conducted at the Site on the 26th of April 2023. During the walkover, the habitats and corresponding flora were classified according to Fossitt (2000). Invasive plant species, if present, were identified and mapped. Evidence of mammal activity at the Site (trails, droppings and burrows) were assessed and a bird scoping survey was conducted. The Site was also assessed for its potential to support roosting bats (Table 1).

For full details on the methods and results of the fields surveys listed, please refer to the Preliminary Ecological Appraisal (PEA) accompanying this application under separate cover. Results relevant to this Screening Report have been summarised in section 4.1.2.

TABLE 1. FIELD SURVEYS UNDERTAKEN AT THE PROPOSED DEVELOPMENT SITE.

| Survey | Surveyor | Dates |
|---|-----------------------------|-----------------------------|
| Site Walkover (Habitat mapping, invasive species, common bird, potential bat roost assessment and non volant mammal survey) | Enviroguide Consulting (BT) | 26 th April 2023 |

3.5 Identification of Relevant European sites

The Zone of Influence (ZOI) for a project is the area over which ecological features may be affected by changes as a result of a development and associated activities. This is likely to extend beyond the development site, for example where there are ecological or hydrological links beyond the site boundaries (CIEEM, 2018). Furthermore, ZOI in relation to European sites is described as follows in the ‘OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management’ (OPR, 2021):

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

Thus, to identify the European sites that potentially lie within the ZOI of the Proposed Development, a Source-Path-Receptor (S-P-R) method was adopted, as described in OPR PN01 (OPR 2021). This note was published to provide guidance on screening for AA during the planning process, and although it focuses on the approach a planning authority should take in screening for AA, the methodology is also readily applied in the preparation of Screening Reports such as this.

The relevant European sites were identified based on the following:

- Identification of potential sources of effects based on the Proposed Development description and details, including changes to potentially suitable ex-situ habitats at the Site (i.e., habitats utilised by Species of Conservational Importance (SCI) bird species outside of their designated SPAs);
- Use of up-to-date GIS spatial datasets for European designated sites and water catchments – downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) to identify European sites which could potentially be affected by the Proposed Development; and
- Identification of potential pathways between the Site of the Proposed Development and any European sites within the ZOI of any of the identified sources of effects.

- The catchment data were used to establish or discount potential hydrological connectivity between the Proposed Development and any European sites.
- Groundwater and bedrock information used to establish or discount potential hydrogeological connectivity between the Proposed Development and any European sites.
- Air and land connectivity assessed based on Proposed Development details and proximity to European sites.
- Consideration of potential indirect pathways, e.g., impacts to flight paths, *ex-situ* habitats, etc.

3.6 Assessment of Significant Effects

The conservation objectives of the European sites identified to lie within the ZOI were reviewed and assessed in order to establish whether the construction and operation of the Proposed Development has the potential to have a negative impact on any of the QIs and/or conservation objectives listed for the site.

The assessment framework is taken from the best practice guidelines issued by the European Commission, i.e., “*Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*”.

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

In addition, information pertaining to the conservation objectives of the European sites, the ecology of the designated habitats and species and known or perceived sensitivities of the habitats and species were considered.

3.7 Limitations

No limitations were encountered which would prevent robust conclusions being drawn as to the potential impacts of the Proposed Development on the relevant European sites.

4 STAGE 1 SCREENING ASSESSMENT

4.1 Existing Environment

4.1.1 Desk Study Results

4.1.1.1 Hydrology, Geology and Hydrogeology

The Site is located in the Liffey and Dublin Bay Catchment (Catchment I.D 09) and in the Dodder_SC_010 Sub-catchment (Sub-catchment I.D.09_16) (EPA, 2023).

The Carrickmines Stream (EPA Code: 10C04) is located approximately 254m to the southeast of the Site and flows south easterly direction for 7.7km before joining the Shanganagh river (EPA Code: 10S01) which discharges into the Southwestern Irish Sea-Killiney Bay (HA10) coastal waterbody at Killiney beach. Approximately 873m to the west of the Site, the Slang 1st order stream (EPA Code:09S04) flows in a northerly direction for 5km before joining the River Dodder (EPA Code: 09D01) which flows north for 4.8km before discharging into the Lower River Liffey Estuary (IE_EA_090_0300) at Grand Canal Dock before ultimately discharging into Dublin Bay (IE_EA_090_0000).

There are several water quality monitoring stations located on the Carrickmines Stream and the River Dodder downstream of the Site. Although multiple water quality monitoring stations are present along the Slang Stream, no Q-Values are available for these stations. The EPA water quality monitoring data for the stations on the Dodder and Carrickmines surface waterbodies located closest to the Site is summarised in Table 2 (EPA, 2023).

