

Site at Inner Ring Road, Haggardstown
Dundalk, Co Louth

Appropriate assessment screening

Report prepared for Stephen Ward Ltd

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1. INTRODUCTION

The purpose of this report is to examine the possible impacts of the development proposed near the Dublin Road on the integrity of the Natura 2000 site network, in particular on the nearby sites in Dundalk Bay.

The proposed development is located just over 1km from the Bay so the application has to have due regard to Article 6 (3) of the EU Habitats Directive which states:

Article 6 (3): 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 or projects, shall be subject to appropriate assessment of its implications for the [Natura 2000] site in view of the [Natura 2000] site's conservation objectives.

This is transposed into national legislation by Regulation 31 of the European Communities (Natural Habitats) Regulations 1997.

The Screening Report will assess the likely impacts on the integrity of the local Natura 2000 sites and determine if a full Appropriate Assessment is required. It includes a description of the flora and fauna of the development site to see if any ecological connection or parallels exist between the subject area and these sites.

The description is derived from field visits in August 2016 and February 2019, having examined the available files and online sources of information for the local Natura 2000 sites. All work was undertaken by Roger Goodwillie, a full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

The sources of information used to collect data on the Natura 2000 network of sites include:

- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie, Google Earth and Bing aerial photography.
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including; the Natura 2000 network Data Form; Site Synopsis; Generic Conservation Objective data.
- Online databases of rare, threatened and protected species. Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2013).

2. DESCRIPTION OF PROJECT SITE

The site is located within a rectangular field (see Figure 1), situated at the junction of the Inner Ring Road (N52) and the Dublin Road. Currently it is filled by a crop of cereals (arable crops BC1 in Fossitt 2000) with a short hedge (hedgerows WL1) along the western side. There is no watercourse on site and no marginal drains that have anything but seasonal dampness. Drainage is generally towards the western side.

2.1 Flora

The weed flora at the field edges is limited by herbicide use but contains common species such as

<i>Geranium dissectum</i>	cut-leaved cranesbill
<i>Polygonum aviculare</i>	knotgrass
<i>Anisantha sterilis</i>	barren brome
<i>Capsella bursa-pastoris</i>	shepherd's purse
<i>Epilobium ciliatum</i>	American willowherb

Outside this however there is a bank below the hedge which is richer in species and contains permanent (perennial) plants. The main area is in the SW corner where some species of damper ground grow, for example amphibious bistort *Persicaria amphibia* and hairy sedge *Carex hirta*. Otherwise there is a stand here of tall grasses – false oat *Arrhenatherum elatius*, cocksfoot *Dactylis glomerata*, scutch *Elytrigia repens* and Yorkshire fog *Holcus lanatus* with

<i>Vicia sepium</i>	bush vetch
<i>Centaurea nigra</i>	knapweed
<i>Lathyrus pratensis</i>	meadow vetchling
<i>Urtica dioica</i>	nettle
<i>Crocsmia x crocosmiflora</i>	montbretia
<i>Cirsium arvense</i>	creeping thistle
<i>Salix cinerea</i>	grey willow
<i>Fallopia japonica</i>	Japanese knotweed

The small lengths of hedge within the site consist either of hawthorn *Crataegus monogyna*, elder *Sambucus nigra*, ivy *Hedera helix* and bramble *Rubus fruticosus* or, at the southern edge Lawson's cypress.

2.2 Fauna

No mammals were seen on site but there was evidence of rabbits in a few places and fox on adjoining ground. The habitat is unsuitable for bats and there are no roosting places.

The birds seen on the ground were blackbird, song thrush, robin, wren, willow warbler, chaffinch and linnet. There were no yellowhammers seen though they do occur in the Dundalk area. Rooks, magpie, jackdaw, woodpigeon and black-headed gull were flying over the site and would feed there at times in the year.

2.3 Evaluation

The site contains typical species and communities for an arable field and the only varied section is at the south-western corner. This is most unlikely to contain rare species.

Japanese knotweed *Fallopia japonica* is the only invasive species encountered. A large clump occurs in future parkland which is also the line of wayleave for a drain. Additional plants occur off-site closer the Dublin Road.

