Screening for Appropriate Assessment

Social Housing Bundle 5, Development at Ballycurris Road, Ballymun, Dublin 11

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Executive Summary

This *Screening for Appropriate Assessment* report has been prepared by NM Ecology Ltd on behalf of Dublin City Council regarding a proposed residential development at Ballycurris Road, Ballymun, Dublin 11. The proposed development will involve the construction of 288 apartments, a creche, community facility and associated works.

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

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

1 Introduction

1.1 Background to Appropriate Assessment

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

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

This document provides information to support the competent authority's *Screening for Appropriate Assessment* exercise for the proposed development. It includes a description of the proposed development, a map and list of European sites in the surrounding area, a review of potential source-pathway-receptor links, and an appraisal of the suitability of the habitats for birds associated with nearby SPAs.

1.2 Statement of authority

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

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

1.3 Methods

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

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

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

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

Desktop data from internet resources was accessed in March 2024, a multi-disciplinary survey was carried out on 4 July 2023, and a series of winter bird surveys between September 2023 and April 2024.

<u>Winter bird surveys</u>

Surveys were carried out every two weeks from mid-September 2023 to April 2024, comprising a total of 12 surveys. Bibby's 'Look-See' approach was followed, which involved an initial search of the study area with binoculars, followed by a vantage point survey. If any SPA species were observed, a count of individuals was recorded, along with information on their behaviour, time spent on site, etc. Other bird species were also recorded, but not counted or assessed in detail. The number of pedestrians and dog walkers were recorded in order to assess background disturbance. Detailed methods, results and conclusions are presented in the Winter Bird Survey Report in Appendix 1.

2 Description of the Project

2.1 Environmental setting

Site location and surroundings

The proposed development site (hereafter referred to as 'the Site') covers several patches of amenity grassland and ornamental planting on either side of Ballycurris Road.

The Site formerly contained a number of apartment buildings, which were demolished in 2008 / 2009 as part of the Ballymun Regeneration Project. Parts of the Site were also used as a compound and car park in 2018 – 2020 during the construction of the Lidl supermarket to the south of the Site.

There are housing estates to the west and south-west of the Site, and apartment buildings and small commercial units to the north. The Lidl supermarket is located to the south, and the R108 Ballymun Road to the east.

Geology and soils

The underlying bedrock is limestone (subcategorised as 'dark limestone and shale' on the GSI database), which is a locally-important aquifer. Subsoils are limestone till, and soils are made ground.

Hydrology

There are no watercourses within or adjacent to the Site. The closest is the River Santry, which is approx. 800 m north of the Site. The Ballymun Stream, a tributary of the River Santry, is shown on the EPA database of Rivers and Streams approx. 350 m east of the Site. However, this tributary has been culverted in its entirety and is now effectively a man-made storm drain rather than a watercourse. There are no connections between the Site and either the River Santry or the Ballymun Stream.

The majority of the Site consists of amenity grassland, and it is expected that rainfall currently soaks to ground.

2.2 Description of the proposed development

The proposed development will consist of a number of apartment buildings and houses, containing 288 no. residential units. A creche and community facility will also be provided. Ballycurris Road will be realigned, and new internal roads and parking areas will be provided. Communal open space will be provided between the apartment buildings, houses will have private gardens, and some public open space will be required.

Foul effluent will be discharged to a local authority foul sewer at the south-eastern corner of the Site and conveyed to the Ringsend Waste Water Treatment Plant. The Ringsend WWTP is currently exceeding its organic capacity, but a major upgrade is in progress that will provide sufficient capacity by 2025. The WWTP upgrade will be completed before the proposed development is operational / occupied, so there will be capacity to accept the effluent.

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

3 Review of relevant European sites

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

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

Some of the bird species associated with SPAs can use secondary habitats outside the SPA boundaries, e.g. brent geese feeding on urban grasslands. The suitability of habitats within the Site for SPA bird species is discussed in Section 3.3.