TABLE 2. EPA MONITORING STATIONS AND ASSIGNED Q VALUES

| EPA Monitoring Station name | Station Code | Location from Site | Distance from Site | Assigned Q value |
|-----------------------------|--------------|-----------------------|--------------------|-------------------|
| River Dodder | RS09D010800 | North downstream | 4.5km north | 3-4 "Moderate" |
| Carrickmines Stream | RS10C040200 | South-east downstream | 4.9km southwest | 3 "Poor" |

The Site of the Proposed Development is situated on the Kilcullen (IE_EA_G_003) groundwater body. The bedrock aquifer identified beneath the Site is mapped as a "Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones" (LI) (GSI, 2023).

The Groundwater Vulnerability Rating assigned to groundwater beneath the majority of the Site is mapped as "High" (H) while a small section of the southern portion of the Site of the Site is mapped as "Extreme" (E) (GSI, 2023).

The quaternary sediments beneath the majority of the Site are mapped as Bedrock Outcrop or Subcrop (Rck) with a fringe of Till derived from granites (TGr). The subsoil beneath the Site is mapped as Granite Till (GSI, 2023).

The Waterbody Status for river, groundwater, transitional and coastal water bodies relevant to the Site as recorded by the EPA (2023) in accordance with European

Communities (Water Policy) Regulations 2003 (SI no. 722/2003) are shown in Table 3.

TABLE 3. WFD RISK AND WATER BODY STATUS.

| Waterbody Name | Water body; EPA code | Location from Site | Distance from Site (km) | WFD water body status (2016-2021) | WFD 3 rd cycle Risk Status | Hydraulic Connection to the Site |
|---------------------------------|----------------------|--------------------|-------------------------|-----------------------------------|---------------------------------------|--|
| Surface Water Bodies | | | | | | |
| Carrickmines Stream | 10C04 | East | 0.2km | Good | Not at Risk | None |
| Slang Stream | 09S04 | West | 0.8km | Moderate | At risk | Surface water run-off during Operational Phase |
| Dodder | 09D01 | North | 4.3km | Moderate | At risk | Surface water run-off during Operational Phase |
| Coastal Water Bodies | | | | | | |
| Dublin Bay | IE_EA_090_0000 | East | 12.7km | Good | Not at risk | Downstream of the Site. |
| Transitional Waterbodies | | | | | | |
| Lower Liffey Estuary | IE_EA_090_0300 | Northeast | 8.2km | Moderate | At Risk | Downstream of the Site. |
| Groundwater Bodies | | | | | | |
| Kilcullen | IE_EA_G_003 | N/A | N/A | Good | At Risk | Underlying groundwater body. |

4.1.1.2 Site Drainage

No drainage ditches or streams occur within or directly adjacent to the Site. The closest waterbodies to the Site are the Carrickmines Stream and the Slang Stream as outlined in section 4.1.1.1.

4.1.2 Relevant Field Survey results

4.1.2.1 Habitats & Flora

The majority of the Site was composed of Amenity Grassland (GA2) of the existing Kilcross Estate (Figure 2). This habitat is characterised by low species diversity and is mainly composed of Perennial Rye Grass (*Lolium perenne*), Dandelion (*Taraxacum spp*), Ribwort Plantain (*Plantago lanceolata*) and Daisy (*Bellis perennis*). The western and southern boundary of the Site consisted of a narrow strip of Flower Beds and Borders (BC4) habitat. This habitat contained a mixture of native wildflower species and ornamental plants and shrubs. Species included, Cleavers (*Galium aparine*), Bluebells (*Hyacinthoides non-scripta*), Common Nettle (*Urtica dioica*), Sycamore (*Acer pseudoplatanus*), Hesperis *spp*, Bear's Breeches (*Acanthus mollis L.*), Daffodils (*Narcissus spp.*) and Tulips (*Tulipa spp.*).



FIGURE 6: HABITATS PRESENT AT THE SITE (26/04/2023).

4.1.2.2 Fauna

No evidence of mammal activity (droppings, trails, burrows etc) were observed within the Site. As the Site is composed of heavily disturbed Amenity Grassland (GA2) which is regularly mown and used by local residents it does not represent valuable habitat for local mammals in terms of foraging or cover. The only bird species recorded within the Site was Robin (*Erithacus rubecula*) with several flyovers from Rooks (*Corvus frugilegus*) and Herring Gulls (*Larus argentatus*) recorded. As there are no trees or buildings within the Site, there is no potential for roosting bats to present on the Site.

