
Screening for Appropriate Assessment

Proposed Residential Development at
Balally, Dublin 16

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Executive Summary

This *Screening for Appropriate Assessment* report has been prepared by NM Ecology Ltd on behalf of Dun Laoghaire – Rathdown County Council regarding a proposed residential development at Balally, Dublin 16. The proposed development will involve the construction of 62 dwellings, a community facility, and associated works.

In accordance with their obligations under the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI 477/2011), the competent authority must assess whether the proposed development could have ‘likely significant effects’ on any European sites. This document provides information to support an Appropriate Assessment screening exercise, including: a description of the proposed development, a map and list of European sites in the surrounding area, a review of potential source-pathway-receptor links, an appraisal of the suitability of the habitats for birds associated with nearby SPAs, and a screening conclusion.

There is no risk of direct impacts on European sites. Potential pathways for indirect impacts were considered, but none were found to be feasible. A series of winter bird surveys were undertaken, but no brent geese or any other species associated with nearby SPAs were recorded. Therefore, with regard to Article 42 (7) of the *European Communities (Birds and Natural Habitats) Regulations 2011*, it can be concluded that the proposed development will not be likely to have a significant effect on any European sites. The assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.

1 Introduction

1.1 Background to Appropriate Assessment

Approximately 14% of the land area of Ireland is included in the European Network of Natura 2000 sites (hereafter referred to as European sites), which includes Special Protection Areas (SPAs) to protect important areas for birds, and Special Areas of Conservation (SACs) to protect a range of habitats and species. Legislative protection for these sites is provided by the *European Council Birds Directive (79/409/EEC)* and *E.C. Habitats Directive (92/43/EEC, as amended)*, which are jointly transposed into Irish law by the *European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011, as amended)*.

Regulation 42 (1) states that: “*Screening for Appropriate Assessment of a plan or project for which an application for consent is received [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on [any European sites].*” To ensure compliance with this regulation, planning authorities must screen all planning applications for potential impacts on European sites. Supporting information may be requested from the applicant to assist with this process.

This document provides information to support the competent authority’s *Screening for Appropriate Assessment* exercise for the proposed development. It includes a description of the proposed development, a map and list of European sites in the surrounding area, a review of potential source-pathway-receptor links, and the results of winter bird surveys undertaken at the Site.

1.2 Statement of authority

This report was written by Nick Marchant, the principal ecologist of NM Ecology Ltd. He has sixteen years of professional experience, including thirteen years as an ecological consultant, one year as a local authority biodiversity officer, and two years managing an NGO in Indonesia. He provides ecological assessments for developments throughout Ireland and Northern Ireland, including wind farms, infrastructural projects (roads, water pipelines, greenways, etc.), and a range of residential and commercial developments.

He has an MSc in Ecosystem Conservation and Landscape Management from NUI Galway and a BSc in Environmental Science from Queens University Belfast. He is a member of the Chartered Institute of Ecology and Environmental Management, and operates in accordance with their code of professional conduct.

1.3 Methods

This report has been prepared with reference to the following guidelines:

- OPR Practice Note PN01: *Appropriate Assessment Screening for Development Management* (Office of the Planning Regulator 2021)
- *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4)*, (E.C., 2021)
- *Appropriate Assessment of Plans and Projects in Ireland* (Department of the Environment, Heritage and Local Government, 2009)
- *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal* (Chartered Institute of Ecology and Environmental Management, 2018)

A desk-based study was carried out using data from the following sources:

- Plans and specifications for the proposed development
- Qualifying interests / conservation objectives of European sites from www.npws.ie
- Bedrock, soil, subsoil, surface water and ground water maps from the Geological Survey of Ireland webmapping service (dcenr.maps.arcgis.com), the National Biodiversity Data Centre (<http://maps.biodiversityireland.ie/>), and the Environmental Protection Agency web viewer (gis.epa.ie/EPAMaps/)
- The *Dún Laoghaire-Rathdown County Development Plan 2022 – 2028*, and details of permitted or proposed developments from the local authority's online planning records

Desktop data from internet resources was accessed in January 2024. A multi-disciplinary site inspection was carried out on 9 June 2023, and a series of winter bird surveys between September 2023 and April 2024.

