



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

SCREENING FOR APPROPRIATE ASSESSMENT REPORT

Application No. FS007192

9th May 2023



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Statement of Authority

This Screening for Appropriate Assessment Report has been undertaken by Dr Yvonne Leahy, an experienced marine ecologist with a wide range of experience from conservation, developing a quality index tool for Water Framework Directive, habitat mapping, aquaculture to deep water reef ecology. She completed a Ph.D. in the polychaete taxonomy and ecology in NUIG. Following which she undertook Post-Doctoral research on shallow water hydrothermal vent ecosystems at the Institute of Marine Biology of Crete. For the last 11 years she has worked with the National Parks and Wildlife Service as a marine ecologist where she developed the Site Specific Conservation Objectives for all marine Special Areas of Conservation. In this position she also reviewed Appropriate Assessments for Aquaculture Licences and, as part of the statutory process, drafted Departmental responses to these. She has considerable experience in the Habitats Directive, Article 6 Assessments and the case law pertaining to them.

With NPWS she developed and delivered Article 17 monitoring programmes for Annex I habitats and Annex V species. She is on the Natura 2000 Marine Expert Working Group, the OSPAR Benthic Habitats Expert Group and MSFD Integrated Monitoring Programme working group. She has been on a number of research steering groups including the NPWS/EPA co-funded CLEAR project on restoration of coastal lagoons, EcoSystem Services on the VIBES project and the Ecostructure project [<https://ecostructureproject.aber.ac.uk/>]. She has been Ireland's representative on the Marine and Coastal Biodiversity expert working group for the UN Convention on Biodiversity.

1 Introduction

1.1 Project Overview

University College Dublin have applied under the Foreshore Act 1933 (as amended) for a licence to undertake sediment sampling in Baldoyle Estuary, Co. Dublin. Soil and vegetation samples are to be taken in the saltmarsh in order to facilitate the analysis of Irish coastal wetland carbon stocks. The site lies within the European sites Baldoyle Bay SPA [IE004016] and Baldoyle Bay SAC [IE000199].

1.2 Application documents submitted

The following application documents were reviewed as part of this assessment:

- Section 3.3 Foreshore Licence Application dated 13/01/2021
- Site Investigation Schedule of Works dated 13/01/2021
- Foreshore Licence Map 12/01/2021
- Site Layout Map 12/01/2021

These documents including the appropriate assessment report can be accessed on:

<https://www.gov.ie/en/foreshore-notice/7f32f-ucd-soil-and-vegetation-sampling-baldoyle/>

1.3 Legislative background and AA process

Under Article 6.3 of the Habitats Directive (92/43/EEC) Member States are required to consider the potential effects of any project or plan which is not directly connected with, or necessary to, the management of a European site but is likely to have a significant effect on the site before a decision can be made to allow the plan or project to proceed. In order to ascertain if the plan or project, either alone or in-combination with other plans or projects, is likely to have significant effects on a European site an Appropriate Assessment of the implications of the plan or project on the site's conservation objectives is required. The first step in the process is screening to determine if an Appropriate Assessment is required.

Under the Foreshore Act, as amended, a lease or licence must be obtained from the Minister for Housing, Local Government & Heritage before carrying out activities within the Foreshore area. This area is defined as the HWM to the 12 nautical mile limit. As the Consenting Authority, the Department must carry out a screening for an Appropriate Assessment on any Foreshore application which may have significant effects on the conservation objectives of a European site. To enable the consenting authority to carry out its statutory obligations the applicant provides the Department with sufficient information to allow it to carry out a screening for an appropriate assessment.

This report presents the results of the Screening for Appropriate Assessment of the proposed project. It determines whether the proposed project, either alone or in-combination with other plans or projects, is likely to have significant effects on a European site. It will establish if a stage 2 appropriate assessment is required, thus meeting the Department's statutory obligations under the European Communities (Birds and Natural Habitats) Regulations 2011 to 2021 (the "Habitats Regulations"), to ensure compliance with the Habitats Directive (92/43/EEC).