4.2 Identification of Relevant European Sites

4.2.1 Potential Impacts

The Proposed Development is not directly connected with or necessary to the management of any European sites. However, the following elements of the Proposed Development were identified and assessed for their potential to cause likely significant effects on European sites within the ZOI.

Construction Phase (Estimated duration: 12 months)

- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies or surface water network; and
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Increased emissions of noise and dust as a result of construction activity

- Loss of *ex-situ* habitat for SCI bird species of surrounding European sites

Operational Phase (*Estimated duration: Indefinite*)

- Surface water drainage from the Site of the Proposed Development;
- Foul water from the Proposed Development;

4.2.2 Potential Pathways to European Sites

For the above listed potential sources of effects to have the potential to cause likely significant effects on any European site, a pathway between the source of potential effects (i.e., the Site of the Proposed Development) and the receptor is required. Potential impact pathways are discussed in the following sections in the context of the identified impact sources as identified in section 4.2.1.

4.2.2.1 Direct Pathways

4.2.2.1.1 Hydrological pathways

There are no drainage ditches or surface waterbodies within or immediately adjacent to the Site. The closest waterbodies to the Site are the Carrickmines Stream (EPA Code: 10C04) and the Slang Stream (EPA Code:09S04) which are between 254m-873m from the Site respectively. Therefore, there is no potential for hydrological connectivity to European sites during the Construction Phase. However, during the Operational Phase, surface waters from the Site will be discharged into the existing Kilcross network before discharging to the Slang Stream to the west. The Slang Stream flows in a northerly direction for 5km before joining the River Dodder (EPA Code: 09D01) which flows north for 4.8km before discharging into the Lower River Liffey Estuary at Grand Canal Dock before ultimately discharge into Dublin Bay. Therefore, there is a hydrological connection to several sites in Dublin Bay during the Operational Phase including **North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006), South Dublin Bay and Tolka Estuary SPA (004024)** and **North-West Irish Sea cSPA (004236)**.

However, this pathway is considered weak and insignificant for several reasons. Firstly, surface water from the Site will pass through petrol interceptors and underground attenuation within the Proposed Development Site or be directed to groundwater. Therefore, these embedded design features will remove potential pollutants from surface waters prior to discharge to the Slang Stream. In addition, the hydrological distance (13.6km river channel length via the Slang, Dodder and Liffey Estuary) between the Proposed Development and the above European sites and the dilutive capacity of the intervening waterbodies and Dublin Bay will greatly diffuse pollutants and/or sediments in the unlikely event they bypass the above SUDS measures. Therefore, there are no hydrological connections of note to any European site.

4.2.2.1.2 Hydrogeological pathways

The closest European sites to the Proposed Development are **South Dublin Bay SAC (000210)** and **South Dublin Bay and River Tolka Estuary SPA (004024)** approximately 4.7 - 4.8km overland distance, located to the northeast of the Site.

The Site lies within the Kilcullen groundwater body where which likely discharges eastwards towards the Irish Sea. The groundwater vulnerability rating assigned to groundwater beneath the majority of the Site is mapped as “*High*” (H) while a small section of the south portion of the Site of the Site is mapped as “*Extreme*” (E).

However, given the intervening distance between the above designated sites and the Proposed Development Site, it is highly unlikely that a groundwater pollution event (i.e. spillage of hydrocarbons) of the scale necessary to impact the above designated sites will occur. In addition, as outlined in the Hydrological Risk Assessment (HRA) (Enviroguide, 2024), the potential for groundwater pollution to reach either the Slang stream or the Carrickmines stream and subsequent downstream European sites is negligible. Therefore, this pathway is deemed insignificant.

No other European sites are linked to the Site via hydrogeological means.

4.2.2.1.3 Air and land pathways

The intervening distance between the Proposed Development any European sites is sufficient to exclude the possibility of impact pathways as a result of increased lighting, human presence, noise or dust emissions during the Construction and/or Operational Phase.

4.2.2.2 Indirect Pathways

During the Operational Phase there is a hydrological pathway between the Site and **North Dublin Bay SAC (000206)**, **South Dublin Bay SAC (000210)**, **North Bull Island SPA (004006)**, **South Dublin Bay and Tolka Estuary SPA (004024)** and **North-West Irish Sea cSPA (004236)** via foul water drainage which discharges in Dublin Bay from Ringsend Wastewater Treatment Plant (WwTP).

However, this pathway is considered weak and insignificant for several reasons outlined below.