Winter bird surveys

Surveys were carried out every two weeks from September 2023 to April 2024, comprising a total of 14 surveys. Bibby's 'Look-See' approach was followed, which involved an initial search of the study area with binoculars, followed by a review of the survey area from a fixed vantage point at the south-western corner of the Site. If any SPA species were observed, a count of individuals was recorded, along with information on their behaviour, time spent on site, etc. Other bird species were also recorded, but not counted or assessed in detail. The number of pedestrians and dog walkers were recorded in order to assess background disturbance. Detailed methods, results and conclusions are presented in the Winter Bird Survey Report in Appendix 1

2 Description of the Project

2.1 Environmental setting

Site location and surroundings

The proposed development site (hereafter referred to as the Site) is located in a suburban area in Balally. It consists mainly of amenity grassland, with a line of mature, non-native trees on its north-western and northern boundaries and some scattered immature trees at its southern end.

The north-western boundary of the Site adjoins Maples Road, and the southern boundary adjoins Blackthorn Drive. The Balally Shopping Centre (a small commercial development) is located immediately to the west of the Site, and an open area of amenity grassland is located to the east. A single-storey building - the Balally Family Resource Centre / Scout hall - is located to the north-east of the Site.

In the broader surroundings there are housing estates to the north and south of the Site, a school to the west (Queen of Angels primary school), and Sandyford Business Park to the east.

Geology and soils

The underlying bedrock is granite, which is a poor aquifer. Subsoils are limestone till, and soils are made ground.

Hydrology

The EPA database of rivers and streams does not show any watercourses within the Site or surrounding area, and none were observed during the site inspection.

The closest watercourse on the EPA database is the Brewery Stream, which is located approx. 300 – 400 m south-east of the Site at the closest point. It arises in the Woodside / Lamb's Cross region to the south of the Site, and flows north-east through Sandyford, Stillorgan and Blackrock to reach the coast in Dublin Bay. However, the stream is highly modified, and a section measuring approx. 2 km in length has been culverted under the M50 and Sandyford Business Park.

At present, the proposed development does not have an artificial drainage network, and all rainfall soaks to ground in the existing amenity grassland within and to the east of the Site. The proposed development will discharge to a local authority storm drain. Therefore, we conclude that there is no clear surface water connection between the Site and the Brewery Stream, or any other watercourse.

2.2 Description of the proposed development

The proposed development will involve the construction of a six-storey building containing 62 apartments and a community facility. Road access will be from Maples Road at the northern boundary, and underground parking will be provided. Public open space will be created on all sides of the building, and a pedestrian / cycle path will be created along the eastern boundary.

Foul effluent will be discharged to a local authority foul sewer at the south-eastern corner of the Site and conveyed to the Ringsend Waste Water Treatment Plant. The Ringsend WWTP is currently exceeding its organic capacity, but a major upgrade is in progress that will provide sufficient capacity by 2025. The Ringsend WWTP is currently exceeding its organic capacity, but a major upgrade is in progress that will provide sufficient capacity by 2025. The WWTP upgrade will be completed before the proposed development is operational / occupied, so there will be capacity to accept the effluent. The additional load from the proposed development (228 Population Equivalent) will represent 0.01% of the load of the upgraded capacity of Ringsend WWTP (2,400,000 Population Equivalent), which is a negligible increase.

Rainwater runoff from roofs and other impermeable surfaces will be channelled to an attenuation tank in the north of the Site, and discharged at a controlled rate to a local authority storm drain under Maples Road. The system will include an oil and hydrocarbon interceptor.

3 Review of relevant European sites

In this section we identify European sites that could potentially be affected by the proposed development. The primary consideration is whether the proposed development is within the boundaries of any European sites, because this could lead to direct effects. This is discussed in Section 3.1.

It is also possible that the proposed development could cause indirect effects on European sites located outside the boundary. This is considered using the *source-pathway-receptor* model, which identifies potential *pathways* (e.g. surface water) between the *source* (the Site) and the *receptor* (a European site). This is discussed in Section 3.2.

Some of the bird species associated with SPAs can use secondary habitats outside the SPA boundaries, e.g. brent geese feeding on urban grasslands. A series of winter bird surveys have been undertaken at the Site: the results are presented in Section 3.3.

To support the above assessments, a map of European sites in the surrounding area is shown in Figure 1, and details of relevant European sites are provided in Table 1. For the avoidance of doubt, an arbitrary zone of influence (e.g. 15 km) has not been used for this assessment, as it is no longer considered to be best practice (OPR 2021).

