

Proposed Change of Use to Health Centre  
of No. 1 Adamstown Boulevard,  
Adamstown, Adamstown SDZ  
Appropriate Assessment Screening Report

Environmental  
Assessment  
**Built  
Environment**

Client:

Quintain Developments Ireland Ltd

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### 1 Introduction

#### 1.1 Background

Quintain Developments Ireland Ltd is seeking permission for a change of use of an existing commercial building located at 1 Adamstown Boulevard, in Adamstown Strategic Development Zone (SDZ).

The application site is located on the corner of Adamstown Boulevard and Adamstown Avenue, to the north of the Adamstown Station tile (currently under construction), with residential development to the north and east, within the Adamstown SDZ plan area.

Brady Shipman Martin was appointed by the applicant to prepare a report to assist South Dublin County Council in undertaking a screening exercise for Appropriate Assessment (AA). The purpose of the screening exercise is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on European sites, taking into account their conservation objectives.

This document constitutes the Appropriate Assessment Screening Report (“AA Screening Report”) prepared for this purpose.

A comprehensive desk study review and site visits were undertaken and the potential for significant effects on European sites, both as a result of the proposed development and in-combination with other plans and projects, are appraised in this report.

#### 1.2 Expertise and Qualifications

The work was carried out by Ecologist Matthew Hague BSc MSc Adv. Dip. Plan. & Env. Law CEnv MCIEEM. Matthew is an Associate with Brady Shipman Martin and is a highly experienced and qualified ecologist, with a master’s degree in Ecosystem Conservation and Landscape Management. He has 20 years of experience in ecological and environmental consultancy, across a wide range of sectors. He has prepared numerous reports for AA Screening as well as Natura Impact Statements, for projects of all scales, from small residential developments to nationally important infrastructure projects.

Matthew is a Chartered Environmentalist (CEnv) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Matthew has also completed an Advanced Diploma in Planning and Environmental Law, at King’s Inns and is a member of the Irish Environmental Law Association (IELA).

#### 1.3 Legal requirement for Appropriate Assessment

European sites make up a network of sites designated for nature conservation under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the “Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the “Birds Directive”). The requirements for Appropriate Assessment are set out under Article 6 of the Habitats Directive, transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended)<sup>1</sup> (the “Birds and Natural Habitats Regulations”) and the Planning and Development Act, 2000 (as amended) (the “Planning Acts”).

European sites are also known as Natura 2000 Sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). As defined in section 177R of the Planning Acts “European site” means:

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<sup>1</sup> SI No. 477 of 2011

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- (a) a candidate site of Community importance,
- (b) a site of Community importance,
- (ba) a candidate special area of conservation,
- (c) a special area of conservation,
- (d) a candidate special protection area and
- (e) a special protection area.

Article 6(3) of the Habitats Directive states that:

“(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have 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 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.”

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. Section 177U of the Planning Acts requires that screening for appropriate assessment must be carried out:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;

An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

The project is not required for the management of any European Site and this AA Screening Report has been prepared in accordance with the requirements of the Birds Directive, the Habitats Directive, the Planning Acts and the Birds and Natural Habitats Regulations.

## 2 Methodology

### 2.1 Baseline data collection and field visits

A desk-based assessment was undertaken in July 2022 of the Adamstown site. This focused on habitats and species that are listed as Qualifying Interests (QI) (in the case of SACs) and Special Conservation Interests (SCI) (in the case of SPAs) in the designations for European sites.

A significant amount of research has been undertaken by the author and other qualified and experienced ecologists throughout the Adamstown SDZ lands, since 2018. This includes comprehensive botanical and faunal surveys on several of the development tiles within the SDZ, on multiple occasions. A final site visit was undertaken in the preparation of this report on 28 April 2022.

This report takes the following guidance documents into account:

- *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 NPWS 1/10 & PSSP 2/10;

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- *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* (European Commission, September 2021);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*. Guidance issued by the European Commission (21 November 2018);
- *Guidance document on the strict protection of animal species of Community Interest under the Habitats Directive*. (Directorate – General for Environment (European Commission), October 2021);
- *Practice Note PN01 Appropriate Assessment Screening for Development Management Office of the Planning Regulator*, March 2021).

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:
  - The National Parks and Wildlife Service (NPWS) of the Department of Housing, Local Government and Heritage ([www.NPWS.ie](http://www.NPWS.ie));
  - The National Biodiversity Data Centre (NDBC) ([www.biodiversityireland.ie](http://www.biodiversityireland.ie));
  - BirdWatch Ireland ([www.birdwatchireland.ie](http://www.birdwatchireland.ie));
  - Bat Conservation Ireland ([www.batconservationireland.org](http://www.batconservationireland.org)).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
- Recent and historical OSi mapping and aerial photography, including [www.geohive.ie](http://www.geohive.ie);
- Photographs taken at the site;
- Information on local watercourses from [www.catchments.ie](http://www.catchments.ie);
- Information on water quality in the area ([www.epa.ie](http://www.epa.ie));
- Information on soils, geology and hydrogeology in the area ([www.gsi.ie](http://www.gsi.ie));
- Information on the Status of EU Protected Habitats and Species in Ireland (Article 17 report) (NPWS, August 2019);
- Third National Biodiversity Plan 2017 – 2021 (Department of Culture, Heritage and the Gaeltacht, 2017);
- Adamstown Strategic Development Zone (SDZ) Planning Scheme 2014, including the Environmental Report and Appropriate Assessment Screening Report;
- South Dublin County Development Plan 2016 – 2022, including the accompanying Statement for Appropriate Assessment;
- Draft South Dublin County Development Plan 2022 – 2028.