3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining during the planning process whether a project is likely to have a significant effect on the integrity of any of the Natura 2000 sites so far designated (i.e. the candidate SAC's and SPA's), or their conservation objectives. There are four sites within 15km of the proposed project that could theoretically be affected (see map at end). They are:

Name of Site	Site Code	km
Dundalk Bay cSAC	0455	1.06
Dundalk Bay SPA	4026	1.06
Carlingford Mountain	0453	8.5
Stabannan – Braganstown SPA	4091	13.6

The Dundalk Bay sites are the only relevant ones as any impact caused by the project would be mediated through the local drainage and felt first by this area. Carlingford Mountain is much above the development site in altitude whereas Stabannan-Braganstown is in a different river catchment. Only Dundalk Bay is discussed below.

The AA Screening Report has been prepared in accordance with the following guidance documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DEHLG 2009, Revised February 2010).
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (EC, 2007).
- 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 (EC, 2002).
- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 9. (EC 2000).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10.
- Guidelines for Good Practice Appropriate Assessment of Plans under Article 6(3) Habitats Directive (International Workshop on Assessment of Plans under the Habitats Directive, 2011).
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC.
- The Status of EU Protected Habitats and Species in Ireland 2013 (Department of Arts, Heritage and the Gaeltacht, 2013). 2/43/EEC (EC, 2000.)
- Directive 92/43/EEC — Conservation of natural habitats — Special areas of conservation — Article 6(3) — Screening in order to determine whether or not it is necessary to carry out an assessment of the implications, for a special area of conservation, of a plan or project — Measures that may be taken into account for that purpose. CJEU Case C-323/17.

The guidance for Appropriate Assessment (DEHLG, 2009, revised February 2010) states:

'AA is an impact assessment process that fits within the decision-making framework and tests of Articles 6(3) and 6(4) and, for the purposes of this guidance, it comprises two main elements. Firstly a Natura Impact Statement – i.e. a statement of the likely and possible impacts of the plan or project on a Natura 2000 site (abbreviated in the following guidance to "NIS") must be prepared. This comprises a comprehensive ecological impact assessment of a plan or project; it examines the direct and indirect impacts that the plan or project might have on its own or in combination with other plans and projects, on one or more Natura 2000 sites in view of the sites' conservation objectives. Secondly, the competent authority carries out the AA, based on the NIS and any other information it may consider necessary. The AA process encompasses all of the processes covered by Article 6(3) of the Habitats Directive, i.e. the screening process, the NIS, the AA by the competent authority, and the record of decisions made by the competent authority at each stage of the process, up to the point at which Article 6(4) may come into play following a determination that a plan or project may adversely affect the integrity of a Natura 2000 site'.

In the Irish context the process has been interpreted as having four stages. Firstly a screening exercise (Stage 1, this document) determines if a project could have significant effects on a Natura site. The project should be screened without the inclusion of special mitigation measures unless potential impacts can clearly be avoided through design (or re-design). If impacts are identified or the situation is unclear a Natura Impact Statement

(Stage 2) is provided to the planning or regulatory authority which then conducts an Assessment of the information supplied. Examples of significant effects are loss of habitat area, fragmentation of the habitat, disturbance to species using the site and changes in water resources or quality. If such negative effects come to light in the assessment, alternative solutions are investigated by the proponent (Stage 3) and modifications made unless the project is deemed to be driven by 'imperative reasons of overriding public interest' in its current form. In this case Stage 4 deals with compensatory action.

It is the responsibility of, in this case, An Bord Pleanála, to make a decision as to whether a full NIS is required or to give permission to carry out the proposed works as planned, taking into consideration any potential impact upon the Natura 2000 sites in question.

3.2 Project description

The project is a residential one consisting of 142 apartments in five blocks, a crèche and community room. The application also includes a new access road and entrance onto the R215, which has planning permission from a previous application.

The development will be connected to the nearby public systems of water supply and wastewater treatment.