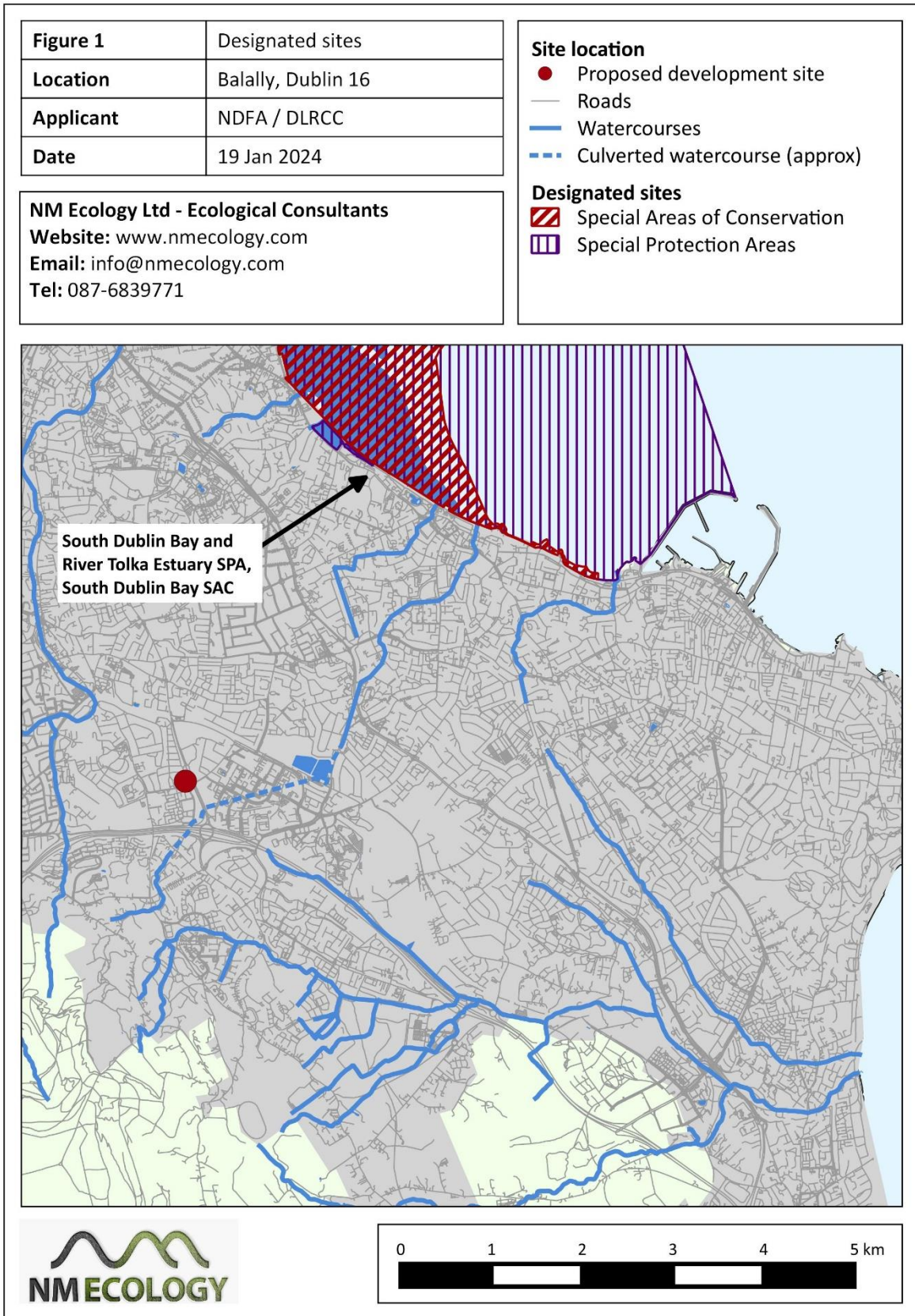


Table 1: European site shown in Figure 1

Site Name	Distance	Qualifying Interests
South Dublin Bay SAC (210)	4.1 km north-east	Annex I habitats: inter-tidal mudflats / sandflats, Salicornia and other annuals), annual vegetation of drift lines, embryonic shifting dunes Annex II species: none
South Dublin Bay and River Tolka Estuary SPA (4024)	4.1 km north-east	Key habitats: coastal wetlands Special conservation interests: light-bellied brent goose, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit, redshank, black-headed gull (wintering populations), arctic tern, roseate tern (passage), and common tern (breeding and passage)

The Conservation Objectives of all European sites discussed in this report are available at <https://www.npws.ie/protected-sites>. They are lengthy and repetitive documents, so in the interests of brevity they are not reproduced here.

