
Screening for Appropriate Assessment

Proposed Residential Development at
Lambs Cross, Dublin 16

29 October 2024



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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 Lamb’s Cross, Dublin 16. The proposed development will involve the construction of a community facility, 37 apartments, 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. Habitats are unsuitable for brent geese or any other birds associated with nearby SPAs. 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 (dcnr.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 July 2024, and a multi-disciplinary survey was carried out on 8 June 2023.

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 on the north-eastern side of Lambs Cross, between the R113 Hillcrest Road and R117 Sandyford Road / Enniskerry Road. The Site was recently used as a temporary construction compound for the Blackglan Road Improvement Scheme, but has now been reinstated. The former compound consists of compacted sediment. Undisturbed areas in the north and east of the Site consist of a treeline and patch of willow scrub.

The surrounding area consists mainly of housing estates and low-density one-off housing, as well as some small commercial developments and schools.

Geology and soils

The underlying bedrock is granite, which is a poor aquifer. Subsoils are a mixture of granite till and alluvium (along the course of the stream). Soils are made ground.

Hydrology

A stream passes the eastern edge of the Site, flowing from south to north. At the time of survey in June 2023 it was approx. 1m in width and 0.1m in depth, and had a slow rate of flow. The culvert under Hillcrest Road is small, measuring approx. 1m in width and 0.3 m in height.

There is some uncertainty about the course of the stream, due primarily to a lengthy culvert under the Sandyford Industrial Estate. On the EPA database of rivers and streams it is labelled the Carrickmines Stream, with a course that turns south-east under the Sandyford Business Park, passing through Leopardstown Racecourse, Carrickmines and Loughlinstown, and reaching the coast in Killiney Bay. However, in a submission from the Dept of Housing, Local Government and Heritage for a nearby planning application (planning reference D23A/0456) it was reported that the watercourse is the Glasnalower / Brewery / Maretimo Stream, with a course that leads north under Sandyford Business Park, passing through Stillorgan and Blackrock and reaching the coast in Dublin Bay.

For the purposes of this assessment we will refer to it as the Brewery Stream and assume that it heads north and reaches the coast in Dublin Bay.

Water quality in rivers and streams is monitored as part of the Water Framework Directive Status Assessments, of which the latest monitoring period was from 2016 – 2021. The Brewery Stream was of Poor status, but the coastal waters of Dublin Bay were of Good status.

2.2 Description of the proposed development

The proposed development will involve the construction of a 3 – 5 storey building containing a community facility (floor area of 137 sqm), 37 apartments, and associated works. The building will have an undercroft area at lower ground level that includes ESB substations, parking, bin storage, bulk storage and supporting mechanical, electrical and water infrastructure. There will be no basement structure or other significant underground works.

Road access will be from Hillcrest Road on the southern boundary. Public open space will be provided in the central courtyard and around the margins of the Site. Recreational space will be provided in the community facility, including a playground for toddlers / young children. Existing scrub vegetation in the east of the Site will be retained.

Foul water will be pumped to a local authority foul sewer to the north 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 WWTP upgrade will be completed before the proposed development is operational / occupied, so there will be capacity to accept the effluent.

Surface water will be managed on site using green / blue roofs, stored temporarily in an attenuation tank, and discharged to the stream on the eastern boundary. 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.

