



# APPROPRIATE ASSESSMENT SCREENING REPORT

FOR

Strategic Housing Development

AT

former De La Salle School Grounds,  
Ballyfermot Road, Ballyfermot, Dublin 10

ON BEHALF OF

**DWYER NOLAN  
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# 1 INTRODUCTION

## 1.1 Background

Enviroguide Consulting was commissioned by Dwyer Nolan Developments Ltd. to undertake a screening for Appropriate Assessment with respect to proposed Strategic Housing Development (the “Proposed Development”) located on the grounds of the former De La Salle National School, Ballyfermot Road, Ballyfermot, Dublin 10. The purpose of this report is to provide information for the relevant competent authority to carry out screening for Appropriate Assessment.

## 1.2 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). SACs and SPAs are collectively known as Natura 2000 or European Sites. It is the responsibility of each member state to designate SPAs and SACs. 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 of the Sites; from these the conservation objectives of the Site are derived.

An ‘Appropriate Assessment’ (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.

### 1.2.1 Legislative Context

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.”*

These 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)...

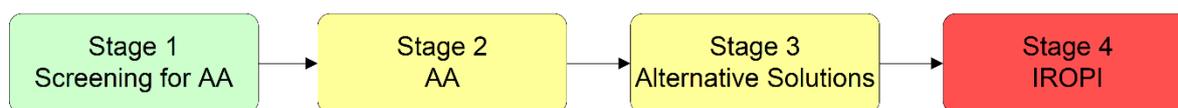
(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a Proposed Development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or Proposed Development, individually or in combination 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.”

### 1.2.2 Stages of AA

This Appropriate Assessment 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 Appropriate Assessment is required.

The AA process is a four-stage process, with issues and tests at 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.



**FIGURE 1. THE FOUR STAGES OF THE APPROPRIATE ASSESSMENT PROCESS (DEHLG, 2010).**

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

- Stage 1 *Screening* addresses:
  - whether a plan or project is directly connected to or necessary for the management of the 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)*. The second stage of the AA process assesses the impact of the project or plan (either alone or in combination with other projects or plans) on the integrity of the European Site, having regard to the conservation objectives of the Site and its ecological structure and function. A NIS must provide the objective scientific information to enable the competent authority to carry out an appropriate assessment of the Proposed Development. It should describe any mitigation measures to avoid and reduce significant effects.
- 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.

## 2 METHODOLOGY

### 2.1 Guidance

This AA 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;
- *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* (European Commission, 2001);
- *Communication from the Commission on the precautionary principle* (European Commission, 2000); and,
- *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*.

## 2.2 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 plan or project and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the European Site;
- Identification of European Sites potentially affected;
- Identification and description of potential effects on the European Site;
- Assessment of the likely significance of the effects identified on the European Site; and
- Exclusion of Sites where it can be objectively concluded that there will be no significant effects.

## 2.3 Desk Study

A desktop study was carried out in February 2022 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, qualifying interests and conservation objectives, obtained from the National Parks and Wildlife Service (NPWS) at [www.npws.ie](http://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](http://www.npws.ie);
- Information on species records and distributions, obtained from the National Biodiversity Data Centre (NBDC) at [www.maps.biodiversityireland.ie](http://www.maps.biodiversityireland.ie);
- Information on waterbodies, catchment areas and hydrological connections obtained from the Environmental Protection Agency (EPA) at [www.gis.epa.ie](http://www.gis.epa.ie);
- Information on surface water, storm water and sewage infrastructure within and surround the Site obtained from *Geological Survey of Ireland* at [www.gis.epa.ie](http://www.gis.epa.ie);
- Information on bedrock, groundwater, aquifers and their statuses, obtained from Geological Survey Ireland (GSI) at [www.gsi.ie](http://www.gsi.ie);
- Satellite imagery and mapping obtained from various sources and dates including Google, Digital Globe, Bing and Ordnance Survey Ireland;
- Information on the existence of permitted developments, or developments awaiting decision, in the vicinity of the Proposed Development from Dublin City Council.

For a complete list of the specific documents consulted as part of this assessment, see *Section 5 References*.

## 2.4 Ecological Surveys

Previous ecological surveys were conducted by Mary Tubridy (Consultant Ecologist) between 2019 and 2021. During this period, habitat mapping surveys, bird surveys, invasive species surveys and mammal surveys were conducted. Dr Tina Aughney conducted bat surveys between May and June 2020.

Enviroguide Consulting conducted ecological surveys on Site between January and March 2022. Habitats present on Site were identified using methodology outlined by Fossitt (2000). Winter bird surveys and vantage point surveys were conducted at the Site of the Proposed Development at several time points between January and March 2022. The purpose of these surveys was to determine if there was any *ex-situ* usage and activity of Special Conservation Interest (SCI) species from any Natura 2000 Site at the Site of the Proposed Development. The following table presents the dates and times when surveys were conducted.

**TABLE 1 DETAILS OF ECOLOGICAL SURVEYS UNDERTAKEN AT THE SITE.**

Survey	Date	Time	Surveyor
Habitat Mapping Surveys Common Bird Survey Invasive Species Survey Mammal Survey	July 2019, July 2020 and March 2021	-	Dr Mary Tubridy (Mary Tubridy and Associates)
Bat Surveys	May-June 2020	-	Dr Tina Aughney (Bat Eco Services)
Winter Bird Survey Vantage Point Survey Habitat Mapping Survey	28/01/2022	6 hours to dusk (17:08pm)	Dr Bryan Thompson (Enviroguide Consulting)
Winter bird survey &Vantage Point Survey	14/02/2022	6 hours from dawn (07:51am)	Dr Bryan Thompson (Enviroguide Consulting)
Winter bird survey &Vantage Point Survey	25/02/2022	6 hours to dusk (18:08pm)	Dr Bryan Thompson (Enviroguide Consulting)
Winter bird survey &Vantage Point Survey	4/03/2022	6 hours from dawn (07:12am)	Dr Bryan Thompson (Enviroguide Consulting)

## 2.5 Assessment of Significant Effects

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

- 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 STAGE 1 SCREENING

### 3.1 Management of European Sites

The operation of the Proposed Development at Ballyfermot is not directly connected with or necessary to the management of European Sites and there are no European Sites located within or directly adjacent to the Proposed Development lands.

### 3.2 Description of Proposed Development

#### 3.2.1 Site location

The Site (8.3 ha) consists of a network of school buildings, monastic buildings and green open spaces approximately 150m southwest of the River Liffey at elevations between 33-38 meters above ordnance datum (mAOD). The buildings were in use until July 2019 as a boy's primary school and residence for the De La Salle Brothers who ran the school. The green spaces are composed of playing pitches and gardens adjacent to the former monastery.

The Site is surrounded by concrete walls and steel fencing and is bounded to the north by the wooded margin of the Chapelizod Bypass (RR148), to the east by the gardens of the Steeples, a low-density housing development, to the south by the Ballyfermot Road (R833), and to the west by Lynch's Lane and private green space associated with the St Dominics College, Ballyfermot (Figure 2).

#### 3.2.2 Description of Development

Dwyer Nolan Developments Ltd. intends to apply to An Bord Pleanála for a Strategic Housing Development on a Site of c. 8.3 hectares located at the grounds of the former De La Salle National School, Ballyfermot Road, Ballyfermot, Dublin 10.

The application Site contains a Protected Structure i.e. the De La Salle National School central classroom block, including 2 no. staircase towers, 2 no. flanking single storey loggia and principal paired entrance gate piers only (RPS Ref No. 8784).

The Proposed Development includes for the demolition of existing buildings on Site, save for the retention of part of the Protected Structure on the Site i.e. the De La Salle National School central classroom block, 2 no. staircase towers and principal paired entrance gate piers.

The Proposed Development includes for the renovation and change of use of the 2 storey Protected Structure from previous educational use to (a) proposed childcare use on the ground & first floor and (b) community use on the ground floor; and seeks permission for the relocation of the principal paired entrance gate piers on Ballyfermot Road inwards (northwards) to the Site.

The Proposed Development consists of the construction of 927 no. apartments & duplex / triplex units comprised of 325 no. one bed, 538 no. two bed, & 64 no. three bed dwellings, 1 no. commercial unit and 1 no. retail / café unit in 8 no. blocks (Blocks A-H) ranging in height from 2 to 13 storeys, and caters for communal open spaces, including roof gardens, and private open spaces, including terraces, balconies, and gardens. The Proposed Development also includes for undercroft, basement & surface car parking and bicycle parking.