3.1 European sites within the Site boundary (potential direct effects)

The Site is not within or adjacent to any European sites (Figure 1), so the proposed development poses no risk of direct impacts.

3.2 European sites outside the Site boundary (potential indirect effects)

In this section we identify potential *pathways* (e.g. surface water) between the *source* (the Site) and the *receptor* (a European site). The most common pathway is surface water, which typically occurs when a pollutant is washed into a river and carried downstream into a European site. Other potential pathways are groundwater, air (e.g. airborne dust or sound waves), or land (e.g. flow of liquids, vibration). The zone of effect for hydrological effects can be several kilometres, but for air and land it is rarely more than one hundred metres.

Surface water

There are no rivers or streams within or adjacent to the Site (refer to Section 2.1 and Figure 1), so surface water can be ruled out as a pathway to any European sites.

Groundwater

If any pollutants soaked to ground within the Site, they would have to pass through 4.1 km of intervening subsoils / bedrock before reaching the European sites in Dublin Bay. This would reduce any pollutants to negligible concentrations before reaching the SAC / SPA, in which case

they would pose no risk of impacts. Therefore, groundwater can be ruled out as a feasible pathway.

Land

There is no risk that any pollutants could flow 4.1 km over land to reach the European sites.

Air

The only potential airborne pollutant generated at the Site would be dust. There is no risk that any perceptible quantity of dust could be carried 4.1 km to the European sites.

Summary

In summary, no feasible pathways were identified between the Site and any European sites.

3.3 Habitat suitability for SPA birds

A series of 14 winter bird surveys was carried out at the site between September 2023 and April 2024. Detailed methods, results and conclusions are presented in the Winter Bird Survey Report in Appendix 1, but the results are summarised below.

Background

There are two large SPAs in Dublin Bay – the *North Bull Island SPA* and the *South Dublin Bay and River Tolka Estuary SPA* – both of which were designated to protect a range of over-wintering migratory birds (Table 2). The primary habitats for these birds are the coastal and intertidal habitats within the SPA boundaries (mudflats, sandflats, saltmarsh), which are exposed at low tide. However, some species also fly inland to feed in amenity grasslands throughout Dublin City (hereafter referred to as ‘inland sites’), particularly playing fields, parks and other areas of regularly-mown grassland. This behaviour is most-commonly seen in brent geese, but also occurs in oystercatchers, godwit, curlew, gulls and other species.

Inland sites for brent geese are widespread throughout Dublin city; a study by Scott Cawley (2017) identified at least 119 locations throughout the city that were used by brent geese. This number is almost certainly an underestimate, as the study did not cover all suitable sites and was based only on brief snapshot surveys. Brent geese favour large open areas of regularly-mowed amenity grassland: Benson (2009) reported that “*the primary sites used by significant numbers of brent geese were at least the size of a football pitch*” (approx. 0.7 ha). They typically avoid areas with high levels of human disturbance, particularly areas used regularly by dog walkers (dogs are seen as potential predators).

Table 2: Special Conservation Interests of the SPAs in Dublin Bay

Site Name	Distance	Reasons for designation
South Dublin Bay and River Tolka Estuary SPA (4024)	4 km north-east	Key habitats: coastal wetlands Special conservation interests: light-bellied brent goose, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit, redshank, black-headed gull (wintering populations), arctic tern, roseate tern (passage), and common tern (breeding and passage)
North Bull Island SPA (2006)	9 km north-east	Key habitats: coastal wetlands Special conservation interests: light-bellied brent goose, shelduck, teal, pintail, shoveler, oystercatcher, golden plover, knot, sanderling, dunlin, black-tailed godwit, bar-tailed godwit, curlew, redshank, turnstone, black-headed gull (all are wintering populations)

The amenity grassland within the proposed development site (hereafter referred to as 'the Site') is regularly mowed and could theoretically be suitable for over-wintering birds associated with the Dublin Bay SPAs. The area of grassland within the boundary of the Site measures approx. 0.2 ha, which is substantially smaller than the 'size of a football pitch' reported by Benson (2009). However, the larger area of grassland to the east and north-east of the Site measures approx. 0.5 ha, so the two adjoining areas cumulatively reach the minimum size. For this reason, a series of winter bird surveys were proposed at the Site.