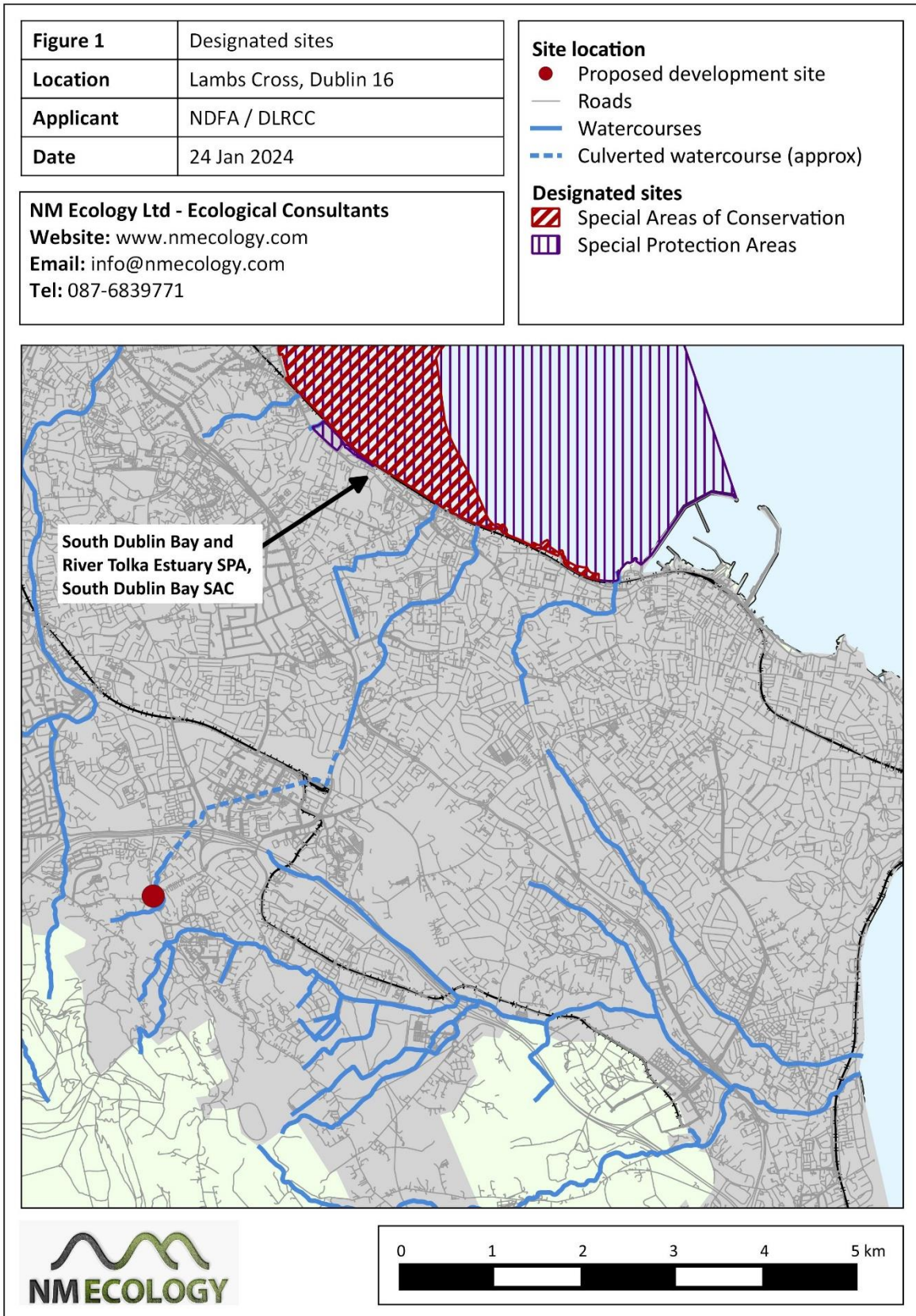
It is also possible that the proposed development could cause indirect effects on European sites located outside the boundary. This is considered using the *source-pathway-receptor* model, which identifies potential *pathways* (e.g. surface water) between the *source* (the Site) and the *receptor* (a 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 (site code 210)	5.3 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)	5.3 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

The Brewery Stream provides a pathway through which pollutants (e.g. suspended sediments, hydrocarbons, concrete products) generated at the Site could reach two European sites in Dublin Bay: the *South Dublin Bay SAC* and *South Dublin Bay and River Tolka Estuary SPA*.

However, there is approx. 6 km of watercourse between the Site and Dublin Bay, which would provide a high degree of dilution. The coastal waters of Dublin Bay would also provide a high degree of dilution and mixing before any of the qualifying interest of the SAC / SPA could be affected. Therefore, there is not considered to be any risk that pollutants generated at the Site could reach the SAC and SPA in sufficient concentrations to have any affect on their qualifying interests, so surface water can be ruled out as a feasible pathway to any European sites.

Groundwater

If any pollutants soaked to ground within the Site, they would have to pass through 5.3 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 5.3 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 5.3 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

The *South Dublin Bay and River Tolka Estuary* SPA and *North Bull Island* SPA are located 5.3 km and 10.3 km from the Site, respectively. Both SPAs cover extensive areas of intertidal mudflat and sandflat in Dublin Bay, and they are designated to protect a range of species that are present in winter months.

The primary feeding and roosting habitat for all of these species is the coastal and intertidal habitats within the SPA boundaries, where they feed on intertidal vegetation and invertebrates. However, some species also fly inland (outside the SPA boundary) to feed on amenity grasslands and / or agricultural land. This is commonly observed in brent geese, whose primary food source – eelgrass, algae and saltmarsh plants – is only available at low tide. At high tide, or when food resources are depleted, brent geese fly inland to feed in terrestrial habitats, particularly playing fields, urban parks and intensive agricultural land.

The Site does not contain any amenity grassland or other habitat suitable for SPA species. Therefore, the Site is considered to be unsuitable for any of the species associated with the SPAs in Dublin Bay.

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
- Habitats are unsuitable 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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