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

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

Figure 1	European sites
Location	Ballycurris Road, Ballymun
Applicant	Dublin City Council
Date	14 Mar 2024

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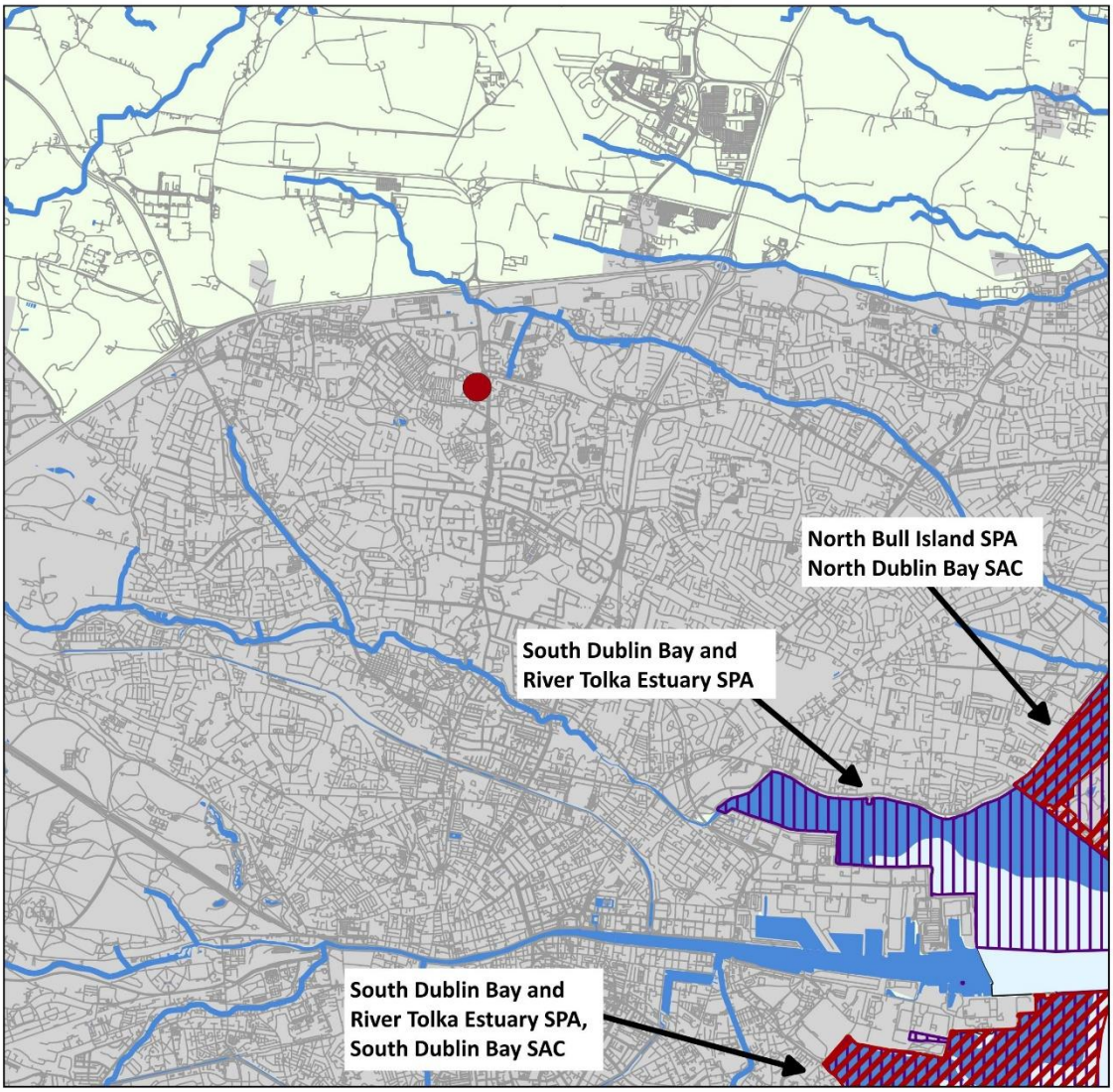
Site location
- Proposed development site
- Roads
- Watercourses