The report takes full account of the design of the proposed development and a detailed examination of all relevant elements of the proposed development was undertaken.

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### 3 Description of the proposed development

The proposed development (see site location in Figure 1) is on a site of approximately 0.22 Ha located in Development Area 9 – Adamstown Square, in the Adamstown SDZ Planning Scheme. The proposed development comprises:

- Change of use of existing 4 storey office building to health centre, including associated minor internal layout revisions;
- Alterations to the façade of the existing building.
- Bin store;
- Bicycle parking;
- Alterations to existing Adamstown Boulevard Road consisting of relocation of cycle lane and footpath to allow for creation of emergency vehicle set down area and layby area, and all associated ancillary site development and landscape works.

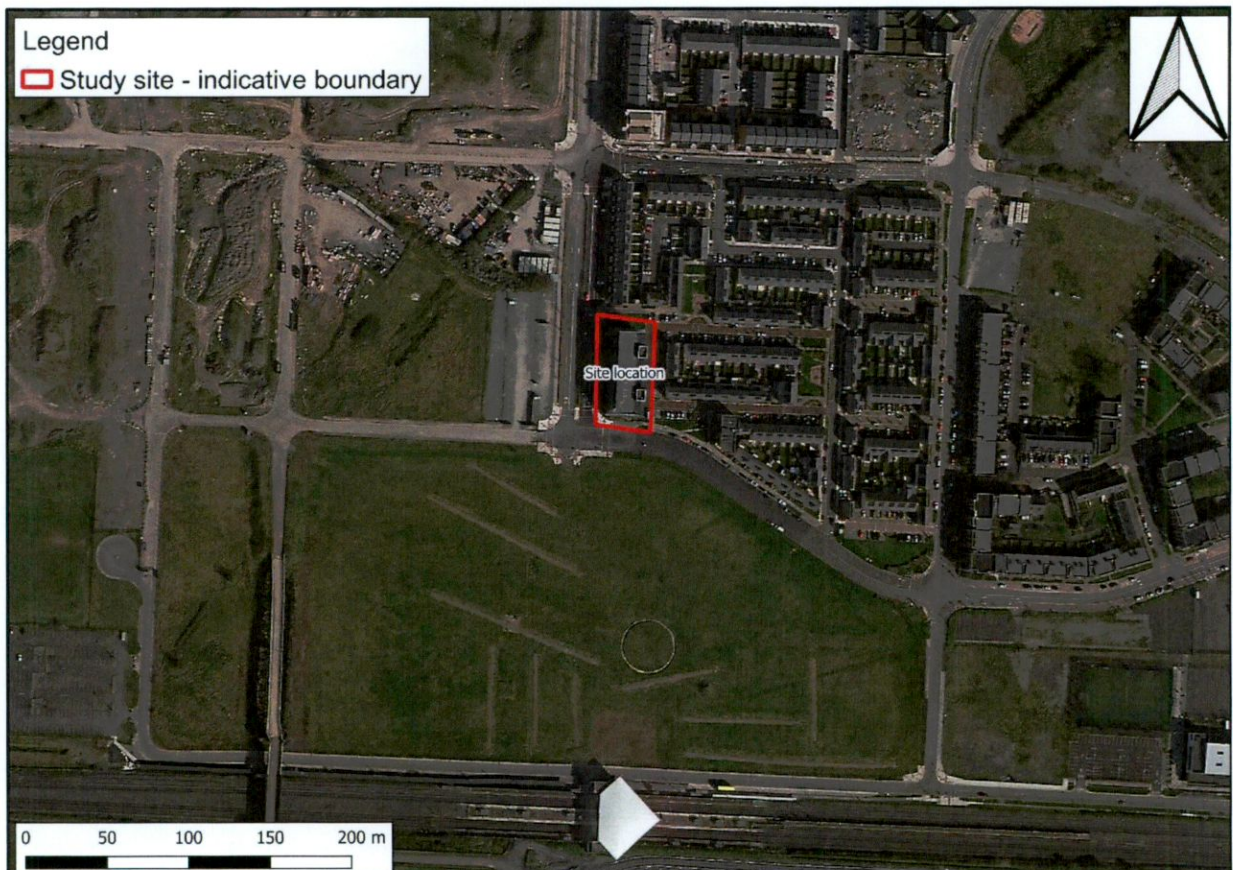


Figure 1: Proposed development site location within the Adamstown SDZ lands (for full details please refer to the documents that accompany the application)

## 4 Screening for Appropriate Assessment

### 4.1 Background

The first part of the Appropriate Assessment process is the Screening phase. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have a significant effect on the European site in view of the site's conservation objectives.

