

Appropriate Assessment – Stage 1: Screening Report



**Part 8 Application – Retention of
the existing use of the Former
Parish Centre at Carman’s Hall,
Dublin 8.**

**The Dublin Region Homeless
Executive & Dublin City County
Council’s Housing & Community
Services Department**





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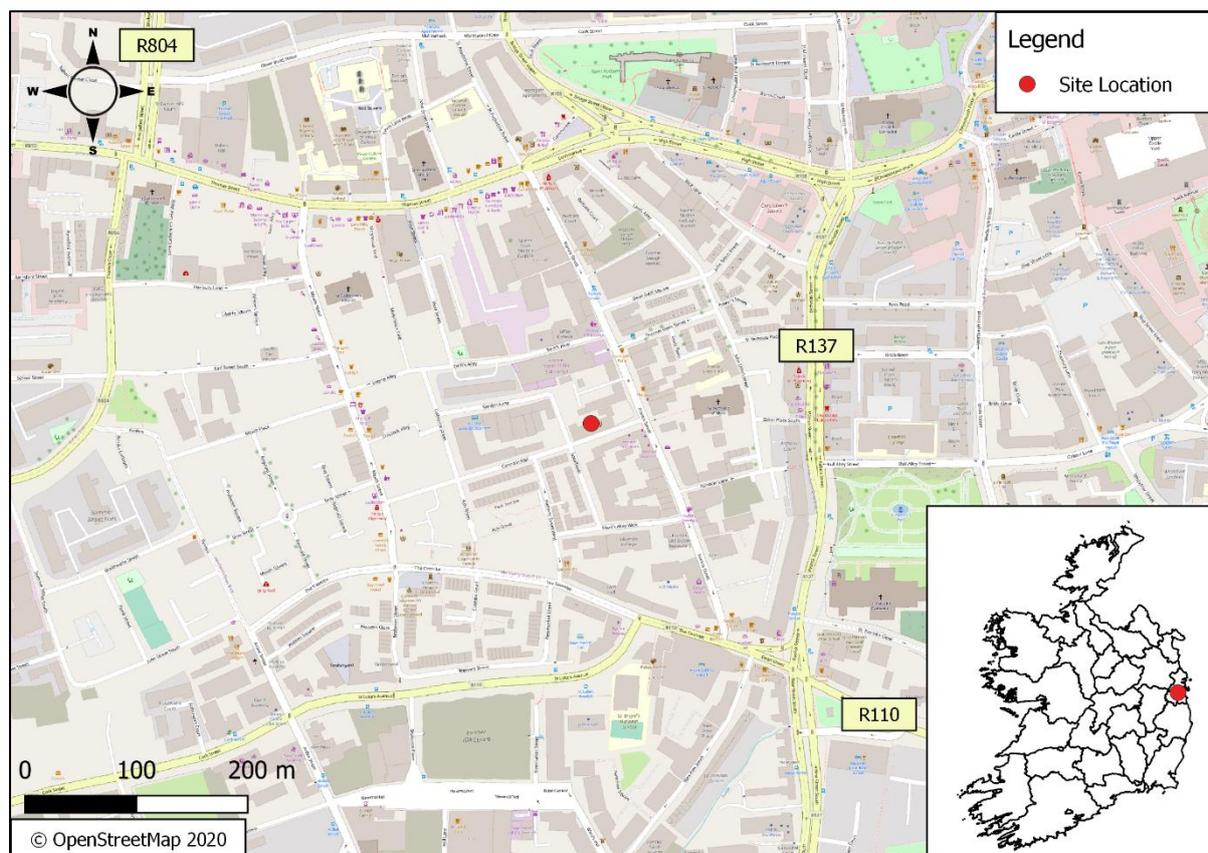
1 INTRODUCTION

1.1 Background

Malone O'Regan Environmental (MOR) were commissioned by the Dublin Region Homeless Executive (DRHE) to undertake an Appropriate Assessment Screening Report (AA) to assess the potential adverse effects, if any, of the retention of the existing use of their shared service operation as emergency accommodation in the former Parish Centre at 12-14 Carman's Hall with European conservation designations (i.e. Natura 2000 sites).

The location of the proposed development ('the Site') is shown in Figure 1-1 (OS Reference O 14911 33662).

Figure 1-1: Site Location



The purpose of this assessment was to determine the appropriateness, or otherwise, of the proposed works in the context of the conservation objectives of Natura 2000 sites.