The Proposed Development caters for open spaces in the form of: (i) multi-use playing pitches (c. 1.16 hectares) located in the north-west of the Site, accessed off Lynch's Lane, and (ii) public open space (c. 0.91 hectares) located between Blocks B, C, D, G & H, which caters for c. 2.07 hectares of open spaces representing 25% of the Site area.

The Proposed Development also includes an area of c. 0.5 hectares reserved for a future school Site in the south-west of the Proposed Development, at the junction of Ballyfermot Road and Lynch's Lane.

Vehicular access to the Proposed Development is from 2 no. access points as follows: (i) off Lynch's Lane to the west, and (ii) from Ballyfermot Road to the south. The Proposed Development also includes for a pedestrianised street, accessed from Ballyfermot Road, located between Blocks A & B.

The Proposed Development also provides for (i) all associated Site development works, above and below ground, (ii) hard & soft landscaping, boundary treatments & green roofs, (iii) public open spaces, (iv) internal & external communal spaces, (v) public lighting, (vi) signage, (vii) plant (M&E) & utility services (viii) undercroft, basement & surface car parking (including EV parking), motorcycle parking, and bicycle parking, (xi) bin (& bicycle) storage areas.

For a fully detailed description of the Proposed Development please refer to the public notices submitted for the application and Planning Statement accompanying the application.

### **3.2.3 Description of the Construction Phase**

The construction phase will involve the initial demolition of existing buildings and general excavation of the foundations and basements. During the demolition of existing buildings and general excavation of the foundations and basements there will be additional HGV movements to and from the Site. All suitable material will be used for construction and fill activities where possible and appropriate. All spoil material will be removed to a registered landfill Site. It is envisaged that tower cranes will be erected to hoist materials on Site in the construction of apartments.

Provision will be made for the cleaning by road sweeper etc. of all access routes to and from the Site during the course of the works, within 500m of the Site boundary. Gullies will be inspected regularly for build-up of silt and cleaned accordingly. A wheel wash facility will also be provided on Site to clean Site traffic leaving the Site when conditions require. Wastewater generated at this washing facility will be suitably treated on Site and all settled silts disposed offsite to licensed landfill. All road sweeping vacuum vehicles will be emptied off Site at a suitably licensed facility. For the duration of the proposed infrastructure works it is envisaged that the maximum working hours shall be 07:00 to 19:30 Monday to Friday (excluding bank holidays) and 08:00 to 14:00 Saturdays, 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.

### **3.2.4 Description of the Operational Phase**

The Operational Phase will comprise commercial and residential use and retail activities consistent with the neighbouring land use in the area.

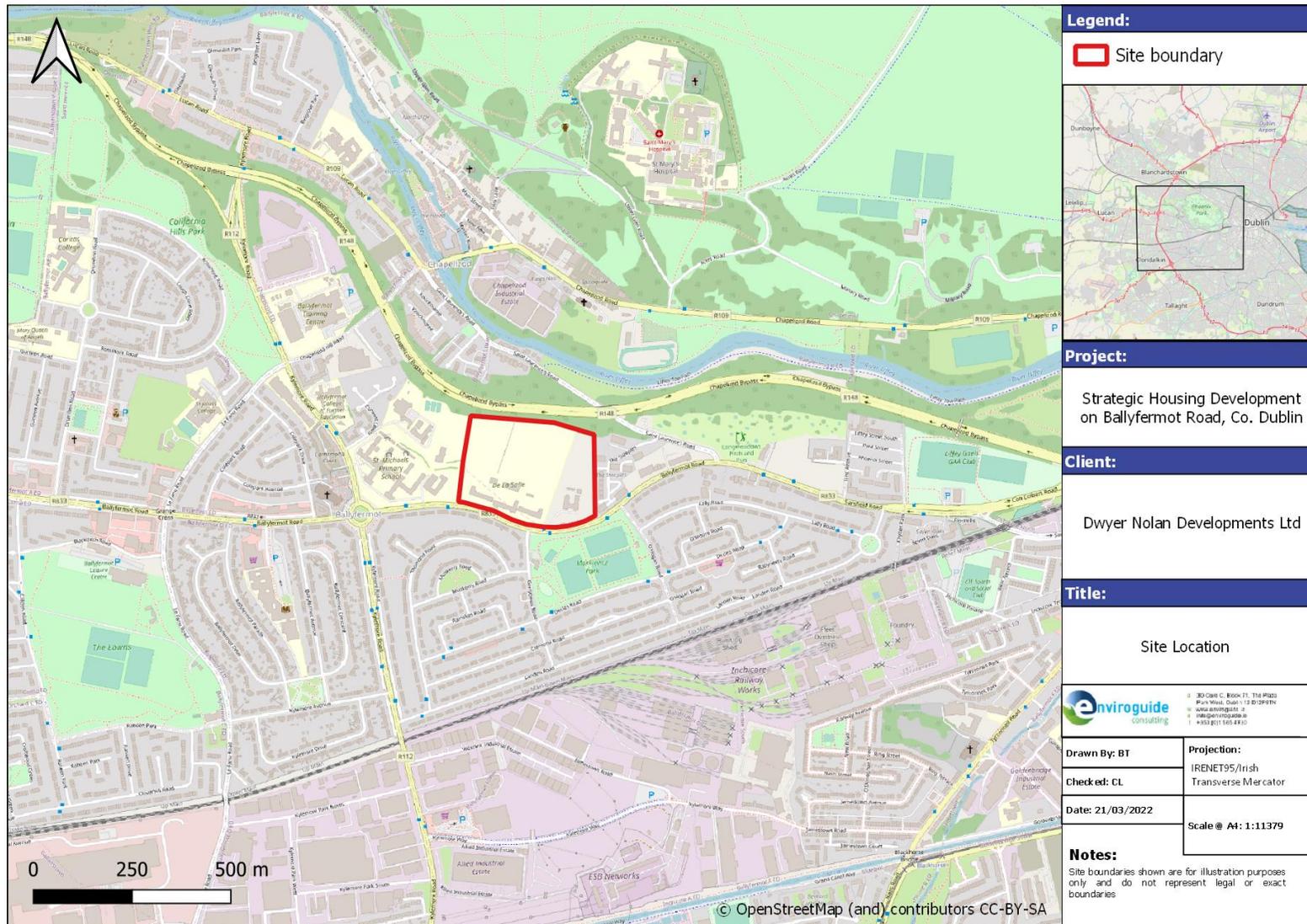


FIGURE 2. SITE LOCATION



### 3.3 Existing Environment

#### 3.3.1 Geology, Hydrology and Hydrogeology

The quaternary sediments beneath the Site are mapped by Geological Survey Ireland (GSI) as “*Bedrock outcrop or subcrop*” and “*Till derived from limestone*” (GSI, 2022). The SIS National Soils data also classifies the Site as ‘*Urban*’ (GSI, 2022). The bedrock groundwater rock units underlying the area is mapped by the GSI as “*Dark grey to black limestone & shale*” (GSI New code: CDCLP) (GSI, 2022).

The Proposed Development Site is located in the Liffey and Dublin Bay catchment, the *Liffey\_SC\_090* sub-catchment and the *Liffey\_190* river sub-basin. The River Liffey (EPA code: 09L01), is a 6th order river that lies c.146 m north of the Proposed Site and flows west through Dublin city and into Dublin Bay. Water quality monitoring stations (RS09L012330, RS09L012360 and RS09L012400) located upstream, adjacent to and downstream of the Proposed Development report water quality as being “*Poor*” with a Q value score of 3 for the most recent monitoring timepoint in 2019.

The Site is located within the *Dublin* groundwater body (GWB) (IE\_EA\_G\_008). The GWB covers the majority of the greater Dublin area reaching from Tallaght in the south to Malahide in the north and extents from Leixlip in the west to Ringsend in the east. The main rivers flowing through the GWB are the Rivers Liffey, Tolka, Dodder and Camac. The GWB covers a total area of 825 km<sup>2</sup>. The current WFD risk status for this GWB is reported as ‘*Review*’, and the groundwater 2013-2018 Risk Status was reported as *Good* (EPA, 2021). The Site area is located on a bedrock aquifer that is Classed as Rkd: *Locally Important Aquifer – Bedrock which is moderately productive only in local zones* with groundwater vulnerability classed as either *Rock at or near surface, Extreme, High or Moderate* across the Site.