In accordance with sections 177U of the Planning Acts, screening for appropriate assessment must be carried out:

- To assess, in view of best scientific knowledge, if the development, individually or in combination with another plan or project is likely to have a significant effect on the European site;
- An appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the development, individually or in combination with other plans or projects, will have a significant effect on a European site.

Screening must be undertaken without the inclusion of mitigation and it is in this context that this AA Screening Report is prepared.

Following screening therefore, if there is a possibility of there being a significant effect on a European site, this will generate the need for an appropriate assessment under section 177V of the Planning Acts for the purposes of compliance with Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant effects on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law.

### 4.2 Potential Zone of Influence

For the risk of a significant effect to occur there must be a 'source', such as a construction site; a 'receptor', such as a designated site for nature conservation; and a pathway between the source and the receptor, such as a watercourse that links the construction site to the designated site. A construction site or completed development may also create a barrier to movement, for example by preventing the migration of fauna along a river corridor, or by obstructing the migration of birds.

Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

Identification of a potential effect means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the potential effect and the characteristics of the receptor.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, NPWS (2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*. Similarly, the OPR Guidance (2021) states that *'The zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. This should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15 km)'* (p.8).

In some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA at a great distance from the site. Taking this into account a search was carried out for all European sites with any potential links to the



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proposed development (i.e. those within the Zone of Influence (the geographical area over which it could affect the receiving environment) were accounted for in the study.

Therefore, considering the nature, scale and location of the proposed development and in accordance with the source-pathway-receptor model, the potential Zone of Influence for the proposed development has been defined as follows:

- All European Sites within 100m of proposed development site; and
- Any site to which there is a pathway from the proposed development site during either the construction or operational phase of the development.

#### 4.2.1 European sites

There are no European sites within the immediate vicinity of the proposed development site in Adamstown.

The nearest sites are as follows (see also **Figure 2**):

- Rye Water Valley/Carlton SAC (site code 001398), c.3.0km to the north west;
- Glenasmole Valley SAC (site code 001209), c.11.1km to the south east;
- Wicklow Mountains SAC (site code 002122), c.12.8km to the south;
- Wicklow Mountains SPA (site code 004040), c.15.8km to the south;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.16.1km to the east;
- Red Bog, Kildare SAC (site code 000397), c.16.2km to the south;
- South Dublin Bay SAC (site code 000210), c.17.0km to the east;
- Poulaphouca Reservoir SPA (site code 004063), c.17.4km to the south;
- North Dublin Bay SAC (site code 000206), c.19.3km to the east;
- North Bull Island SPA (site code 004006), c.19.3km to the east.

The Conservation Objectives of these sites are to maintain or restore the favourable conservation condition of the QIs / SCIs in question. Where specific conservation objectives have been set out by the NPWS, 'favourable conservation condition' is defined in respect of specific attributes and targets for the habitat or species in question. For further information, refer to **Appendix II**.