1.2 Regulatory Context

This Appropriate Assessment Screening Report was prepared in compliance with the following legislation:

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna better known as "The Habitats Directive" which provides the framework for legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000 sites. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC as amended 2009/149/EC) (better known as "The Birds Directive").

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

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implication 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”

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the project should aim to avoid any negative impacts on European sites by identifying possible impacts early in the planning stage, and designing the project in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point, where no adverse impacts on the site(s) remain. If the project is still likely to result in adverse effects, and no further practicable mitigation is possible, it is rejected. If no alternative solutions are identified and the project is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effects.

1.3 Stages of Appropriate Assessment

This Appropriate Assessment Screening Report has been undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the ‘Habitats’ Directive 92/43/EEC (EC 2001) and the European Commission Guidance ‘Managing Natura 2000 Sites’. The Guidance for Planning Authorities published by the Department of Environment, Heritage and Local Government (DOEHLG, December 2009) was also adhered to.

There are four distinct stages to undertaking an AA as outlined in current EU and DOEHLG guidance:

1. Appropriate Assessment Screening;
2. Appropriate Assessment;
3. Assessment of Alternatives in cases where significant impact cannot be prevented; and,
4. Where no alternatives exist, an Assessment of Compensatory Issues in the case of projects or plans which can be considered to be necessary for Imperative Reasons of Overriding Public Interest (IROPI).

This Report comprises a Stage 1 Screening Report, which seeks to determine whether the subject site will, on its own or in combination with other plans / projects, have a significant effect on Natura 2000 sites within a defined radius of the subject site.

2 SCREENING FOR APPROPRIATE ASSESSMENT

Screening determines whether Appropriate Assessment is necessary by examining:

1. Whether a plan or project can be excluded from AA requirements because it is directly connected with, or necessary to, the management of a Natura 2000 site; and,
2. Whether the project will have a potentially significant effect on a Natura 2000 site, either alone or in combination with other projects or plans, in view of the site's conservation objectives.

Screening involves the following:

- i) Description of a plan or project;
- ii) Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives;
- iii) Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary; and,
- iv) Screening Statement with conclusions.

2.1 Desk Based Studies

A desk-based review of information sources was completed, which included the following sources of information:

- The National Parks and Wildlife Service (NPWS) website was consulted with regard to the most up to date detail on conservation objectives for the Natura 2000 sites relevant to this assessment (NPWS, 2020);
- The National Biodiversity Data Centre website was consulted with regard to species distributions (NBDC, 2020); and,
- The EPA Envision website was consulted to obtain details about watercourses in the vicinity of the Site (<https://gis.epa.ie/EPAMaps/>) (EPA, 2020).

3 DESCRIPTION OF THE PROJECT

3.1 Site Context

The Site is on a ca.0.70 hectares (ha) site along Carman's Hall in the Liberties, Dublin 8, Co. Dublin. The Site currently comprises of an existing two (2 No.) storey building which was formally used as a Parish Centre, known as St. Nicholas of Myra, it is now under the ownership of the Dublin Archdiocese. The Site is bounded by Garden Lane to the west, the Mews Garden Court development to the north and a vacant site to the east, which is located at the junction of Francis Street and Carman's Hall.

The Site is zoned under the Dublin City Development Plan 2016-2022, as 'Z1: Sustainable Residential Neighbourhoods' which is 'to protect, provide and improve residential amenities' (Dublin City Council, 2016). The Site is surrounded by a mix of residential and commercial properties and street parking to the front.