SUDS measures are being included to limit and treat surface run-off. They include permeable paving in all car parking spaces with overflows to the surface water network, offline attenuation in the form of either Stormtech chambers or a detention basin and Class 1 Bypass Separators to treat the first flush of runoff from roads and car parking. Surplus water will be released at greenfield rates to the surface water drain on the N52. More details are given in the Civil Engineering Works Planning Statement.

3.3 Natura sites

Dundalk Bay is a shallow bay with several estuaries and a large area of intertidal habitat including mud- and sand-flats, saltmarsh and shingle shores. In winter it supports large populations of shorebirds and is the premier site for waders in the whole country (e.g. Crowe *et al* 2012). It is both a candidate SAC and an SPA and, in terms of the EU Habitats and Birds Directives, it has the following qualifying interests

Dundalk Bay SAC 0455

1130 Estuaries

1140 Mudflats and sandflats not covered by seawater at low tide

1220 Perennial vegetation of stony banks

1310 *Salicornia* and other annuals colonizing mud and sand

1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

1410 Mediterranean salt meadows (*Juncetalia maritimi*)

Dundalk Bay SPA 4026

A005 Great Crested Grebe *Podiceps cristatus* - wintering
A043 Greylag Goose *Anser anser* - wintering
A046 Light-bellied Brent Goose *Branta bernicla hrota* - wintering
A048 Shelduck *Tadorna tadorna* - wintering
A052 Teal *Anas crecca* - wintering
A053 Mallard *Anas platyrhynchos* - wintering
A054 Pintail *Anas acuta* – wintering
A065 Common Scoter *Melanitta nigra* - wintering
A069 Red-breasted Merganser *Mergus serrator* - wintering
A130 Oystercatcher *Haematopus ostralegus* - wintering
A137 Ringed Plover *Charadrius hiaticula* - wintering
A140 Golden Plover *Pluvialis apricaria* - wintering
A141 Grey Plover *Pluvialis squatarola* - wintering
A142 Lapwing *Vanellus vanellus* - wintering
A143 Knot *Calidris canutus* - wintering
A149 Dunlin *Calidris alpina* - wintering
A156 Black-tailed Godwit *Limosa limosa* - wintering
A157 Bar-tailed Godwit *Limosa lapponica* - wintering
A160 Curlew *Numenius arquata* - wintering
A162 Redshank *Tringa totanus* - wintering
A179 Black-headed Gull *Chroicocephalus ridibundus* - wintering
A182 Common Gull *Larus canus* - wintering
A184 Herring Gull *Larus argentatus* - wintering
A999 Wetlands & Waterbirds

3.4 Conservation objectives (NPWS 2011)

The objective for each of the qualifying interests listed takes the form of

- To maintain the favourable conservation condition of the Qualifying Interests of the SAC

based on the criteria of coverage, physical and vegetation structure and ecological functioning

In the SPA the objective is

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

which is measured by population trends and the distribution of feeding areas

The favourable conservation condition 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
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Favourable conservation condition of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing,
- the ecological factors that 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.

3.5 Likely effects

Locally the development will result in a complete change of land-use in the area as a flat arable field will be replaced by apartment blocks and lawns. Ecologically this will add a measure of diversity and, with some garden planting, will produce a greater area of local habitat for birds and insects than at present. A monoculture, as currently found, only supports a few species but in large numbers.

The project site does not hold the habitats or species for which the Natura sites are designated so there can be no direct effect from its development.

Any indirect effect from the construction stage would have to be mediated through water but since there is no watercourse linking the two locations this is exceedingly unlikely. Material would have to be carried by local storm drains in huge amounts or be particularly toxic to have even a local influence on Dundalk Bay or its bird life. Measures to limit deposition of mud on the roads and other waste products are included in the Outline Construction & Waste Management plan provided with this application.

Viewed in combination with the rest of the conurbation, the only cumulative impact that can be foreseen is one of extra loading on the public sewage treatment plant.

4. CONCLUSION

In screening for an appropriate assessment of this project for the local Natura 2000 sites, in particular the two in Dundalk Bay, this analysis suggests that there will be no perceptible change in the state of the sites and no impairment of their integrity nor

influence on the attainment of their conservation objectives. This is a finding of no significant impact on the integrity of the Natura 2000 network.