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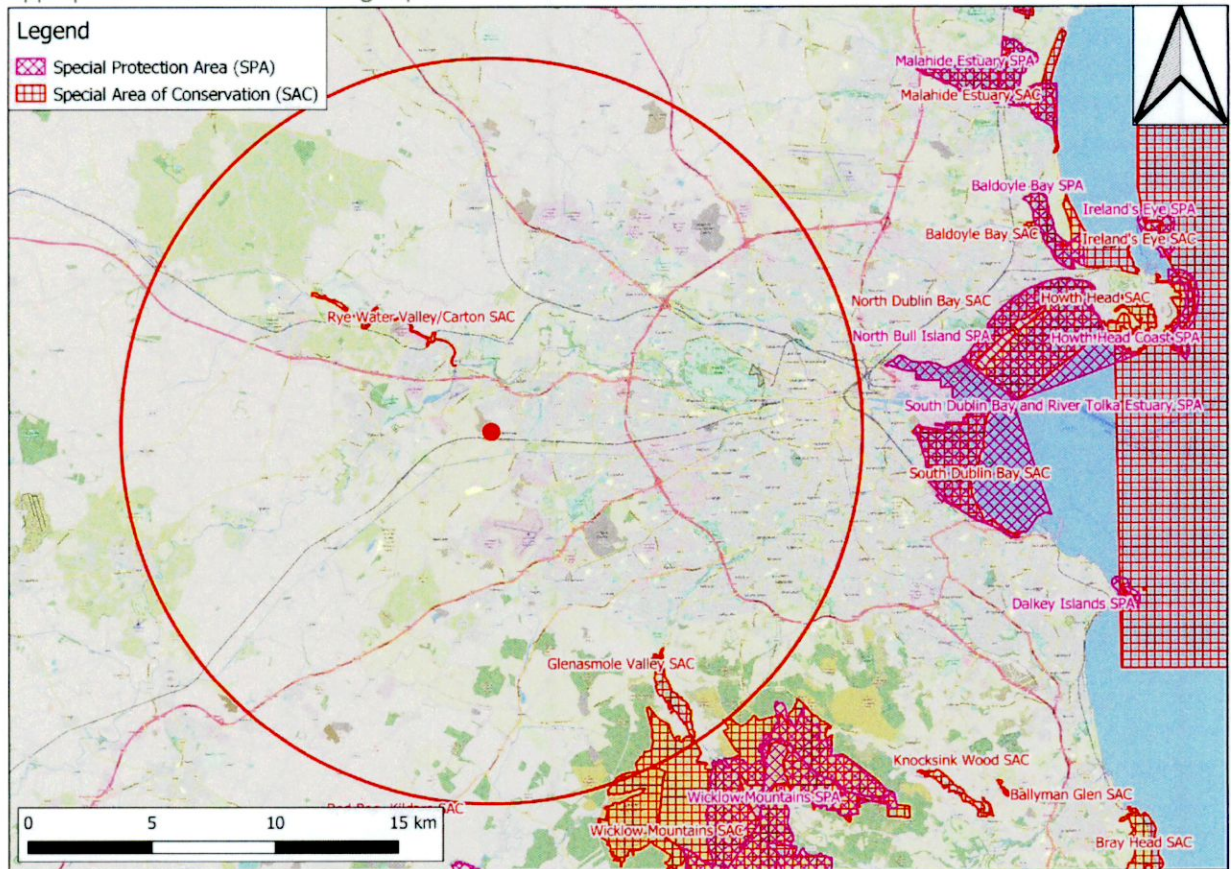


Figure 2: Study site at Adamstown showing European sites (*OpenStreetMap*). A 15km radius is shown, for scale.

### 4.2.2 Other designated areas (other than European sites)

The nearest sites designated for nature conservation, not otherwise designated as European sites, are Grand Canal proposed Natural Heritage Area (pNHA site code 002104), c.1.0km to the south, Liffey Valley pNHA (site code 000128), c.2.1km to the north and Royal Canal pNHA (site code 002103), c.3.7km to the north (see **Figure 3**).

Proposed Natural Heritage Areas are included in this report in order to address their potential to act as supporting sites for the European sites.

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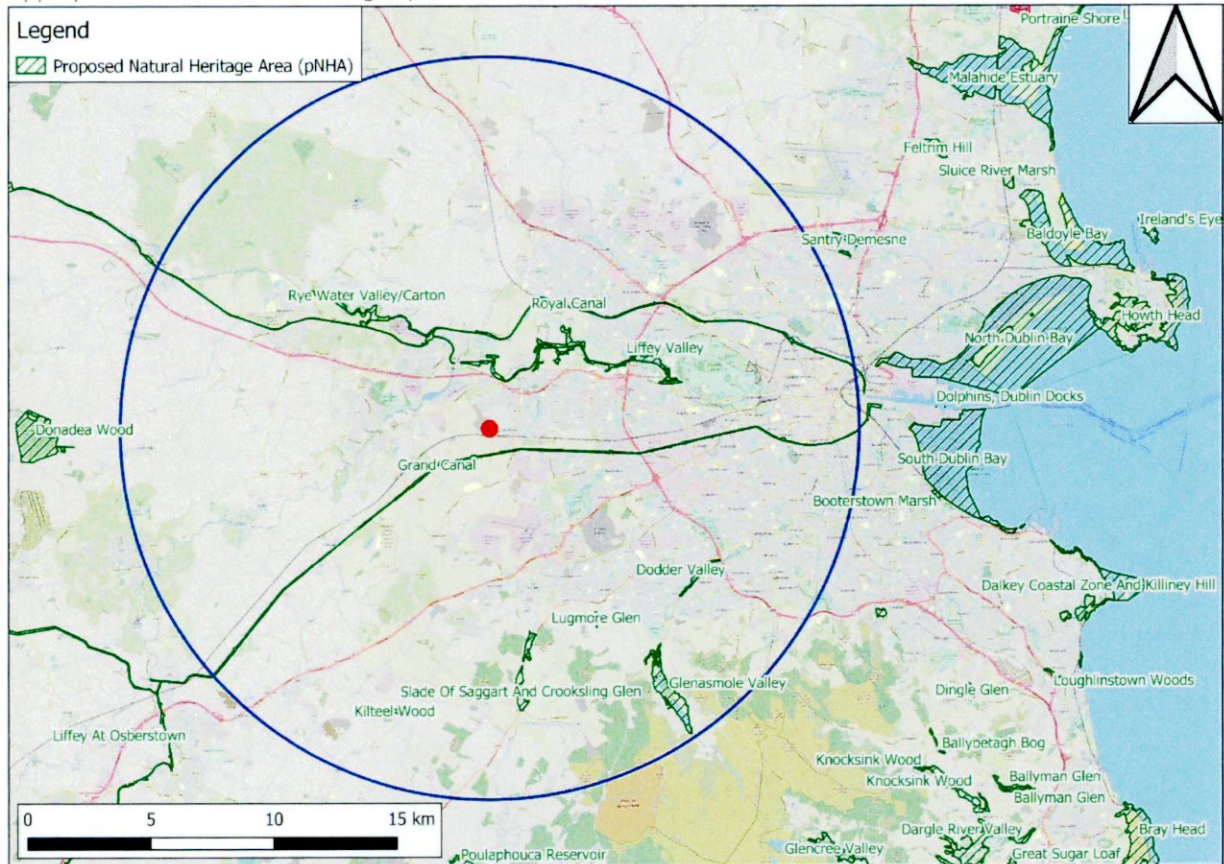