3.2 Watercourses within the Vicinity of the Site

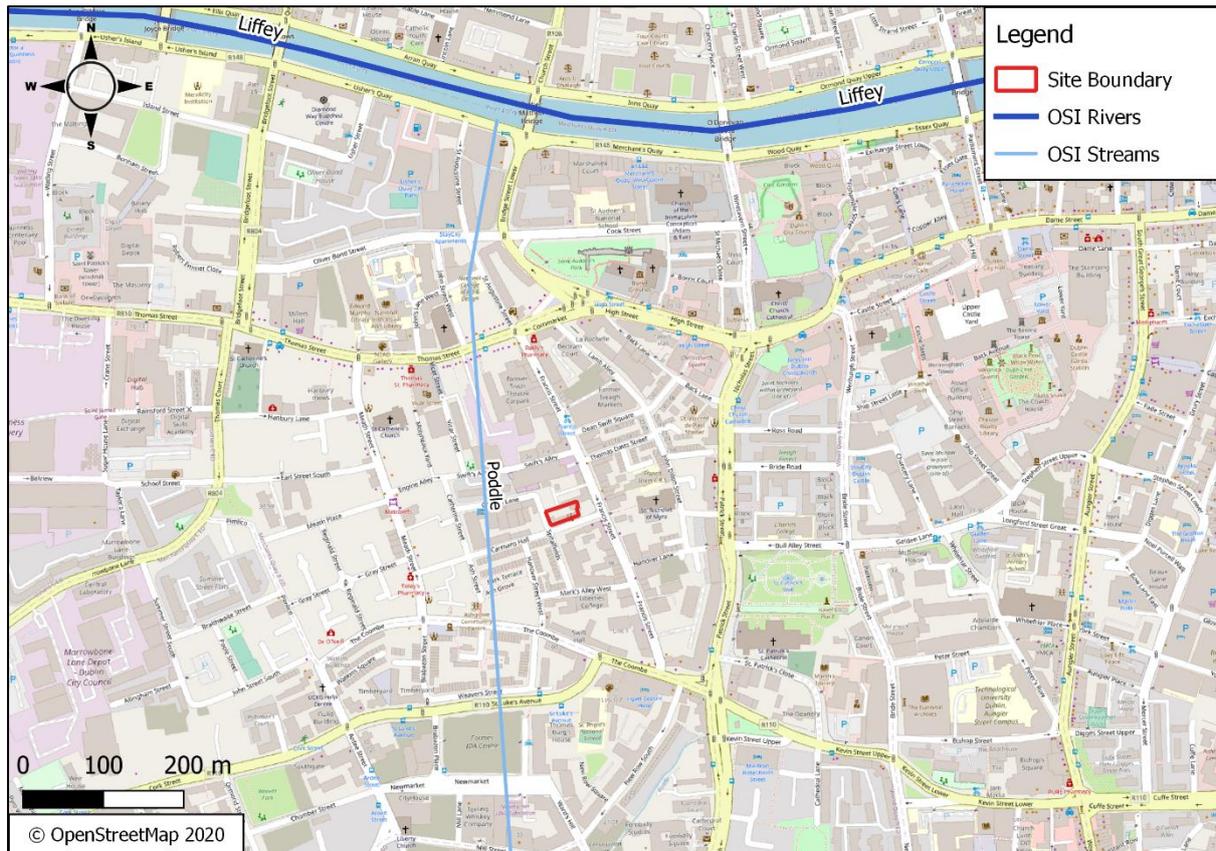
The Site is located within the Liffey and Dublin Bay catchment [Catchment_ID: 09] and the Dodder_SC_010 subcatchment [Subcatchment_ID: 09_16] (EPA, 2020) .

The nearest hydrological feature to the Site is the Poddle River which is located ca. 75m to the west of the Site and flows in a north-easterly direction before discharging into the River Liffey (EPA Catchments, 2020). Under the Water Framework Directive (WFD) 2000/60/EC, the EPA classifies the status and the risk of not achieving good water quality status for all waterbodies in Ireland. According to the River WFD Status 2013-2018, the water quality is of the Poddle River is 'unassigned;' however, the river is considered to be 'at risk' of not achieving 'high' water quality status by the EPA (EPA, 2020). However, sections of the Poddle River flow through culverts underneath Dublin City Centre prior to discharging into the River Liffey. Therefore, there is no hydrological connection between the Poddle River and the Site.

The Upper Estuary of the River Liffey is located ca. 480m north of the Site boundary at its closest point. The River Liffey flows in an easterly direction for approximately 15km before discharging into Dublin Bay. According to the Transitional Waterbody WFD Status 2013 -2018, the Upper Estuary of the River Liffey is considered to have 'good' water quality status but is considered 'at risk' by the EPA (EPA, 2020).

The location of the key surface water features in the vicinity of the Site are illustrated in Figure 3-1.

Figure 3-1: Watercourses in the Vicinity



3.3 Proposed Development

The proposed development will not consist of any changes to the Site, which is comprised of one two (2No.) storey building with a maximum height of 12.04m.

The DRHE and Dublin City Council’s Housing and Community services Department are seeking to retain the existing use of the Site for a further period of 12 months. This will ensure the continued emergency accommodation for homeless persons during these unprecedented times. This service is funded by the DRHE under Section 10 funding from the Department of Housing, Local Government and Heritage. The service will continue to be operated by the Dublin Simon Community.