- The completion of the first phase of upgrade works to Ringsend WwTP, which increased the capacity of the facility by 400,000 Population Equivalent (P.E) in December 2021 and the further upgrade works proposed which will increase the capacity of the facility to 2.4 million P.E.
- The insignificant increase in max 45 P.E effluent discharge to Ringsend WwTP as a result of the Proposed Development assuming it is already not catered for by this WwTP.
- It is considered that effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WwTP are unlikely.
- The main area of dispersal of the treated effluent from Ringsend WwTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant (Irish Water, 2018).

Therefore, it is not expected that foul waters generated by the Proposed Development will result in the overloading of Ringsend WwTP and foul waters from the Proposed Development will not result in impacts to the above European Sites within Dublin Bay.

The Site is composed of amenity grassland which is suitable *ex-situ* foraging habitat for Brent Geese (*Branta bernicla hrota*) associated with **North Bull Island SPA (004006)** or **South Dublin Bay and Tolka Estuary SPA (004024)**. However, the Site is highly unlikely to be of value to Brent Geese as *ex-situ* habitat for several reasons. Firstly, the Site is small in size (0.2 Ha) and would not be suitable for supporting significant numbers of Brent Geese. In addition, there is readily available suitable habitat to the north within the M50 corridor including golf courses and playing pitches such as Naomh Olaf GAA Club, Wesley College and Foxrock Golf Course etc. Furthermore, within the Dublin Bay region, Brent Geese tend to utilise *ex-situ* habitat to the east of the M50 corridor. Therefore, considering the above points it is highly unlikely that Brent Geese associated with the above European Sites would preferentially utilise the Site as *ex-situ* habitat. As such, no significant impact to this species is anticipated.

There is an indirect hydrological connection between the Site and **Wicklow Mountains SAC (002122)** via the River Dodder, which will receive surface water from the Operational Phase of the Proposed Development. Otter (*Lutra lutra*) are a QI species listed for the Wicklow Mountains SAC and, although the Proposed Development Site provides no suitability for Otter, they are known to use the Dodder. Given the link to the Wicklow Mountains provided by the Dodder, Otter along this river in the locality of the Site could form part of the QI population of the SAC. Although the downstream distance is likely significant between the outfall of the public surface water network to the Dodder and Wicklow mountains SAC, Otter territories are within the range of approximately 7.5km for females and can reach up to 21 km for males via hydrological pathways (O' Neill et al., 2009).

The Dodder River is located approx. 4.3km to the north-west of the Site of the Proposed Development, and separated by urban built land. Given that the operational surface waters generated at the Site will pass through a suite of SUDS measures to be included as part of the Proposed Development and then be mixed and assimilated with those waters within the public surface water network, prior to eventually out-falling to the Dodder, it is deemed that the potential for likely significant effects on Otter using the Dodder as a result of the Proposed Development is extremely unlikely.

4.2.3 Relevant European sites

A European site will only be at risk from likely significant effects where a S-P-R link exists between the Proposed Development Site and the European site. The preceding steps did not identify any S-P-R links of note, and therefore no further assessment is required. European sites which were considered for S-P-R linkages to the Site are shown in Figure 6 for information purposes.



FIGURE 7. LOCATION OF EUROPEAN SITES RELATIVE TO THE PROPOSED DEVELOPMENT.

4.3 Assessment of Likely Significant Effects

As stated in the preceding section, no S-P-R links of note between the Proposed Development and any European sites were identified, and therefore no further assessment is required to assess the potential for significant impacts from the Proposed Development alone.

4.3.1 Potential for In-combination Effects

Although the Proposed Development is not considered to have the capacity to cause significant effects on any European sites alone, it is important to consider the potential for cumulative effects with other plans and/or projects. The following sections outline existing granted or pending planning permissions in the vicinity of the Proposed Development and assess the potential for adverse in-combination effects on any European sites.

4.3.1.1 Existing Planning Permissions

A search of planning applications located within a 300m radius of the Site of the Proposed Development was conducted using online planning resources such as the National Planning Application Database (NPAD) (MyPlan.ie) and Dún Laoghaire-Rathdown County Council Planning Applications online map. Any planning applications listed as granted or decision pending from within the last five years were assessed for their potential to act in-combination with the Proposed Development and cause likely significant effects on the relevant European sites. Long-term developments granted outside of this time period were also considered where applicable.

It is noted that the majority of the few developments within the vicinity of the Site of the Proposed Development are small scale (i.e. extensions or amendments to existing developments). The larger developments in the vicinity of the Proposed Development are outlined in Table 4.