Figure 3: Study site at Adamstown showing pNHA sites (*OpenStreetMap*). A 15km radius is shown, for scale.

## 5 Potential impacts from the proposed development including in-combination effects

### 5.1 European sites and habitats with links to European sites

The site proposed for development is an existing building located on the south west corner of Development Area 9 (Adamstown Square) in Adamstown SDZ. It is not under any wildlife or conservation designation. A population of a rare and protected species, hairy St. John's wort (*Hypericum hirsutum*) listed in the *Irish Red Data Book 1 – Vascular Plants* (Curtis & McGough, 1988) and the *Flora Protection Order, 2015* has been recorded in the wider area of Adamstown SDZ, within the boundary of a proposed park (Airlie Park) which is currently under construction, as well as within the Aderrig tile, within the alignment of a proposed (and permitted) linear park. The presence of rare plants is outside the scope of this AA Screening report. Regardless, no legally protected plant species occur within the site, which is devoid of any habitats remotely likely to contain populations of rare or protected plants.

No evidence of any protected species such as bats or otters (these species are protected under Article 12 of the Habitats Directive) or badger was recorded during the surveys carried out at this site. In fact the existing building, which is the subject of this change of use application, possesses no features remotely suitable for use by roosting bats on the site. There are also no trees on the site that could be used by roosting bats – even on the most occasional basis. Given the nature of the proposed development site and the lack of suitable habitat in the immediate vicinity the site has no significant value for commuting or foraging bats.

The site is unsuitable for use by species linked to the European sites of Dublin Bay, such as light-bellied Brent geese, due to the types of habitats present (built-up land).

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No evidence of any other protected animal species such as amphibians (smooth newt or common frog), reptiles (common lizard) or hedgehogs, was recorded during the surveys carried out at the site.

None of the habitats or features present on the site are Qualifying Interests/Special Conservation Interests in any European site within the Zone of Influence and none of these Qualifying Interests/Special Conservation Interests (see column 2 in **Table 1** in Section 5.1.2) are present on the site. No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study undertaken and no 'reservoir' type habitats (habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site) are present.

There are no functioning streams on the site. The nearest is the heavily modified channel of the Lucan Stream/Tobermaclugg Stream. This is located some 300m to the south and west of the site and is linked to the Backstown Stream to the north. This stream eventually flows into the River Liffey near Lucan Village, according to the EPA water features database<sup>2</sup>. It is now heavily vegetated, and periodically contains standing water, with minimal flow. However, regardless of its location there are no connections between the proposed development site and this watercourse.

Overall, the site proposed for development has no ecological value in accordance with the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes* (NRA/TII, 2009 (Rev. 2)).

### 5.1.1 Potential impacts during construction

All site clearance and construction activities pose a potential risk to water as **surface/ground water** arising at a site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could pose a temporary risk to surface water quality in the local surface water network during construction. This applies on even the smallest construction sites, an on projects with limited construction requirements, such as the application for a change of use that is under appraisal in this report.

There is a tenuous and theoretical link, via the existing surface water drainage system, between the proposed development site and coastal European sites associated with Dublin Bay (i.e. South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA). There is no connection, theoretical or otherwise, between the proposed development site at Adamstown and any other watercourse, such as the Grand Canal or the River Griffeen.

There is no possibility of there being a potential groundwater pathway between the proposed development site and any European sites, including the Rye Water Valley/Carton SAC, located c.3km to the north west.

Despite the presence of a theoretical indirect pathway to European sites via water, the risk of contamination of any watercourse or the local surface water network is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality on the proposed development site **this would not be perceptible in any European sites**, for the following reasons:

- The significant distance to the European sites – the designated sites of Dublin Bay are all in excess of 15km from the proposed development site (straight-line distance to the east) and there is no direct pathway between the proposed development site and these or any other European sites;
- Any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the Bay;

<sup>2</sup> <https://gis.epa.ie/EPAMaps/>

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- The fact that a significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the bay any pollutants would be even further diluted and dissipated by the waters in Dublin Bay;
- The construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development, given the nature and scale of the proposed development at a remove from the European sites.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. For example there will be no land-take from any European site and there will be no resource requirements such as water abstraction. Similarly there will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site.