#### 3.3.2 Habitats

The Site is predominantly composed of dry meadows and grassy verge (GS2) habitat. The southern and eastern boundaries of the Site are bounded with deciduous and coniferous treelines (WL2) respectively. Sections of scrub (WS1) occur towards the boundaries of the playing pitches and in some areas form a mosaic habitat with dry meadows and grassy verges. Scattered trees and parkland (WD5) occur to the east and west of the former school buildings and to the south of the monastery and merges into a mixed coniferous woodland (WD3) to the east of the Site. Small sections of ornamental and non-native shrubs (WS3) and hedgerow (WL1) occur toward the east of the Site and separate the playing pitches and monastery gardens.

### 3.4 Identification of Relevant European Sites

In order to identify the European Sites that potentially lie within the Zone of Influence (ZOI) of the Proposed Development, a Source-Path-Receptor method (S-P-R) was adopted, as described in ‘OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management’ (OPR, 2021), a practice note produced by the Office of the Planning Regulator, Dublin. This note was published to provide guidance on screening for appropriate assessment (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 Appropriate Assessment Screening Reports such as this.

The guidance document published by the Department of Housing, Planning and Local Government (then DEHLG) 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' (2009) recommends an arbitrary distance of 15km as the precautionary ZOI for a plan or project being assessed for likely significant effects on European Sites, stating however that this should be evaluated on a case-by-case basis.

As such, the 15km ZOI is used in this report as an initial starting point for collating European Sites for AA screening.

The methodology used to identify relevant European Sites comprised the following:

- Use of up-to-date GIS spatial datasets for European designated Sites and water catchments – downloaded from the NPWS website ([www.npws.ie](http://www.npws.ie)) and the EPA website ([www.epa.ie](http://www.epa.ie)) to identify European Sites which could potentially be affected by the Proposed Development;
- The catchment data were used to establish or discount potential hydrological connectivity between the Project Boundary and any European Sites.
- All European Sites within the Precautionary zone of influence (within 15km of the Proposed Development Site) were identified and are shown in Figure.
- The potential for connectivity with European Sites at distances greater than 15km from the Proposed Development was also considered in this initial assessment. In this case, there is no potential connectivity between the Proposed Development Site and European Sites located at a distance greater than 15km from the Proposed Development based on the S-P-R model.
- Table 2 provides details of all relevant European Sites as identified in the preceding steps. The potential for pathways between European Sites and the Proposed Development Site was assessed on a case-by-case basis using the Source-Pathway-Receptor framework as per the OPR Practice Note PN01 (March 2021). Those European Sites where a pathway has been identified are highlighted in green. Pathways considered included:
  - a. Direct pathways (e.g., proximity (i.e., location within the European Site), water bodies, air (for both air emissions and noise impacts).
  - b. Indirect pathways (e.g., disruption to migratory paths, 'Sightlines' where noisy or intrusive activities may result in disturbance to shy species).
- The Site synopses and conservation objectives of these Sites, as per the NPWS website ([www.npws.ie](http://www.npws.ie)), were consulted and reviewed at the time of preparing this report.
- There is absolutely no reliance placed in this Appropriate Assessment Screening Report on measures intended to avoid/reduce harmful effects on the European Sites.

The result of this preliminary screening concluded that there is a total of six SACs and three SPAs located within the precautionary ZOI of the Proposed Development Site. The distances

to each Site listed are taken from the nearest possible point of the Proposed Development Site boundary to the nearest possible point of each European Site.

Potential pathways between the Proposed Development Site and the European Sites within the ZOI were identified (Table 2).

**TABLE 2. EUROPEAN SITES WITHIN THE 15KM PRECAUTIONARY ZONE OF INFLUENCE OF THE PROPOSED DEVELOPMENT AND POTENTIAL PATHWAYS BETWEEN THEM. THOSE EUROPEAN SITES FOR WHICH A S-P-R LINK WAS IDENTIFIED ARE HIGHLIGHTED IN GREEN.**

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
<b>Special Areas of Conservation (SAC)</b>			
South Dublin Bay SAC (000210)  <a href="https://www.npws.ie/protected-Sites/sac/000210">https://www.npws.ie/protected-Sites/sac/000210</a>	<b>Conservation Objectives Version 1.0 (NPWS, 2013a)</b>  <ul style="list-style-type: none"> <li>- Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>- Annual vegetation of drift lines [1210]</li> <li>- <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>- Embryonic shifting dunes [2110]</li> </ul>	8.4 km	<p><b>Yes</b> – Weak hydrological pathway via surface water discharges to the River Liffey during both the Construction and Operational Phases and discharges from Ringsend WwTP into Dublin Bay during the Operational Phase.</p> <p><b>No other pathways between the Site and the European Site exists:</b></p> <p>The intervening distance between the Site and the SAC is sufficient to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p>
Glenasmole Valley SAC (001209)  <a href="https://www.npws.ie/protected-Sites/sac/001209">https://www.npws.ie/protected-Sites/sac/001209</a>	<b>Conservation Objectives Version 1.0 (NPWS, 2021a)</b>	9.4 km	<p><b>None</b> – There is no hydrological connection. In addition, the intervening distance between the Site and the SACs is sufficient to exclude</p>

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
	<ul style="list-style-type: none"> <li>- Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid Sites) [6210]</li> <li>- <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</li> <li>- Petrifying springs with tufa formation (Cratoneurion) [7220]</li> </ul>		the possibility of significant effects on the SACs arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.
<p>Rye Water Valley/Carton SAC (001398)</p> <p><a href="https://www.npws.ie/protected-Sites/sac/001398">https://www.npws.ie/protected-Sites/sac/001398</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2021b)</b></p> <ul style="list-style-type: none"> <li>- Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>- <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</li> <li>- <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</li> </ul>	9.9 km	
<p>North Dublin Bay SAC (000206)</p> <p><a href="https://www.npws.ie/protected-Sites/sac/000206">https://www.npws.ie/protected-Sites/sac/000206</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2013b)</b></p> <ul style="list-style-type: none"> <li>- Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>- Annual vegetation of drift lines [1210]</li> <li>- <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>- Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>- Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>- Embryonic shifting dunes [2110]</li> <li>- Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> </ul>	10.7 km	<p><b>Yes –</b> Weak hydrological pathway via surface water discharges to the River Liffey during both the Construction and Operational Phases and discharges from Ringsend WwTP into Dublin Bay during the Operational Phase.</p> <p><b>No other pathways between the Site and the European Site exists:</b></p> <p>The intervening distance between the Site and the SAC is sufficient to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust,</p>

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
	<ul style="list-style-type: none"> <li>- Humid dune slacks [2190]</li> <li>- <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</li> </ul>		<p>pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p>
<p>Wicklow Mountains SAC (002122)</p> <p><a href="https://www.npws.ie/protected-Sites/sac/002122">https://www.npws.ie/protected-Sites/sac/002122</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2017)</b></p> <ul style="list-style-type: none"> <li>- Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>- Natural dystrophic lakes and ponds [3160]</li> <li>- Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</li> <li>- European dry heaths [4030]</li> <li>- Alpine and Boreal heaths [4060]</li> <li>- Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</li> <li>- Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</li> <li>- Blanket bogs (* if active bog) [7130]</li> <li>- Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</li> <li>- Calcareous rocky slopes with chasmophytic vegetation [8210]</li> <li>- Siliceous rocky slopes with chasmophytic vegetation [8220]</li> <li>- Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> </ul>	<p>11.8 km</p>	<p><b>None</b> – There is either a considerable marine buffer or no hydrological connection to these Sites. In addition, the intervening distance between the Site and the SACs is sufficient to exclude the possibility of significant effects on the SACs arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p>