European sites
- Special Areas of Conservation
- Special Protection Areas



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0 1 2 3 4 5 km

Table 1: European site shown in Figure 1

Site Name	Distance	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (4024)	5.0 km south-east	**Special conservation interests:** light-bellied brent goose, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit, redshank, black-headed gull (wintering populations), arctic tern, roseate tern (passage), and common tern (breeding and passage)
North Dublin Bay SAC (site code 206)	7.0 km south-east	**Annex I habitats:** inter-tidal mudflats / sandflats (including patches of Salicornia and other annuals), salt marshes, annual vegetation of drift lines, embryonic shifting dunes, white dunes, grey dunes, dune slacks **Annex II species:** petalwort *Petalophyllum ralfsii*
North Bull Island SPA (4006)	7.0 km south-east	**Special conservation interests:** wintering populations of light-bellied brent goose, shelduck, teal, pintail, shoveler, oystercatcher, golden plover, knot, sanderling, dunlin, black-tailed godwit, bar-tailed godwit, curlew, redshank, turnstone, black-headed gull
South Dublin Bay SAC (site code 210)	7.8 km south-east	**Annex I habitats:** inter-tidal mudflats / sandflats, Salicornia and other annuals colonising mud / sand, annual vegetation of drift lines, embryonic shifting dunes **Annex II species:** N.A.

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

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

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

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

Surface water

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

Groundwater

If any pollutants soaked to ground within the Site, they would have to pass through at least 5 km of intervening subsoils / bedrock before reaching the closest European site. This would reduce any pollutants to negligible concentrations, in which case they would pose no risk of impacts. Therefore, groundwater can be ruled out as a feasible pathway.

Land

There is no risk that any pollutants could flow 5 km over land to reach the European sites.

Air

The only potential airborne pollutant generated at the Site would be dust. There is no risk that any perceptible quantity of dust could be carried 5 km to the European sites.

Summary

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

3.3 Habitat suitability for SPA birds

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

Background

There are two large SPAs in Dublin Bay – the *North Bull Island* SPA and the *South Dublin Bay* and *River Tolka Estuary* SPA – both of which were designated to protect a range of over-wintering migratory birds (Table 1). The primary habitats for these birds are the coastal and intertidal habitats within the SPA boundaries (mudflats, sandflats, saltmarsh), which are exposed at low tide. However, some species also fly inland to feed in amenity grasslands throughout Dublin City (hereafter referred to as 'inland sites'), particularly playing fields, parks and other areas of regularly-mown grassland. This behaviour is most-commonly seen in brent geese, but also occurs in oystercatchers, godwit, curlew, gulls and other species.

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

Most of the grassland within the proposed development site (hereafter referred to as 'the Site') is regularly mowed and could theoretically be suitable for over-wintering birds associated with the Dublin Bay SPAs. There are three discrete areas of amenity grassland, each of which measure approx. 0.6 – 0.7 ha, and which sum to approx. 2 ha. For this reason, a series of winter bird surveys was carried out.

Survey results

No brent geese or any waders / waterfowl (e.g. oystercatchers, godwit) were recorded at the Site during any of the surveys. Similarly, no SPA birds were observed in flight.

The only recorded species that is a qualifying interest of the Dublin Bay SPAs is black-headed gull, which was present during most of the surveys. The peak count was 24 individuals on 22 November, but less than 10 individuals were present in most cases. Gulls are generalist species that can readily adapt to anthropogenic environments, including urban habitats. There is similar grassland habitat in Ballycurris Park to the west of the Site. Therefore, the development of the Site will have no impact on this or any other SPA species associated with Dublin Bay.

Further details are provided in the Winter Bird Survey Report in Appendix 1.

4 Screening Statement

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

1. **No likelihood of significant effects**
   Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.

2. **Significant effects cannot be excluded**
   Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.

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

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

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

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

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

References

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

Department of the Environment, Heritage and Local Government, 2009. *Appropriate Assessment of Plans and Projects in Ireland.* National Parks and Wildlife Service, DAHG, Dublin, Ireland.

European Commission. 2020. *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*. Office for Official Publications of the European Communities, Luxembourg.

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