Demolition and construction-related impacts as a result of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

**Significant effects arising as a result of the construction of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.**

### 5.1.2 Potential impacts during operation

According to the Engineering Services Report (prepared by Cronin & Sutton Consulting Engineers) that accompanies the application, there is an existing 225mm diameter sewer to the east along Stratton Square to which the existing development drainage infrastructure is connected. It is proposed to retain and reuse this existing **surface water** drainage connection. There will be no changes to the overall operation of the surface water network to which the proposed development will connect.

According to the Site Specific Flood Risk Assessment Report (prepared by Cronin & Sutton Consulting Engineers) that accompanies the application, historically the site has no recorded flood events as noted in the OPW historical flood maps for pluvial or fluvial events. Predicted flood mapping for pluvial, fluvial or tidal flood events will not affect the subject lands and the site is deemed to be located in Flood Zone 'C', outside the predicted 1 in 1000 year flood zone.

Significant effects related to surface water management, and flooding, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

All **wastewater** from the proposed development will be treated at the Irish Water Wastewater Treatment Plant (WwTP) at Ringsend prior to discharge to Dublin Bay.

The Ringsend WwTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works, which are expected to be completed within five years. This will increase the plant capacity from 1.65m PE (population equivalent) to 2.4m PE. Though the WwTP is currently over capacity (the plant is currently accommodating 1.9m PE), recent water quality assessment undertaken in Dublin Bay (published by the EPA and available on the EPA online mapping database<sup>3</sup> confirms that Dublin Bay is classified as "*unpolluted*" and there is no evidence that the over-capacity issues at Ringsend are affecting the conservation objectives of the European sites in Dublin Bay.

<sup>3</sup> <https://gis.epa.ie/EPAMaps/default>

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Regardless of the status of the WwTP upgrade works, the peak discharge from the proposed development, as described in the accompanying Engineering Assessment Report (Peak Foul Flow = 0.5l/s) is not significant in the context of the existing capacity available at Ringsend. Further, it is lower than the volume currently generated at the existing development (Peak Foul Flow = 0.524l/s) so there will in fact be a reduction in wastewater volumes arising.

Significant effects related to foul water management, arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

There is no possibility of any other potential direct, indirect or secondary impacts on any European site once the proposed development is operational. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the operation of the proposed development, and no interference with the key relationships that define the structure or function of any European site.

Significant effects arising as a result of the operation of the proposed development, on European sites (or on proposed Natural Heritage Areas), can therefore be excluded.

Full details of the potential impacts of the proposed development on European sites are presented in **Table 1**.

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**Table 1** lists relevant European sites and outlines their Qualifying Interests/Special Conservation Interests and Conservation Objectives

European Site	Reasons for designation (Information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
Rye Valley/Carton SAC (site code 001398), c.3.0km to the north west	<p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>1014 Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 22 December 2021), for each of the listed QIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SPA has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Adamstown and this SAC. It is approximately 3km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	No
Glenasmole Valley SAC (Site code 001209), c.11.1km to the south east	<p>6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites)</p> <p>6410 <i>Mollinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)*</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 10 December 2021), for each of the listed QIs, the Conservation Objectives are to restore the favourable conservation condition of the Annex I habitats for which the SPA has been selected.</p>	<p>There is no hydrological link or any other pathway between the proposed development site at Adamstown and this SAC. It is over 11km distant and is completely unconnected. Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.</p>	No
Wicklow Mountains SAC (site code	3110 Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	<p>There is no hydrological link or any other pathway between the proposed development site at Adamstown and this SAC. It is almost 13km distant and is completely unconnected.</p>	No

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European Site	Reasons for designation (information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
002122), c.12.8km to the south	3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 1355 Otter ( <i>Lutra lutra</i> ) According to this SAC's site Conservation Objectives document (Version 1, dated 31 July 2017), for the listed QIs, the Conservation Objectives are to maintain or restore the favourable conservation condition of the Annex I habitat and the Annex II species for which the SAC has been selected.	Furthermore there will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this SAC as a result of the proposed development.	
South Dublin Bay SAC (site code 000210), c.17.0km to the east	1140 Mudflats and sandflats not covered by seawater at low tide The following habitats are listed as Qualifying Interests on the NPWS website,	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising during the site clearance, construction and operation of the proposed development at Adamstown could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge	No