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
	<ul style="list-style-type: none"> <li>- <i>Lutra lutra</i> (Otter) [1355]</li> </ul>		
<p>Baldoyle Bay SAC (000199)</p> <p><a href="https://www.npws.ie/protected-Sites/sac/000199">https://www.npws.ie/protected-Sites/sac/000199</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2012)</b></p> <ul style="list-style-type: none"> <li>- Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>- <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>- Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> <li>- Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> </ul>	<p>14.9 km</p>	
<b>Special Protected Area (SPA)</b>			
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p><a href="https://www.npws.ie/protected-Sites/spa/004024">https://www.npws.ie/protected-Sites/spa/004024</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2015a)</b></p> <ul style="list-style-type: none"> <li>- Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>- Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>- Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>- Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>- Knot (<i>Calidris canutus</i>) [A143]</li> <li>- Sanderling (<i>Calidris alba</i>) [A144]</li> <li>- Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>- Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>- Redshank (<i>Tringa totanus</i>) [A162]</li> <li>- Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>- Roseate Tern (<i>Sterna dougallii</i>) [A192]</li> <li>- Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>- Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> </ul>	<p>7.5 km</p>	<p><b>Yes –</b> The Proposed Development Site may potentially provide <i>ex-situ</i> foraging habitat (former playing pitches) for SCI species associated with South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA such as Light-bellied Brent Geese (<i>Branta bernicla hrota</i>). Therefore, development at the Site may result in the loss of <i>ex-situ</i> foraging habitat for SCI species within these SPAs during both the construction and operational phases. The Proposed Development itself may also pose</p>

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
	<ul style="list-style-type: none"> <li>- Wetland and Waterbirds [A999]</li> </ul>		<p>a collision risk to SCI species which fly over the Site particularly during the operational phase. In addition, the Proposed Development may lead to disturbance (noise and dust) of Light-bellied Brent Geese which may use <i>ex-situ</i> Sites in the vicinity of the Proposed Development during the construction phase. There is a weak hydrological pathway via surface water discharges to the River Liffey during both the Construction and Operational Phases and discharges from Ringsend WwTP into Dublin Bay during the Operational Phase.</p>
<p>North Bull Island SPA (004006)</p> <p><a href="https://www.npws.ie/protected-Sites/spa/004006">https://www.npws.ie/protected-Sites/spa/004006</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2015b)</b></p> <ul style="list-style-type: none"> <li>- Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> <li>- Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>- Teal (<i>Anas crecca</i>) [A052]</li> <li>- Pintail (<i>Anas acuta</i>) [A054]</li> <li>- Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>- Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>- Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>- Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>- Knot (<i>Calidris canutus</i>) [A143]</li> <li>- Sanderling (<i>Calidris alba</i>) [A144]</li> <li>- Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>- Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>- Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>- Curlew (<i>Numenius arquata</i>) [A160]</li> <li>- Redshank (<i>Tringa totanus</i>) [A162]</li> <li>- Turnstone (<i>Arenaria interpres</i>) [A169]</li> <li>- Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>- Wetland and Waterbirds [A999]</li> </ul>	<p>10.7 km</p>	<p>a collision risk to SCI species which fly over the Site particularly during the operational phase. In addition, the Proposed Development may lead to disturbance (noise and dust) of Light-bellied Brent Geese which may use <i>ex-situ</i> Sites in the vicinity of the Proposed Development during the construction phase. There is a weak hydrological pathway via surface water discharges to the River Liffey during both the Construction and Operational Phases and discharges from Ringsend WwTP into Dublin Bay during the Operational Phase.</p>
<p>Wicklow Mountains SPA (004040)</p> <p><a href="https://www.npws.ie/protected-Sites/spa/004040">https://www.npws.ie/protected-Sites/spa/004040</a></p>	<p><b>Conservation Objectives Version 1.0 (NPWS, 2021c)</b></p> <ul style="list-style-type: none"> <li>- Merlin (<i>Falco columbarius</i>) [A098]</li> <li>- Peregrine (<i>Falco peregrinus</i>) [A103]</li> </ul>	<p>11.8 km</p>	<p><b>None</b> – There is no hydrological connection. In addition, the intervening distance between the Site and the SPA is sufficient to exclude the possibility of significant effects on the SPA arising from emissions of noise, dust, pollutants and/or vibrations emitted from the</p>

Site Name & Site Code	Qualifying Interests	Distance to Site	Connections (Source- Pathway- Receptor)
			<p>Site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the Site during Construction and Operational Phase; and increased human presence at the Site during Construction and Operational Phase.</p> <p>The Site does not provide significant <i>ex-situ</i> habitat for QI/SCI species within the Site of the Proposed Development.</p>

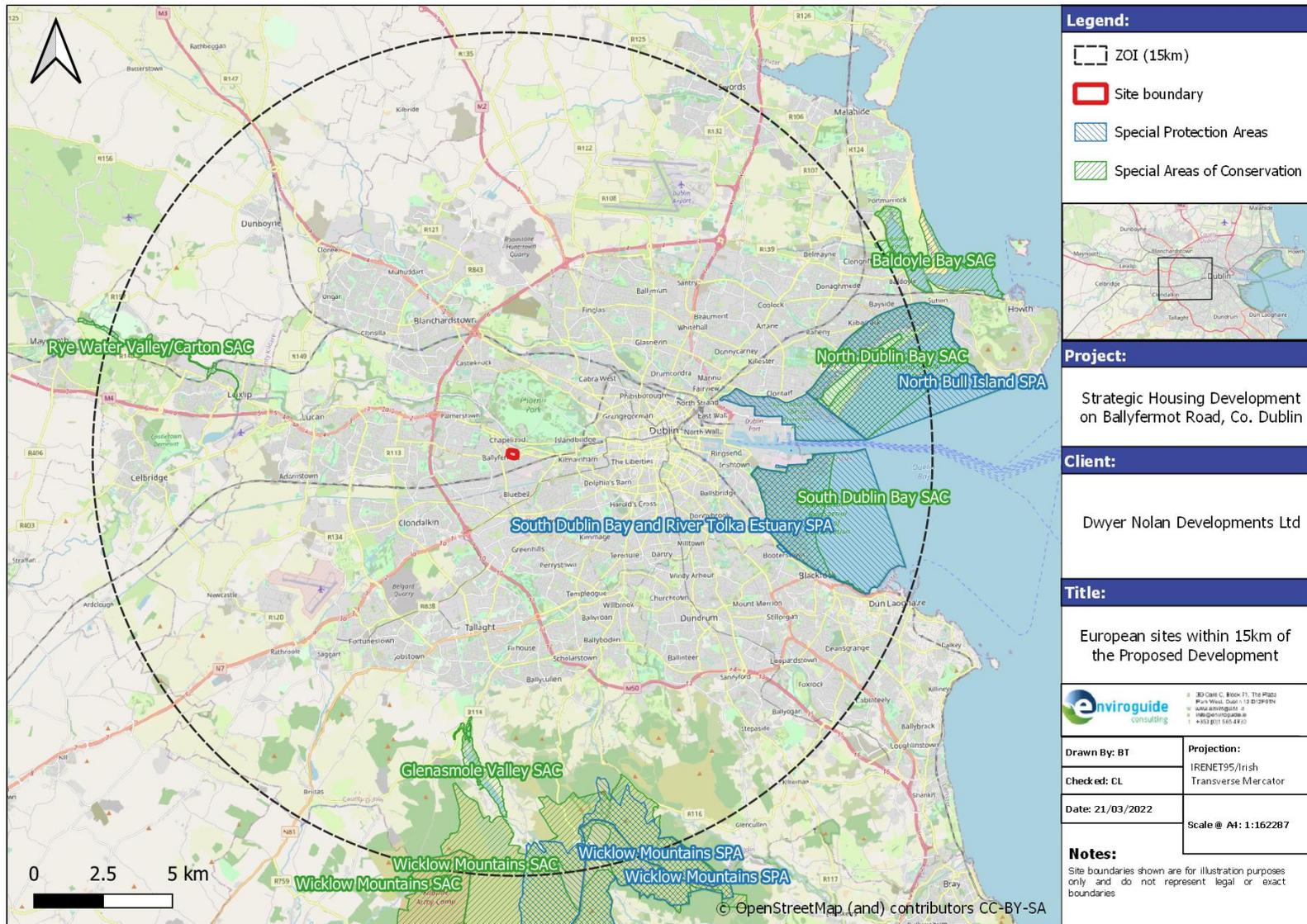


FIGURE 4. EUROPEAN SITES WITHIN 15KM BUFFER OF THE PROPOSED DEVELOPMENT SITE.

### 3.5 Conservation objectives

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them.

Site Specific Conservation Objectives (SSCO) have been compiled for the European Sites listed above. Site-specific conservation objectives aim to define favourable conservation condition for habitats or species at a Site.

The maintenance of habitats and species within European Sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing.
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future.
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future.
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

### 3.6 Identification and Assessment of Potential Impacts

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 resulting from the Proposed Development was determined based on a range of indicators, including:

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

The following elements of the Proposed Development were assessed for their potential for likely significant effects on European Sites.