No listed species or habitat will be affected adversely and since this is so, there is no possibility of a wider cumulative impact.

References

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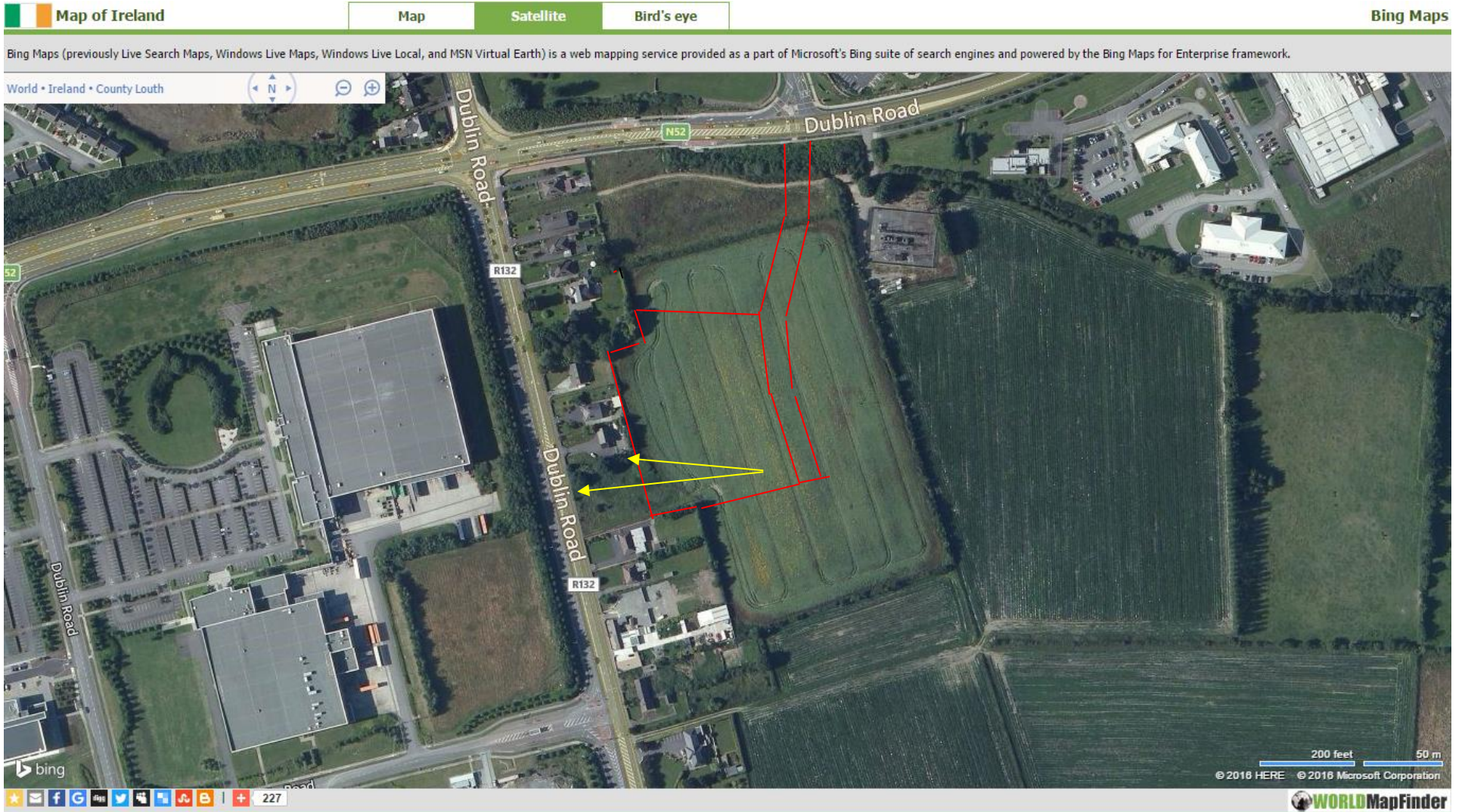


Figure 1. Approximate boundaries of project site and access road (Japanese knotweed arrowed)