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European Site	Reasons for designation (Information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
<p>North Dublin Bay SAC (site code 000206), c.19.3km to the east</p>	<p>but are not included in the Conservation Objectives document:                      (1210 Annual vegetation of drift lines                      1310 Salicornia and other annuals colonising mud and sand                      2110 Embryonic shifting dunes)</p> <p>According to this SAC's site Conservation Objectives document (Version 1, dated 22 August 2013), for the listed QI, the Conservation Objective is to maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>to the ground or the local surface water drainage network and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in South Dublin Bay SAC.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is over 17km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	<p>Likely significant effect?</p>
<p>North Dublin Bay SAC (site code 000206), c.19.3km to the east</p>	<p>1140 Mudflats and sandflats not covered by seawater at low tide                      1210 Annual vegetation of drift lines                      1310 Salicornia and other annuals colonising mud and sand                      1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)                      1410 Mediterranean salt meadows (Juncetalia maritimi)                      2110 Embryonic shifting dunes</p>	<p>No significant effects on water quality, and therefore on the site's QIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Adamstown could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a</p>	<p>No</p>

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European Site	Reasons for designation (information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 2190 Humid dune slacks 1395 Petalwort ( <i>Petalophyllum ralfsii</i> ) According to this SAC's site Conservation Objectives document (Version 1, dated 06 November 2013), for each of the listed QIs, the Conservation Objective is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in North Dublin Bay SAC. This is due to the very significant separation between the proposed development site and the European site – the proposed development site is over 19km (straight line distance) from the SAC and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction elements of the proposed development given the nature and scale of the proposed development a remove from the European sites. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. No operational impacts on this European site will occur as a result of the proposed development.	
South Dublin Bay and River Tolka Estuary SPA (site code 004024), c.17.0km to the east	A144 Sanderling ( <i>Calidris alba</i> ) A157 Bar-tailed Godwit ( <i>Limosa lapponica</i> ) A149 Dunlin ( <i>Calidris alpina</i> ) A162 Redshank ( <i>Tringa totanus</i> ) A179 Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) A143 Knot ( <i>Calidris canutus</i> ) A192 Roseate Tern ( <i>Sterna dougallii</i> ) A046 Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) A141 Grey Plover ( <i>Pluvialis squatarola</i> ) A130 Oystercatcher ( <i>Haematopus ostralegus</i> ) A194 Arctic Tern ( <i>Sterna paradisaea</i> )	There is no hydrological link or any other pathway between the proposed development site at Adamstown and this SPA. It is over 17km distant and is completely unconnected. Furthermore there will be no loss of wetland habitat or species, fragmentation or disturbance to the special conservation interests of this SAC as a result of the proposed development. There will be no operational impacts on this European site related to foul water management as a result of the proposed development.	No

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European Site	Reasons for designation (information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
North Bull Island SPA (site code 004006), c.19.3km to the east	<p>A193 Common Tern (<i>Sterna hirundo</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>		
	<p>A160 Curlew (<i>Numenius arquata</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A144 Sanderling (<i>Calidris alba</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A143 Knot (<i>Calidris canutus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A054 Pintail (<i>Anas acuta</i>) A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Wetlands</p> <p>According to this SPA's site Conservation Objectives document (Version 1, dated 9 March 2015), for each of the listed SCIs, the</p>	<p>No significant effects on water quality, and therefore on the site's SCIs, are predicted.</p> <p>Surface/ground water arising during the site clearance, construction and operation of the proposed development at Adamstown could contain pollutants (foul water, silt, hydrocarbons and other chemicals). Such contaminated water could potentially discharge to the ground or the local surface water drainage network and from there, eventually, to the River Liffey and Dublin Bay.</p> <p>There would be no significant effects on the conservation objectives of the European site should this occur, given the nature, size and location of the proposed development, as described in Section 5.1.1 and 5.1.2. Even in the event of a pollution incident (such as a fuel or cement spill) significant enough to impact upon surface/ground water quality in the proposed development site, any pollution from the construction site would be minimal in quantity and if it entered any watercourse it would be so diluted as to be undetectable by the time the water enters the bay and would not be perceptible in North Bull Island Estuary SPA.</p> <p>This is due to the very significant separation between the proposed development site and the European site – the proposed development site is over 19km (straight line distance) from the SPA and any pollution arising during construction would be so diluted as to be undetectable by the time the water enters the bay. In addition, significant dilution and mixing of surface and sea water would occur. Upon reaching the bay any pollutants would be even further diluted and dissipated by the receiving waters. Furthermore, the construction of the proposed development will take place over a comparatively short period and there is no possibility of long-term impacts arising as a result of the construction</p>	No

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European Site	Reasons for designation (information correct as of 18 July 2022) (* denotes a priority habitat)	Source – Pathway – Receptor link	Likely significant effect?
	<p>Conservation Objective is to maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>	<p>elements of the proposed development given the nature and scale of the proposed development a remove from the European sites.</p> <p>There will be no loss of wetland habitat or species, fragmentation or disturbance to the special conservation interests of this site as a result of the proposed development.</p> <p>No operational impacts on this European site will occur as a result of the proposed development.</p>	

\*This table includes sites in Dublin Bay, downstream of the site via the River Liffey. As confirmed in Section 5.1, only the offshore sites associated with Dublin Bay (North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA) are linked in any way to the proposed development site. None of the other listed sites, and no sites further afield, are remotely linked to the proposed development site, by virtue of distance, lack of a pathway and the reasons for their designation.