Survey results

No brent geese or any waders / waterfowl (e.g. oystercatchers, godwit) were recorded at the Site during any of the surveys.

The only recorded species that is a qualifying interest of the Dublin Bay SPAs is black-headed gull: 5 individuals recorded in November and 3 in December. It is important to note that black-headed gull is one of the most common species around the coast of Ireland, and that it is an opportunistic scavenger with no specific habitat requirements. Counts of 5 and 3 individuals are considered negligible. It is also noted that this species was only recorded during 2 of the 9 surveys completed to date.

In summary, the only SPA species recorded (refer to Table 3) was black-headed gull, which was only present in low numbers (5 and 3 individuals), and in a small proportion of surveys (2 of 12 surveys). There will be alternative habitat for this species in the 0.5 ha of amenity grassland that will be retained to the east of the Site. Therefore, the development of the Site will have no impact on this or any other SPA species associated with Dublin Bay.

Table 3: Results of winter bird surveys

Date	Weather	SCI species	Other species *	Pedestrian activity (per hour)	Pedestrian with dogs (per hour)
25/09/2023	16°C, dry, calm	N.A.	MP, HC	9	6
09/10/2023	17°C, dry, no wind	N.A.	MP, RO	21	1
27/10/2023	16°C, dry, calm	N.A.	WP, MP	2	0
10/11/2023	4°C, dry, no wind	5 BH	HG, WP	0	0
24/11/2023	8°C, dry, light wind	N.A.	HC	3	1
02/12/2023	10°C, light wind, light drizzle	N.A.	MP	2	0
19/12/2023	8°C, dry, light wind	3 BH	HC, MP, JD, PW	12	0
04/01/2024	7°C, dry, no wind	N.A.	N.A.	1	0
17/01/2024	3°C, dry, no wind	N.A.	N.A.	6	1
02/02/2024	12o, dry, light wind	N.A.	MP, RO	7	1
13/02/2024	8o, dry, no wind	N.A.	JD, MP	4	1
29/02/2024	7o, dry, light wind	N.A.	WP, RO	3	0
20/03/2024	8 °C, dry, no wind	N.A.	N.A.	1	0
04/04/2024	8 °C, dry, light wind	N.A.	N.A.	1	0

* BTO species codes: BH - black-headed gull, MP – magpie, HC – hooded crow, RO – rook, WP – woodpigeon, HG – herring gull, JD – jackdaw, PW – pied wagtail

4 Screening Statement

In Section 3 of the OPR guidance (OPR 2021), it is stated that the first stage of the AA process can have two possible conclusions:

1. No likelihood of significant effects

Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.

2. Significant effects cannot be excluded

Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.

Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is no likelihood of significant impacts on any European sites. This is based on three key conclusions:

- The Site is not within or adjacent to any European sites, so there is no risk of direct effects
- There are no surface water (or other) pathways linking the Site to any European sites, so there is no risk of indirect effects
- Surveys have demonstrated that the Site is of no importance for brent geese or any other birds associated with the SPAs in Dublin Bay.

Appropriate Assessment Screening must consider the potential implications of a project both in isolation and in combination with other plans and projects in the surrounding area. An 'in-combination effect' can occur when a project will have a perceptible but non-significant residual effect on a European site (when considered in isolation), that subsequently becomes significant when the additive effects of other plans and projects are considered. However, as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out.

Therefore, with regard to Article 42 (7) of the *European Communities (Birds and Natural Habitats) Regulations 2011*, it can be concluded that the proposed development will not be likely to have a significant effect on any European sites. On this basis, the assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.

In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.

References

Chartered Institute of Ecology and Environmental Management, 2018. *Guidelines for Ecological Impact Assessment in the U.K and Ireland: Terrestrial, Freshwater, Coastal and Marine* (2nd Edition). C.I.E.E.M., Hampshire, England.

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Office of the Planning Regulator 2021. *Practice Note PN01: Appropriate Assessment Screening for Development Management*. Available online at opr.ie

Appendix 1

Winter Bird Survey Report