TABLE 4. GRANTED AND PENDING DEVELOPMENT APPLICATIONS WITHIN 300M OF THE PROPOSED DEVELOPMENT. LOCATION AND DISTANCE GIVEN IS RELATIVE TO THE PROPOSED DEVELOPMENT.

| Planning Application No: | Developer | Status | Location |
|---|------------------------------------|---------|---|
| D19A/0744 | Sandyford House Redevelopment Ltd. | Granted | Site to the east of Sandyford Road (Coolkill), Sandyford, Dublin 18 |
| Development Description | | | |
| The development will consist of: the construction of 15 no. dwellings comprising 1 no. 1.5 storey 3-bedroom detached dwelling (Type A), 1 no. 1.5 storey 3-bedroom detached dwelling (Type E), 1 no. 1.5 storey 3-bedroom detached dwelling (Type F), 1 no. 1.5 storey 4-bedroom detached dwelling (Type D), 1 no. 2.5 storey 5-bedroom detached dwelling (Type B), 2 no. 2.5 storey 5-bedroom detached dwellings (Type C), 2 no. 2.5 storey 5-bedroom detached dwellings (Type H) and 6 no. duplex units in a single 3 storey block (Type G), consisting of 3 no. 2 bedroom ground floor and 3 no. 3 bedroom upper floors units with vehicular and pedestrian access from the Sandyford Road (Coolkill), including all associated on and off site development works, car parking, soft and hard landscaping pedestrian/cycle link to south-eastern boundary, boundary treatments and 225 mm dia. outfall foul sewer of circa 180 m, which will discharge | | | |

into the existing foul manhole at Kilcross housing estate to the west of the subject site all on overall application site circa 0.49ha.

Potential for In-combination effects

The planners report for this development (08/10/2019) concludes that the “*Proposed Development will not significantly impact upon a Natura 2000 Site*”. Both developments share a S-P-R linkage as a result of surface water run-off to the Slang Stream and foul water discharge to Ringsend WwTP during the Operational Phase. However, given the embedded SuDS measures included in both developments (petrol and silt interceptor) and the remaining capacity at Ringsend WwTP, there is no potential for in-combination effects between these developments which could result in significant impacts to European sites.

4.3.1.2 Relevant Policies and Plans

The local policies and plans detailed in section 2.2 above were reviewed and considered for possible in-combination effects with the Proposed Development. Each of these plans has undergone AA, and where potential for likely significant effects has been identified (e.g., in the case of the Dún Laoghaire-Rathdown County Development Plan), an NIS has been prepared which identifies appropriate mitigation. As such, it is considered that the plans and policies listed will not result in in-combination effects with the Proposed Development. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 has directly addressed the protection of European sites and biodiversity through specific objectives. The above listed plans are not being relied upon to rule out potential significant effects on European sites.

TABLE 5. SUMMARY OF IMPACT ASSESSMENT ON EUROPEAN SITES AS A RESULT OF THE PROPOSED DEVELOPMENT.

| Site | Habitat Loss / Alteration | Habitat or Species Fragmentation | Disturbance and/or Displacement of Species | Changes in Population Density | Changes in Water Quality and/or Resource | In-combination effects | Stage 2 AA Required |
|---|---------------------------|----------------------------------|--|-------------------------------|--|------------------------|---------------------|
| SAC | | | | | | | |
| North Dublin Bay SAC (000206) | No | No | No | No | No | None | NO |
| South Dublin Bay SAC (000210) | No | No | No | No | No | None | NO |
| Wicklow Mountains SAC (002122) | No | No | No | No | No | None | NO |
| SPA | | | | | | | |
| North Bull Island SPA (004006) | No | No | No | No | No | None | NO |
| South Dublin Bay and River Tolka Estuary SPA | No | No | No | No | No | None | NO |
| North-West Irish Sea cSPA (004236) | No | No | No | No | No | None | NO |

5 APPROPRIATE ASSESSMENT SCREENING CONCLUSION

The Proposed Development at Kilcross, Sandyford, Co. Dublin has been assessed taking into account:

- The nature, size and location of the proposed works and possible impacts arising from the construction works.
- The QIs and conservation objectives of the European sites.
- The potential for in-combination effects arising from other plans and projects.

In conclusion, upon the examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that the possibility **may be excluded** that the Proposed Development will have a significant effect on any of the European sites listed below:

- North Dublin Bay SAC (000206).
- South Dublin Bay SAC (000210).
- Wicklow Mountains SAC (002122).
- North Bull Island SPA (004006).
- South Dublin Bay and River Tolka Estuary SPA (004024).
- North-West Irish Sea cSPA (004236).

On the basis of the screening exercise carried out above, it can be concluded, on the basis of the best scientific knowledge available and objective information, that the possibility of any significant effects on the above listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the above listed European sites' conservation objectives. Thus, there is no requirement to proceed to Stage 2 of the Appropriate Assessment process; and the preparation of a NIS is not required.

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