## 5.2 Summary of potential impacts of the proposed development

There will be no loss of any habitat or species listed as a QI or SCI of any designated site as a consequence of the proposed development. There is, therefore, no potential for the effects of habitat loss or fragmentation to occur.

There will also be no significant effects on any European sites as a result of:

- Land-take;
- Resource requirements such as water abstraction;
- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution/vibration impacts;
- Light pollution;
- Air pollution.

## 6 Mitigation specific to European sites

This screening assessment is consistent with the judgment of the European Court in Case C-323/17, *People Over Wind & Sweetman v Coillte* (Judgment of the Court (Seventh Chamber) of 12 April 2018) and the recent case-law of the High Court, including *Heather Hill Management Company CLG v An Bord Pleanála* [2019] IEHC 450 and *Sweetman v An Bord Pleanála* [2020] IEHC 39. It is also consistent with the judgment in *Eco Advocacy CLG v An Bord Pleanála* [2021] IEHC 265. In that case, *Humphreys J* confirmed the core legal principle, being that regard should not be had to mitigation measures at AA screening stage. *Humphreys J* decided in that case that clarification was required from the CJEU on the matter (as it related to the consideration of SUDs and whether these represented mitigation measures) and the decision of the CJEU is currently awaited. Regardless of the outcome of that case however, in relation to European sites, there will be no impacts capable of giving rise to any likely significant effects as a result of the proposed development.

As set out in Sections 5.1.1 and 5.1.2 of this report, it is certain that likely significant effects on European sites as a result of both the construction and operation of the proposed development can be excluded. Even if no SuDS measures were to be incorporated into the design there could be no impacts on European sites.

No mitigation is necessary or proposed for the protection of European sites.

## 7 In-combination effects

It is a requirement of Section 177U of the Planning Acts that when considering whether a plan or project will have a significant effect on a European site the assessment must take into account in-combination effects with other plans and projects. The assessment should consider plans and projects that are completed, approved but uncompleted, or proposed (but not yet approved).<sup>4</sup> If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

The following sources were consulted to identify relevant other plans or projects:

- South Dublin County Council Planning Viewer (18 July 2022);

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<sup>4</sup> *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

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- EIA Portal [Viewer](#) (as of 18 July 2022);
- South Dublin County Development Plan 2016 – 2022.

The South Dublin County Development Plan 2016-2022 has a series of objectives intended to protect and enhance the natural environment. For example the CDP contains significant objectives to protect and enhance green infrastructure within the county. It also includes policies for to protect water bodies and watercourses, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains, within the County from inappropriate development.

The Environmental report of the Draft Amendments to the Approved Adamstown SDZ Planning Scheme 2003 (published in 2014) contains a number of Strategic Environmental Objectives in relation to biodiversity, in order to sustain and enhance ecological habitats, avoid significant adverse impacts and to sustain and enhance key ecological networks.

The CDP and Planning Scheme aims have been achieved in so far as is practicable within the proposed development.

Considering the nature and scale of the proposed development, the localised and insignificant nature of the environmental effects predicted to occur as a result of the proposed development, and the nature of existing, permitted and proposed development in its environs, it is considered that significant in combination effects on European sites are not likely to occur.

## 8 Screening conclusion

In view of best scientific knowledge this report concludes that the proposed development at the Adamstown Boulevard site, individually or in combination with another plan or project, will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (South Dublin County Council) to carry out an AA Screening under Section 177U of the Planning Acts, and reach a determination that the proposed development will not have any likely significant effects on European sites under in light of their conservation objectives.

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### Appendix I: Background

The European<sup>5</sup> network is a Europe-wide network of ecologically important sites (SPAs and cSACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have 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.

(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Union (Birds and Natural Habitats) Regulations 2011-2015* (hereafter referred to as the *Birds and Habitats Regulations*)<sup>6</sup> and by the *Planning and Development Act 2000*, as amended.

In Ireland, the statutory agency responsible for the designated areas is NPWS.

### Stages in the assessment

European Commission guidance (2021)<sup>7</sup> sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

**Stage 1: Screening** is the process which initially identifies the likely significant effects upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that

<sup>5</sup> The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European”

<sup>6</sup> SI No. 477 of 2011 and subsequent amendments

<sup>7</sup> *Assessment of Plans and Projects in relation to Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, September 2021)

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unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

**Stage 2: Appropriate Assessment** is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine with scientific certainty whether or not there will be adverse effects on the integrity of the site in light of its conservation objectives. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

**Stage 3: Assessment of alternative solutions** is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain.** At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.



## Appendix II Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are 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;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable 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.

Guidance from the European Commission<sup>8</sup> indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

1. Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
2. Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
3. Identify the potential effects on European sites;

Assess the likely significance of any effects on European sites.

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<sup>8</sup> Managing Natura 2000 sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission November 2018)

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