

[REDACTED]  
Foreshore Unit,  
Department of Housing, Local Government and Heritage,  
Newtown Road, Co. Wexford  
14<sup>th</sup> December 2022

### **Marine Adviser Environment Screening Stage Report**

**Re:** FS006909 – To develop Broadmeadow Way a new greenway (shared footpath and cycleway) between Malahide Demesne and Newbridge Demesne via the railway causeway across the Malahide Estuary

**Applicant:** Fingal County Council

In response to your email of the 1<sup>st</sup> of December 2022 I have reviewed the Foreshore Application FS006909 and all the environmental documents associated with it. My comments on and recommendations for this application are as follows:

As the Department's Marine Environment Advisor have conducted a screening for Appropriate Assessment base on the information provided by the Applicant and having regard to the Habitats and Birds Directives. My **Appropriate Assessment Screening Report** accompanies this report.

#### **Risk Assessment of Annex IV Species**

The applicant provided a Risk Assessment for Annex IV Species Report. The report assessed the impact on otter, bats, cetaceans and marine turtles. A comprehensive pre-construction baseline ecological survey will be carried out to ensure that there are no new bat roosts or otter holts within the proposed works area. The proposed greenway will be illuminated with low lux LED lamps which will dim or extinguish during periods when the amenity is not in active use. Bespoke mitigation and commitments presented in the CEMP will ensure that any risks are negligible in magnitude. Ecological activity will also be monitored at the site in the year of construction and for the first two years of operation by Fingal County Council. A report will be submitted to NPWS at the end of each annual survey period. The report concluded that given the timing of the works between the hours of 07:00 to 19:00 from May to September and as the area is heavily utilised by the public it is very unlikely that disturbance, injured or death will occur to any Annex IV as a result of the proposed project.

It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriated at this stage.

Having considered the application by Fingal County Council and the applicant's Risk Assessment of Annex IV species I agree with and accept this conclusion.

**Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive):** Following screening of the proposed project, the applicant concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

Having considered the application by Fingal County Council and their Report to inform AA Screening I agree with and accept this report and its conclusions. My signed Recommending Officer's **Screening for Appropriate Assessment Determination** which requires the

signature of the Minister as part of the decision-makers obligations under the Habitats Directive is contained as an Appendix.

If the Minister adopts and approves these reports a public consultation will be held on the Appropriate Assessment. My Final Environmental Report with Determinations will follow which may include any case specific conditions having regard to the information obtained during public participation.

**Signature and Date of Recommending Officer - Marine Advisor Environment:**

A solid black rectangular box used to redact the signature of the recommending officer.

**14<sup>th</sup> of December 2022**

## **Appendix**

## Screening for Appropriate Assessment Determination

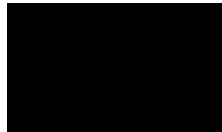
### Screening for Appropriate Assessment Determination

**Project reference: FS006909** – To develop Broadmeadow Way a new greenway (shared footpath and cycleway) between Malahide Demesne and Newbridge Demesne via the railway causeway across the Malahide Estuary.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the Broadmeadow Way across the Malahide Estuary, individually or in combination with other plans or projects, would be likely to have a significant effects on a European sites.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

**Signature and Date of Recommending Officer - Marine Advisor Environment:**



14<sup>th</sup> of December, 2022

**Signature and Date of Minister of State for Local Government and Planning::**

## Request for Clarifications & Applicant's response