- **Construction Phase**
  - Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks
  - Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
  - Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
  - Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
  - Increased noise, dust and/or vibrations as a result of construction activity.
  - Increased dust and air emissions from construction traffic.
  - Increased lighting in the vicinity as a result of construction activity.
  - Loss of *ex-situ* foraging habitat for SCI species associated with European Sites.
  
- **Operational Phase**
  - Surface water drainage from the Site of the Proposed Development.
  - Loss of *ex-situ* foraging habitat and potential collision risk for SCI species associated with European Sites.
  - Foul water from the Proposed Development leading to increased loading on wastewater treatment plants.
  - Increased lighting in the vicinity emitted from the Proposed Development; and
  - Increased human presence in the vicinity as a result of the Proposed Development.

### 3.6.1 Habitat Loss and Alteration

The Proposed Development is not located within any European Site and therefore there will be no direct loss or alteration of habitat as a result of the Proposed Development. Light-bellied Brent Geese *Branta bernicla hrota* were recorded using the former De La Salle playing pitches as *ex-situ* foraging habitat during 2018/2019 (Tubridy 2022). However, following the closure of the school in July 2019 and the cessation of grassland management, the playing pitches have reverted to high sward rank grassland which is not a suitable food source for Light-bellied Brent Geese. There are no records of geese using the Site since and no Light-bellied Brent Geese or evidence of their presence (droppings, feathers etc) were recorded at the Site during Enviroguide Consulting surveys on 28/01/2022, 4/02/2022, 25/02/2022 or 4/03/2022.

According to Mary Tubridy (2022), the Irish Brent Goose Research Group (IBGRG) stated that Light-bellied Brent Geese have used the Site sporadically in the past as part of wider set of feeding sites, including Le Fanu park to the south-west. Le Fanu park was noted as being used by Light-bellied Brent Geese as recently as winter February 2022 by Enviroguide Consulting during Dublin-wide *ex-situ* site surveys.

In addition, a new *ex-situ* feeding site for Light-bellied brent geese has recently been observed at the "15 Acres" in the Phoenix Park, roughly 1km north of the Proposed Development. On December 23rd, 2020 a report was made of a flock of approximately 1,400 Light-bellied Brent Geese feeding on the '15 Acres' and reported to popular birding website IrishBirding.com (by Seán Geraty, sighting ref: IB136043). The '15 Acres', an area in the south of the park

maintained as playing pitches, provides ca.25.6 Ha of short sward green space utilised by a number of amateur football clubs. Up until the 2020/21 winter season no known records of Light-bellied Brent Geese feeding in the Phoenix Park have been made. Further observations were subsequently made of Light-bellied Brent Geese in Phoenix Park on the 7th and 8th of January 2021; with flocks of 2000 and 600+ birds recorded by Seán Geraty (sighting ref: IB136607) and Liam Kane (sighting ref: IB136622), respectively. Enviroguide surveys of the 15 Acres have recorded Light-bellied Brent Geese usage in winter 2021/22, demonstrating its utilisation as an *ex-situ* feeding site by Light-bellied Brent Geese for at least the second year running.

According to the most recently published Irish Wetland Bird Survey (IWeBS) (2009/10 – 2015/16) (Lewis et al., 2019), the all-Ireland population of Light-bellied Brent Geese is 35,150 individuals, with 30,295 birds in the Republic of Ireland. The results at the time of this study showed that historically Light-bellied Brent Geese have increased by 75.1% since the 1980's, with a 20-year increase of 96.1%. Despite this increase, the 5 and 10-year trends are negative with a -10.2% decline over the previous 10 years and a -15.5% decline over the past 5 years up to the time of this IWeBS assessment. It should be noted that population fluctuations of Light-bellied Brent Geese and breeding success are essentially linked with factors associated with their summer breeding grounds e.g., competition for resources, predation of chicks and eggs, and availability of food (Madsen, Bregnballe & Mehlum, 1989; Madsen et al. 2019). As such, inferences made on the effects of the loss of a single *ex-situ* site on the global population of Light-bellied Brent Geese are without foundation. The abundance of inland feeding sites within the Dublin Bay catchment is noted by Lewis et al., (2019) as the likely factor behind the increase in Light-bellied Brent Geese in Dublin in recent decades.

The existing baseline conditions at the Site provide no suitable *ex-situ* habitat for Light-bellied Brent Geese, with no usage of the Site by Light-bellied Brent Geese recorded during Enviroguide surveys in 2022. Therefore, the Proposed Development will not reduce the level of any existing *ex-situ* feeding for this species and will in fact entail an increase in the provision of suitable feeding habitat at the Site; through the provision of several playing pitches in the project design. The adoption of new *ex-situ* sites such as the 15 Acres, Phoenix Park demonstrates that the network of *ex-situ* feeding sites in Dublin is fluid and that new sites are adopted and re-used by the geese each year.

Therefore, the loss of the Site of the Proposed Development as an *ex-situ* site in 2019 (due to grassland management changes) is not considered to represent a significant loss to Light-bellied Brent Geese; based on the abundance of alternative feeding sites in the vicinity of the Site, the adoption of new sites, such as the 15 Acres, Phoenix Park, and the overall stable to increasing population trend of Light-bellied Brent Geese in Dublin Bay.

### **3.6.2 Habitat / Species Fragmentation**

Habitat fragmentation has been defined as the 'reduction and isolation of patches of natural environment' (Hall et al., 1997 cited in Franklin et al., 2002) usually due to an external disturbance such that an alteration of the spatial composition of a habitat occurs that alters the habitat and 'create[s] isolated or tenuously connected patches of the original habitat' (Wiens, 1989 cited in Franklin et al., 2002). This results in spatial separation of habitat units which had previously been in a state of greater continuity.

As there will be no direct habitat loss within any European Sites, no habitat fragmentation will arise as a result of the Proposed Development.

### **3.6.3 Changes in Water Quality and Resource**

#### **3.6.3.1 Surface water**

The Proposed Development will be served by the existing surface water network via a new connection to an existing 450mm surface water drain (ID:121365) on Ballyfermot Road which runs east and joins a separate 450mm storm water drain (ID: 34997) which in turn discharges into the River Liffey. Therefore, there is a weak hydrological connection between the Site of the Proposed Development and European Sites in Dublin Bay. In the event of rainfall, and in the absence of standard, appropriate mitigation measures, there is potential for sediments/pollutants from the Site to enter the above storm water drain, the River Liffey and ultimately Dublin Bay via surface water run-off during the construction phase of the Proposed Development. This could result in impacts on water quality in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

There is either a significant intervening distance, considerable marine buffer or no hydrological or alternative pathway between the Site of the Proposed Development and the remaining European Sites in the zone of influence. Therefore, there will be no significant effects on these Sites.

#### **3.6.3.2 SuDS Measures included in Project Design**

A suite of SUDS measures have been incorporated into the project design as per the requirements of DCC policy (SI18) and the Greater Dublin Strategic Drainage Strategy (GSDSDS). However, whether these are considered as mitigation when screening for Appropriate Assessment is yet to be unequivocally confirmed by case law. Therefore, in the absence of any measures designed to treat surface water generated at the Site i.e., SUDS, the potential for contaminated surface waters from the Site to be discharged to the Liffey represents a potential source of significant effects to the SACs in terms of the Key indicator 'Changes in Water Quality and/or Resource' and warrants further assessment

#### **3.6.3.3 Foul water from Ringsend WwTP**

The Site will be served by a public foul sewer via a newly constructed connection which flows to Ringsend WwTP. The increase of a maximum load of 2503 Population Equivalent (PE) at the facility as a result of the Proposed Development, assuming each PE unit was not previously supported by the WwTP, is considered to be an insignificant increase in terms of the overall scale of the facility. This potential maximum increased load of 2503 PE does not have the capacity to alter the effluent released from the WwTP to such an extent as to result in likely significant effects on the SACs and SPAs connected hydrologically with Ringsend WwTP. In addition, upgrade works are currently on-going at Ringsend WwTP to increase the capacity of the facility from 1.6 million PE to 2.4 million PE. This plant upgrade will result in an overall reduction in the final effluent discharge of several parameters from the facility including BOD, suspended solids, ammonia, DIN and MRP (Irish Water, 2018).