The former Parish centre, at 12-14 Carman’s Hall, has been utilised as emergency accommodation for 51 people since the 16th of December 2016. No construction procedures or monitoring for this project will be necessary.

4 IDENTIFICATION OF NATURA 2000 SITES

In accordance with the European Commission Methodological Guidance (European Commission, 2002) a list of European sites that can be potentially affected by the proposed development has been compiled. Guidance for Planning Authorities prepared by the Department of Environment Heritage and Local Government (DoEHLG, 2009) states that defining the likely zone of impact for the screening and the approach used will depend on the nature, size, location and the likely effects of the project. The key variables determining whether or not a particular Natura 2000 site is likely to be negatively affected by a project are: the physical distance from the project to the site; the sensitivities of the ecological receptors; and, the potential for in-combination effects.

Adopting the precautionary principle, all SAC and SPA sites within a 15km radius of the proposed development Site have been considered (Refer to Figure 4-1).

Figure 4-1: Site Location and Natura 2000 Designated Sites within 15km



There are sixteen (16 No.) European sites located within 15km of the Site - these are identified in Figure 4-1 and Table 4-1.

Table 4-1: European Designated Sites within 15km of the Site

Site Name	Code	Distance (km)	Direction from the Site
Special Areas of Conservation (SAC)			
South Dublin Bay SAC	000210	4.15 km	W
North Dublin Bay SAC	000206	6.5 km	NE

Site Name	Code	Distance (km)	Direction from the Site
Wicklow Mountains SAC	002122	11.4 km	S
Baldoyle Bay SAC	000199	11.5 km	NE
Howth Head SAC	000202	12.3 km	NE
Rockabill to Dalkey Island SAC	003000	12.4 km	E
Malahide Estuary SAC	000205	14.5km	NE
Rye Water Valley/Carlton SAC	001398	14.5 km	W
Knocksink Wood SAC	000725	14.9 km	SE
Special Protection Areas (SPA)			
South Dublin Bay and River Tolka Estuary SPA	004024	4.2 km	NE
North Bull Island SPA	004006	3.6 km	E
Wicklow Mountain SPA	004040	11.6km	S
Baldoyle Bay SPA	004016	11.7 km	NE
Dalkey Islands SPA	004172	13.9 km	SE
Malahide Estuary SPA	004025	14.2 km	NE
Howth Head Coast SPA	004113	14.9 km	NE

The Site is not located within or directly adjacent to any Natura 2000 sites, however, the boundaries of the nine (9No.) SACs and seven (7No.) SPAs, as listed above, are located within 15km from the Site.

Given the distance and intervening lands and the lack of impact pathways between the Site and the Wicklow Mountains SAC, the Baldoyle Bay SAC, the Howth Head SAC, the Rockabill to Dalkey Island SAC, the Malahide Estuary SAC, the Rye Water Valley / Carlton SAC, the Knocksink Wood SAC, the Wicklow Mountains SPA, the Baldoyle Bay SPA, the Dalkey Island SPA, the Malahide Estuary SPA and Howth Head Coast SPA have been screened out from further consideration.

As previously mentioned, the River Poddle, which is the nearest hydrological feature to the Site (ca.75m west), is culverted under Dublin City and as a result there is no hydrological connection between the Site and the river. Although the River Liffey is located ca. 480m north of the Site boundary at its closest point and this watercourse is hydrologically connected to the Natura 2000 sites within Dublin Bay, such as the South Dublin Bay SAC, the North Dublin Bay SAC, the South Dublin Bay and the River Tolka Estuary SPA and the North Bull Island SPA; however, given the distances and intervening urban landscape between the Site and the River Liffey, these Natura 2000 sites have been screened out from further consideration.

4.1 Conservation Objectives

European and national legislation places a collective obligation on Ireland and its citizens to maintain at favourable conservation status areas designated as candidate Special Areas of Conservation. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

According to the EU Habitats Directive, 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; and,
- The conservation status of its typical species is favourable as defined below.

The favourable conservation status of a species is achieved when:

- Population data on the species concerned indicate that it is maintaining itself;
- The natural range of the species is neither being reduced or likely to be reduced for the foreseeable future; and,
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

5 IDENTIFICATION AND ASSESSMENT OF POTENTIAL IMPACTS

This section provides an analysis of potential adverse effects of the proposed works on qualifying habitats and species throughout the duration of the project. The following impacts with potential to adversely affect the conservation objectives of the identified Natura 2000 sites were considered:

- Loss of, or disturbance to habitats during construction phase; and,
- Potential impairment of water quality during operational phase.