### **3.6.4 Disturbance and / or Displacement of Species**

During recent Dublin wide winter bird surveys conducted by Enviroguide Consulting, Light-bellied Brent Geese flocks were recorded at several *ex-situ* sites within close proximity to the Proposed Development Site, particularly at Liffey Gaels (800m), Le Fanu Park (900 m) and the 15 Acres (1km) from the Site.

Given the close proximity of the Site to these *ex-situ* habitats, it is possible that the Proposed Development could cause disturbance and/or displacement to this SCI species due to disturbances due to environmental nuisances such as noise and dust during the construction phase.

### 3.6.5 Changes in Population Density

As no proposed works occur within any European Site there will be no direct reduction in SCI species population densities due to the proposed works. During vantage point surveys conducted by Enviroguide Consulting between January and March 2022, several flocks of Light-bellied Brent Geese with up to 120 individuals per flock were observed flying over the Site, in the direction of known *ex-situ* foraging sites (Figure 5). The height of these flocks above ground level ranged from 25-40m which is within the collision risk zone for the Proposed Development (2-13 storeys). Several Black-headed Gulls were also observed soaring over the Site during these surveys (Table 3).



**FIGURE 5. BRENT GESE FLIGHTLINES OVER OF THE PROPOSED DEVELOPMENT SITE.**

The physical location of buildings and structures can influence the likelihood of bird collisions, with structures placed on or near areas regularly used by large numbers of feeding, breeding, or roosting birds, or on local flight path; such as those located between important foraging and roosting areas, can present a higher risk of collision. The Proposed Development itself is located 140 m south of the River Liffey which may be utilised by waterfowl species for foraging or to commute inland. Given that flocks of Light-bellied Brent Geese and Black-headed Gulls fly over this Site to access nearby *ex-situ* sites, coupled with the height of the Proposed Development, the Proposed Development may pose a potential collision risk to Light-bellied Brent Geese and Black-headed Gulls associated with South Dublin Bay and River Tolka

Estuary SPA and North Bull Island SPA. In addition, as considerable flock sizes of Light-bellied Brent Geese (120 individuals) were recorded flying over the Site, a collision event could result in a significant reduction of population densities of these European Sites.

**Table 3: Results of winter bird surveys carried out on Site. peak counts of relevant QI species - Light-bellied Brent Geese (PB) and Black-headed gull (BH) - are shown. FL refers to the BTO activity code for flying.**

Month	Date	Surveyor	Peak Count PB	Peak Count BH	Activity (BTO Code)	Additional notes
January	28/01/2022	Bryan Thompson (Enviroguide Consulting)	8	0	FL	Flight height 30-40m
February	14/02/2022	Bryan Thompson (Enviroguide Consulting)	120	4	FL	3 Barnacle geese mixed in with flock. Flight height 25-30m
February	25/02/2022	Bryan Thompson (Enviroguide Consulting)	0	0	-	-
March	4/03/2022	Bryan Thompson (Enviroguide Consulting)	0	2	FL	-

### 3.7 Potential for In-combination Effects

#### 3.7.1 Existing Planning Permissions

There are several existing planning permissions on record in the area ranging from small-scale extensions and alterations to existing residential properties to some larger-scale developments. The larger-scale developments identified within the vicinity of the Proposed Development are as follows:

#### **Planning Application Reference:3134/22**

Permission for the amendment of a permitted development at the site at the former Faulkners Industries Factory, Chapelizod Hill Road, Chapelizod, Dublin 20; 'Beann', 38 Chapelizod Hill Road, Chapelizod, Dublin 20 and 'Clarevill' 38D Chapelizod Hill Road, Dublin 20.

The development will consist of an amendment of previously permitted mixed-use residential development (previously granted under Reg. Ref. 2869/17; ABP Ref. PL29S248958; Reg. Ref. 3221/18). The original application consisted of (a) the demolition of the existing former Faulkners Industries Factory complex along with the two number two storey semi-detached dwellings known as 'Beann', 38 Chapelizod Hill Road and 'Clarevill', 38D Chapelizod Hill Road; (b) the construction of 171 number apartments (53 number one bedroom units, 92 number two bedroom units and 26 number three bedroom units) in two number five storey apartment blocks over a single level basement comprising: Block A – five storey (part three storey) block comprising of 93 number residential units (34 number one bedroom units, 50 number two bedroom units and nine number three bedroom units) with balconies/terraces on the north, east, south and west elevations. Block A will also comprise one number concierge office ancillary to the apartments (74 square metres gross floor area) and one number

childcare facility (291 square metres gross floor area) with ancillary outdoor play area, all of which will be at ground floor level. Block B – five storey apartment block over lower ground floor level, comprising 78 number residential units (19 number one bedroom units, 42 number two bedroom units and 17 number three bedroom units) with balconies/terraces on all elevations; (c) a total of 205 number car parking spaces (172 number resident parking spaces and 17 number visitor parking spaces and 10 number disabled parking spaces at basement level and six number surface level visitor car parking spaces and two number surface level drop-off spaces at the childcare facility); (d) 13 number motor cycle parking spaces at basement level; 188 number bicycle parking spaces (176 number spaces at basement level and 12 number spaces at surface level); (e) ancillary plant room and bin storage areas at basement level; (f) one number ESB sub-station; (g) modification to the existing vehicular entrance to the former Faulkners Industries Factory on Chapelizod Hill Road and provision of a new fire tender access to Chapelizod Hill Road; (h) landscaping (including public, communal and private open space and play equipment; (i) boundary treatment including new low wall and railing boundary to Chapelizod Hill Road and (j) all associated engineering works (including plant and solar panels at roof level) and site development works necessary to facilitate the development on lands at the former Faulkner Industries Factory, Chapelizod Hill Road, 'Beann', 38 Chapelizod Hill Road and 'Clarevill', 38D Chapelizod Hill Road, Chapelizod, Dublin.

The amendment will consist of the modifications of the internal road layout at grade level, relocation of basement ramp, modifications to basement layout including a revised and relocated amenity area under Block A and with a 254m<sup>2</sup> decrease in floor area, a change to the number of car parking spaces, new elevations to Block A at basement level and minor amendments to North and East elevations at basement level of Block B, amendments to proposed attenuation areas, minor amendments to landscaping and associated site works. **(Application status: Registered application – 25/01/2022).**

### **Planning Application Reference:2830/20**

The development will consist of the restructuring of the external landscape and the renovation of the fire damaged existing one storey community centre to the rear of the property. External landscape works involve new garden areas, green house, car parking areas and building of a new boundary wall to the Cornamona land to the north of the site. Renovation works consist of an upgraded thermal envelope to the building including insulated render system and new windows and doors and the removal of adjacent sheds. **(Application status: Decision Notice Issued – 09/06/2020).**

#### **3.7.2 Relevant Policies and Plans**

The following policies and plans were reviewed and considered for possible in-combination effects with the Proposed Development.

- Dublin City Development Plan 2016- 2022
- Draft Dublin City Development Plan 2022-2028
- Draft Dublin City Biodiversity Action Plan 2021-2025

The Dublin City Development Plan 2016-2022 has directly addressed the protection of European Sites through specific policies (CCO9). The relevant recommendations and mitigation measures have been integrated into the plan. The Draft Dublin City County Development Plan 2022-2028 is currently at public consultation phase however it is expected

that policies and objectives relating to the protection of European Sites will be maintained or enhanced. The Draft Biodiversity Action Plan for Dublin City 2021-2025 is set out to protect and improve biodiversity, and as such will not result in negative in-combination effects with the Proposed Development.

On examination of the above it is considered that there are no means for the Proposed Development to act in-combination with any plans or projects, that would cause any likely significant effects on any European Sites.

### **3.7.3 Operation of Ringsend WWTP**

In June 2018 Irish Water applied for and subsequently received planning permission in 2019 for upgrade works to the Ringsend WwTP facility. The first phase of upgrade works to Ringsend WwTP was completed in December 2021, which increased the capacity of the facility by 400,000 P.E. These works, together with the further works permitted in 2019 will increase the capacity of the facility from 1.6 million PE to 2.4 million PE. This plant upgrade will result in an overall reduction in the final effluent discharge of several parameters from the facility including BOD, suspended soils, ammonia, DIN and MRP. An Environmental Impact Assessment Report (EIAR) was submitted by Irish Water as part of this application. The EIAR contains sections relating to Marine Biodiversity and Terrestrial Biodiversity, and each contains a section on the 'do-nothing scenario'. These review the effects of the WwTP on biodiversity in Dublin Bay in the absence of the upgrade works and so are relevant to this report.