5.1 Loss of, or Disturbance to, Habitats or Species

It is considered that the proposed development will not result in any direct or indirect loss or disturbance to any of the Annex I habitats or Annex I / II species for which the Natura 2000 sites within 15km of the Site are designated. This assumption is based on the fact that the Site is located within an urban landscape surrounded by commercial and residential properties. Similarly, given the lack of impact pathways between the Site and any Natura 2000 sites, it can be concluded that there is no potential for any adverse effects to any designated species or Annex I habitats.

According to the NBDC, within a 2km grid of the Site, only three (3No.) species that come under the protection of the sixteen (16 No.) SAC and SPA listed in Table 4-1 have been recorded in the last 10 years (NBDC, 2020). The designated species recorded include:

- Two (2 No.) European otter (*Lutra lutra*) that were recorded in 2016, which are a protected Annex II species in the Wicklow Mountain SAC;
- One (1No.) Light-bellied Brent Goose (*Branta bernicla hrota*) recorded in 2011, which is protected in the North Bull Island SPA, Baldoyle Bay SPA, Malahide Estuary (SPA) and South Dublin Bay and River Tolka Estuary SPA; and,
- Two (2 No.) Peregrine falcon (*Falco peregrinus*) that were recorded in 2011, which are a protected Annex I species in the Wicklow Mountain SPA.

No species that come under the protection of the sixteen (16No.) Natura 2000 sites listed in Table 4-1 have been recorded within 1km of the Site (NBDC, 2020). Also, there are no Annex I habitats for which the SACs are designated within or in the vicinity of the Site boundary. The onsite habitats are considered unsuitable for the species for which the Natura 2000 sites are designated.

Therefore, it is reasonable to conclude that the proposed development will not have any adverse effects on any of the qualifying species or habitats for which the Natura 2000 sites are designated. This is further emphasised by the nature of the development, which will not involve construction works or changes to the surrounding area. Therefore, there is no potential for any adverse effects to occur as a result of the proposed development on the Natura 2000 sites or any of the qualifying species or habitats of interest.

5.2 Potential Impairment to Water Quality during Operational Phase

During the operational phase of the proposed development, there will be no changes to the surface water drainage. Similarly, there will be no alterations to the existing foul drainage, which will be directed through existing drainage infrastructure which connects into the existing Dublin City Sewage system.

As such no adverse effect upon any Natura 2000 site will occur during the construction or operational phase.

5.3 Analysis of 'In-Combination' Effects

The Habitats Directive requires competent authorities to make an appropriate assessment of any plan or project which is likely to have a significant effect alone or in-combination with other plans and projects.

Taking into account the existing infrastructure and the fact that no construction works will take place onsite and the context of its surroundings, it is concluded that there will not be any significant in-combination contribution by the project to possible adverse effects on the any Natura 2000 sites.

6 SCREENING CONCLUSIONS AND STATEMENT

The screening process has examined the details of the proposed development and considered the potential adverse effects on Natura 2000 European sites and their qualifying features of interests within a 15km radius of the proposed development.

Sixteen (16 No.) designated sites – Nine (9 No.) of which are SAC; South Dublin Bay SAC, North Dublin Bay SAC, Wicklow Mountains SAC, Baldoyle Bay SAC, Howth Head SAC, Rockabill to Dalkey Island SAC, Malahide Estuary SAC, Rye Water Valley/Carton SAC and Knocksink Wood SAC, and seven (7 No.) of which are SPA; South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Wicklow Mountain SPA, Baldoyle Bay SPA, Dalkey Islands SPA, Malahide Estuary SPA and Howth Head Coast SPA – are located within a 15km radius of the Site.

However, given the localised nature of the project, the distances separating the Natura 2000 sites from the proposed development and the absence of any known impact pathways between these sites, as described in Section 5, it is considered that the proposed development will not result in any adverse effects either directly or indirectly on the conservation objectives or status of the listed Natura sites and will not result in the direct loss or disturbance of any Annex I habitats and / or Annex II species for which the sites are designated.

In conclusion, activities associated with the proposed development either alone, or in combination with other projects or land uses, will not have any direct or indirect adverse effects on the conservation objectives of any European Designated sites.

Accordingly, progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) is not considered necessary.

7 REFERENCES

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