The EIAR report acknowledges that under the do-nothing scenario "the areas in the Tolka Estuary and North Bull Island channel will continue to be affected by the cumulative nutrient loads from the river Liffey and Tolka and the effluent from the Ringsend WwTP", which could result in a decline in biodiversity and the deterioration of the biological status of Dublin Bay (Irish Water, 2018). Nevertheless, these negative impacts of nutrient over-enrichment are considered "unlikely" (Irish Water, 2018). This is because historical data suggests that pollution in Dublin Bay has had little or no effect on the composition and richness of the benthic macroinvertebrate fauna. The EIAR notes that "although a localised decline could occur, it is not envisaged to be to a scale that could pose a threat to the shellfish, fish, bird or marine mammal populations that occur in the area." Furthermore, the EIAR notes that significant impacts on waterbird populations foraging on invertebrates in Dublin Bay due to nutrient over-enrichment are "unlikely" to occur (Irish Water, 2018). What is important in the context of this AA screening report is that the do-nothing scenario predicts that nutrient and suspended solid loads from the WwTP will "continue at the same levels and the impact of these loadings should maintain the same level of effects on marine biodiversity" and that "if the status quo is maintained there will be little or no change in the majority of the intertidal faunal assemblages found in Dublin Bay which would likely continue to be relatively diverse and rich across the bay."

Therefore, it can be concluded that significant effects on marine biodiversity and the European Sites within Dublin Bay from the current operation of Ringsend WwTP are unlikely. Importantly, this conclusion is not dependent upon any future works to be undertaken at Ringsend. Thus, in the absence of any upgrading works, significant effects to European Sites are not likely to arise.

On examination of the above it is considered that there are no means for the Proposed Development to act in-combination with any plans or projects, that would cause any likely significant effects on any European Sites.

**TABLE 4. 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
<b>SAC</b>							
South Dublin Bay SAC (000210)	No	No	No	No	Potential effects	No	<b>Yes</b>
Glenasmole Valley SAC (001209)	No	No	No	No	No	No	No
Rye Water Valley/Carton SAC (001398)	No	No	No	No	No	No	No
North Dublin Bay SAC (000206)	No	No	No	No	Potential effects	No	<b>Yes</b>
Wicklow Mountains SAC (002122)	No	No	No	No	No	No	No
Baldoyle Bay SAC (000199)	No	No	No	No	No	No	No
<b>SPA</b>							
South Dublin Bay and River Tolka Estuary SPA (004024)	No	No	Potential effects	Potential effects	Potential effects	No	<b>Yes</b>
North Bull Island SPA (004006)	No	No	Potential effects	Potential effects	Potential effects	No	<b>Yes</b>
Wicklow Mountains SPA (004040)	No	No	No	No	No	No	No

#### 4 APPROPRIATE ASSESSMENT SCREENING CONCLUSION

The Proposed Strategic Housing Development at Ballyfermot, 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 qualifying interests 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, on the basis of objective information; the possibility **may be excluded** that the Proposed Development will have a significant effect on any of the European Sites listed below:

- Glenasmole Valley SAC (001209)
- Rye Water Valley/Carton SAC (001398)
- Wicklow Mountains SAC (002122)
- Wicklow Mountains SPA (004040)
- Baldoyle Bay SAC (000199)

However, upon examination of the relevant information including in particular the nature of the Proposed Development and the likelihood of significant effects on European Sites, the possibility may not be excluded that the Proposed Development will have a likely significant effect on any of the European Sites listed below:

- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

Accordingly, a Natura Impact Statement has been prepared for the Proposed Development and is included under separate cover.

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## APPENDIX I - EUROPEAN SITE SYNOPSES

Brief descriptions of European Sites which are within the 15km radius of the Proposed Development are presented below with relevant excerpts taken from their respective NPWS Site synopses and Natura 2000 forms.

### South Dublin Bay SAC (000210)

*This intertidal Site extends from the South Wall at Dublin Port to the West Pier at Dun Laoghaire, a distance of c. 5 km. At their widest, the intertidal flats extend for almost 3 km. The seaward boundary is marked by the low tide mark, while the landward boundary is now almost entirely artificially embanked. Several permanent channels exist, the largest being Cockle Lake. A small sandy beach occurs at Merrion Gates, while some bedrock shore occurs near Dun Laoghaire. A number of small streams and drains flow into the Site. The proximity of the Site to Dublin City results in it being a very popular recreational area. It is also important for educational and research purposes.*

*Site possesses a fine and fairly extensive example of intertidal flats. Sediment type is predominantly sand, with muddy sands in the more sheltered areas. A typical macro-invertebrate fauna exists. Has the largest stand of *Zostera* on the east coast. Supports part of the important wintering waterfowl populations of Dublin Bay. Regularly has an internationally population of *Branta bernicla horta*, plus nationally important numbers of at least a further 6 species, including *Limosa lapponica*. Regular autumn roosting ground for significant numbers of *Sterna* terns, including *S. dougallii*. The scientific interests of the Site have been well documented.*

### Glenasmole Valley SAC (001209)

*Glenasmole Valley lies at the northern foothills of the Dublin and Wicklow Mountains. It is a glaciated valley, with drift deposits, consisting of fluvio-glacial sands and gravels of varying thickness and rich in Carboniferous limestone, occurring on the slopes. Spring lines occur along both sides of the northern part of the valley. The River Dodder flows through the valley and within the Site the river has been impounded to form two reservoirs. Associated with the reservoirs are areas of swamp and marsh vegetation. The valley is heavily wooded, mostly with mixed woodland of both deciduous and coniferous species but also some native woodland. Dry calcareous pasture grassland, improved to varying degrees, is a main habitat of the valley sides and occurs in association with wet grassland and, in places of seepage, fen or marsh type vegetation.*

*The Site has important examples of petrifying springs. The physical and chemical properties of the springs have been studied. Good examples of orchid rich calcareous grassland, including *Pseudorchis albida* (legally protected) and *Orchis morio* (Red Data Book species) are found. The quality of grassland is variable owing to agricultural improvement. *Molinia* meadows are also represented. Several other Red Data Book plant species occur, along with a host of rare or scarce plant species for Co. Dublin. The botany of this Site has been well studied since the 19th century. The Site has *Alcedo atthis*, and is important for bats, with four Red Data Book species present (*Pipistrellus pipistrellus*, *Nyctalus leisleri*, *Myotis daubentoni*, *Plecotus auritus*).*

## **Rye Water Valley/Carton SAC (001398)**

*A river valley Site which includes at its western end a large area of estate woodland and an artificial lake. The eastern section of the Site includes a section of railway, canal and aquaduct; it continues as far as Leixlip town. The Site is underlain by carboniferous limestone over which has been laid a layer of glacial drift.*

*The importance of the Site lies in the presence of a number of rare plant and animal species and a rare habitat, i.e. thermal, mineral, petrifying spring. The spring gives rise to a calcareous marsh, the habitat for *Vertigo angustior* and *Vertigo moulinsiana*. This marsh is species-rich and holds a number of plant and insect species which are rare or locally uncommon in Ireland. Four Red Data Book plant species have been recorded from the Site, two of which, *Hypericum hirsutum* and *Viola hirta* are legally protected. The woods at the eastern end of the Site have some ornithological interest.*

## **North Dublin Bay SAC (000206)**

*The North Bull Island sand spit is a relatively recent depositional feature, formed as a result of improvements to Dublin Port during the 18th and 19th centuries. It is almost 5km long and 1km wide and runs parallel to the coast between Clontarf and Sutton. The sediment which forms the island is predominantly glacial in origin and siliceous in nature. Between the island and the mainland there occurs two sheltered intertidal areas which are separated by a solid causeway constructed in 1964. The seaward side of the island has a fine sandy beach. A substantial area of shallow marine water is included in the Site. The interior of the island is excluded from the Site as it has been converted to golf courses. The proximity of the North Bull Island to Dublin City results in it being a very popular recreational area. It is also very important for educational and research purposes. Nature conservation is a main landuse within the Site.*

*Site possesses an excellent diversity of coastal habitats. The North Bull Island dune system is one of the most important systems on the east coast and is one of the few in Ireland that is actively accreting. It possesses extensive and mostly good quality examples of embryonic, shifting marram and fixed dunes, as well as excellent examples of humid dune slacks. Both Atlantic and Mediterranean salt marshes are well represented and a particularly good marsh zonation is shown. The salt marshes grade into mudflats and sandflats, some of which are dominated by annual *Salicornia* species. *Petalophyllum ralfsii* occurs at its only known station away from the western seaboard. The Site has five Red Data Book vascular plant species and four Red Data Book bryophyte species. This is one of the most important Sites for wintering waterfowl in Ireland, with internationally important populations of *Branta bernicla horta*, *Calidris canutus* and *Limosa lapponica*, plus nationally important numbers of a further 14 species. 20% of the national total of *Pluvialis squatarola* occurs here. Formerly it had important colony of *Sterna albifrons*. North Dublin Bay is nationally important for three insect species. The scientific interests of the Site have been well documented and future prospects are good owing to the various designations assigned to Site.*

## **Wicklow Mountains SAC (002122)**

*An extensive upland Site comprising much of the Wicklow Mountains and extending into Co. Dublin. The solid geology is mainly Leinster granites, flanked by Ordovician schists, mudstones and volcanics. The area has been glaciated and features fine examples of high*

*corrie lakes, deep valleys and moraines. Most of the Site is over 300m, with much ground over 600m and the highest peak of Lugnaquilla at 925m. The Site includes the headwaters of several major rivers, including the Liffey, the Dargle and the Slaney. The substrate over much of the Site is peat, with poor mineral soil on the slopes and lower ground. Exposed rock and scree is a feature. The dominant habitats on the Site are blanket bog, heaths and upland grassland.*

*The Site comprises the largest complex of upland habitats in eastern Ireland, with important examples of blanket bog, wet heath and dry heath, extensive in area and mostly of good quality. Alpine heath occurs at high levels, along with calcareous and siliceous rocky habitats harbouring an arctic-alpine flora. A fine series of oligotrophic lakes occur and some have *Salvelinus alpinus*. Several oakwoods of moderate quality, typical of the dry acidic woods of eastern Ireland, are found. Seven Red Data Book plant species occur, including the rare *Alchemilla alpina* and *Nitella gracilis* at its only Irish station. The Site supports significant populations of breeding *Falco columbarius* and *Falco peregrinus*. The Site is important for rare breeding passerines of oakwoods, notably *Phoenicurus phoenicurus* and *Phylloscopus sibilatrix*. The Site also has breeding *Turdus torquatus* and *Lagopus lagopus*. *Lutra lutra* occurs on several of the riverine systems.*

### **Baldoyle Bay SAC (000199)**

*Site comprises a relatively small estuarine and bay system in north County Dublin. Receives the flows of the Mayne and Sluice rivers, both of which drain an agricultural / suburban catchment. The inner part of the Site is sheltered from the sea by a large sand dune peninsula, though most of the dunes are now used as a golf course. Sediments in the inner sheltered areas are mostly muds or muddy sands, often with a high organic content. Part of the tidal section of the Mayne River and adjoining brackish marshes are included in the Site. The outer part of the Site is exposed to the open sea and the sediments here are predominantly well-aerated sands. In addition to the intertidal and salt marsh habitats, small areas of sand dunes and sandy beaches are included.*

*A typical eastern estuarine system with fairly extensive intertidal sand and mud flats. Good diversity in sediment types. Has *Zostera* spp. Quality variable but generally good. Salt marshes are well represented and are at least of moderate quality. Has two Red Data Book plant species. Of importance for wintering waterfowl, with an internationally important population of *Branta bernicla horta* and nationally important populations of a further 6 species including *Pluvialis apricaria* and *Limosa lapponica*. *Sterna albifrons* formerly bred.*

### **South Dublin Bay and River Tolka Estuary SPA (004024)**

*This Site comprises a substantial part of Dublin Bay. It includes virtually all of the intertidal area in the south bay, as well as much of the Tolka Estuary to the north of the River Liffey. A portion of the shallow bay waters is also included. In the south bay, the intertidal flats extend for almost 3 km at their widest. The sediments are predominantly well-aerated sands. The sands support the largest stand of *Zostera noltii* on the East Coast. Several permanent channels exist, the largest being Cockle Lake. A small sandy beach occurs at Merrion Gates, while some bedrock shore occurs near Dun Laoghaire. The landward boundary is now almost entirely artificially embanked. Sediments in the Tolka Estuary vary from soft thixotropic muds with a high organic content in the inner estuary to exposed, well aerated sands off the Bull*

*Wall. The proximity of the Site to Dublin City results in it being a very popular recreational area. It is also important for educational and research purposes.*

*The Site possesses extensive intertidal flats which support wintering waterfowl which are part of the overall Dublin Bay population. It regularly has an internationally important population of Branta bernicla hrota, which feeds on Zostera noltii in the autumn. It has nationally important numbers of a further 6 species: Haematopus ostralegus, Charadrius hiaticula, Calidris canutus, Calidris alba, Calidris alpina and Limosa lapponica. It is an important Site for wintering gulls, especially Larus ridibundus and Larus canus. South Dublin Bay is the premier Site in Ireland for Larus melanocephalus, with up to 20 birds present at times. Is a regular autumn roosting ground for significant numbers of terns, including Sterna dougallii, S. hirundo and S. paradisaea.*

### **North Bull Island SPA (004006)**

*The North Bull Island sand spit is a relatively recent depositional feature, formed as a result of improvements to Dublin Port during the 18th and 19th centuries. It is almost 5km long and 1km wide and runs parallel to the coast between Clontarf and Sutton. The sediment which forms the island is predominantly glacial in origin and siliceous in nature. A well-developed dune system runs the length of the island, with good examples of embryonic, shifting marram and fixed dunes, as well as excellent examples of humid dune slacks. Extensive salt marshes also occur. Between the island and the mainland occur two sheltered intertidal areas which are separated by a solid causeway constructed in 1964. The seaward side of the island has a fine sandy beach. A substantial area of shallow marine water is included in the Site. Part of the interior of the island has been converted to golf courses. The proximity of the North Bull Island to Dublin City results in it being a very popular recreational area. It is also very important for educational and research purposes. Nature conservation is a main landuse within the Site.*

*The Site is among the top ten Sites for wintering waterfowl in the country. It supports internationally important populations of Branta bernicla hrota and Limosa lapponica and is the top Site in the country for both of these species. A further 14 species have populations of national importance, with particular notable numbers of Tadorna tadorna (8.5% of national total), Anas acuta (11.6% of national total), Pluvialis squatarola (6.9% of national total), Calidris canutus (10.5% of national total). North Bull Island SPA is a regular Site for passage waders such as Philomachus pugnax, Calidris ferruginea and Tringa erythropus. The Site supports Asio flammeus in winter. Formerly the Site had an important colony of Sterna albifrons but breeding has not occurred in recent years. The Site provides both feeding and roosting areas for the waterfowl species. Habitat quality for most of the estuarine habitats is very good. The Site has a population of the rare Petalophyllum ralfsii which is the only known station away from the western seaboard as well as five Red Data Book vascular plant species and four bryophyte species. It is nationally important for three insect species. Wintering bird populations have been monitored more or less continuously since the late 1960s, and the other scientific interests of the Site have also been well documented. Future prospects are good owing to various designations assigned to Site.*

### **Wicklow Mountains SPA (004040)**

*This is an extensive upland Site, comprising a substantial part of the Wicklow Mountains. The underlying geology of the Site is mainly of Leinster granites, flanked by Ordovician schists, mudstones and volcanics. The area was subject to glaciation and features fine examples of*

*glacial lakes, deep valleys and moraines. Most of Site is over 300 m, with much ground over 600 m and the highest peak of Lugnaquilla at 925 m. The substrate over much of Site is peat, with poor mineral soil occurring on the slopes and lower ground. Exposed rock and scree are features of the Site. The dominant habitats present are blanket bog, heaths and upland grassland. Fine examples of native Oak woodlands are found in the Glendalough area. The Site, which is within the Wicklow Mountains National Park, is fragmented into about 20 separate parcels of land.*

*The Site supports good examples of both upland and woodland bird communities. It has breeding Falco columbarius and Falco peregrinus, as well as Turdus torquatus and Lagopus lagopus, both of the latter being Red-listed in Ireland. It is the only Site in Ireland where Mergus merganser breeds regularly. It is important for rare breeding passerines of oakwoods, notably Phoenicurus phoenicurus and Phylloscopus sibilatrix. It also has Sylvia borin and Sylvia atricapilla.*