1.4 Methodology

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

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna. Official Journal of the European Communities.
- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version).
- European Communities (Birds and Natural Habitats) Regulations 2011. SI No. 477 of 2011.
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission 2019. Office for Official Publications of the European Communities, Luxembourg.
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities. DEHLG, 2009. Revision 2010.
- Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters. Department of Arts, Heritage and the Gaeltacht, 2014
- Appropriate Assessment Screening for Development Management OPR Practice Note PN01 March 2021
- Relevant case law

2 Project Description

2.1 Location

It is planned to take samples within a small embayment to the north of Dublin Bay. This tidal estuarine inlet is protect from the open sea by a large sand dune system (Figure 1). Two small rivers, the Mayne and the Sluice, flow into the bay.

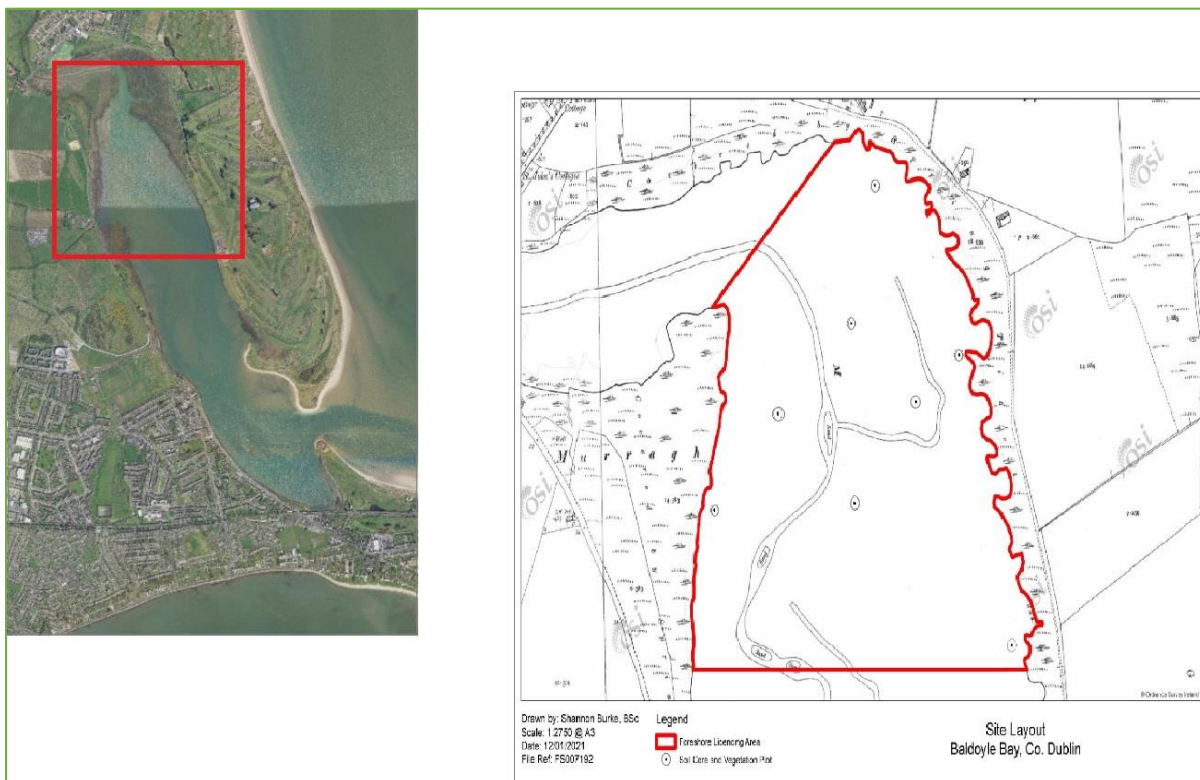


Figure 1 Site location map

2.2 Description of the receiving environment

The sampling area is within the saltmarsh habitat. The largest area of saltmarsh is towards the northern part of the bay. It also occurs at the southern tip of the Burrow peninsula, on the western margins at Sutton Golf Course and in the area of the Mayne River (Figure 2).

2.3 Description of the proposed survey works

Sixteen soil cores (28cm³ each) will be taken at the site using a gauge auger (6cm diameter, 1m length) with the intention of removing up to 280cm³ of soil which will be brought back to UCD for analysis. In addition to the removal of soil, eight plots of vegetation (30cm x 30cm) will be removed from the site and examined in UCD.

Access to the sampling locations will be by foot and sampling will be in summer months. Precautions will be taken to ensure that no rare plant species are removed. To safeguard against the spread of invasive species (e.g. *Spartina anglica*) all equipment will be cleaned and disinfected and all vegetation will be disposed of safely following laboratory analysis.

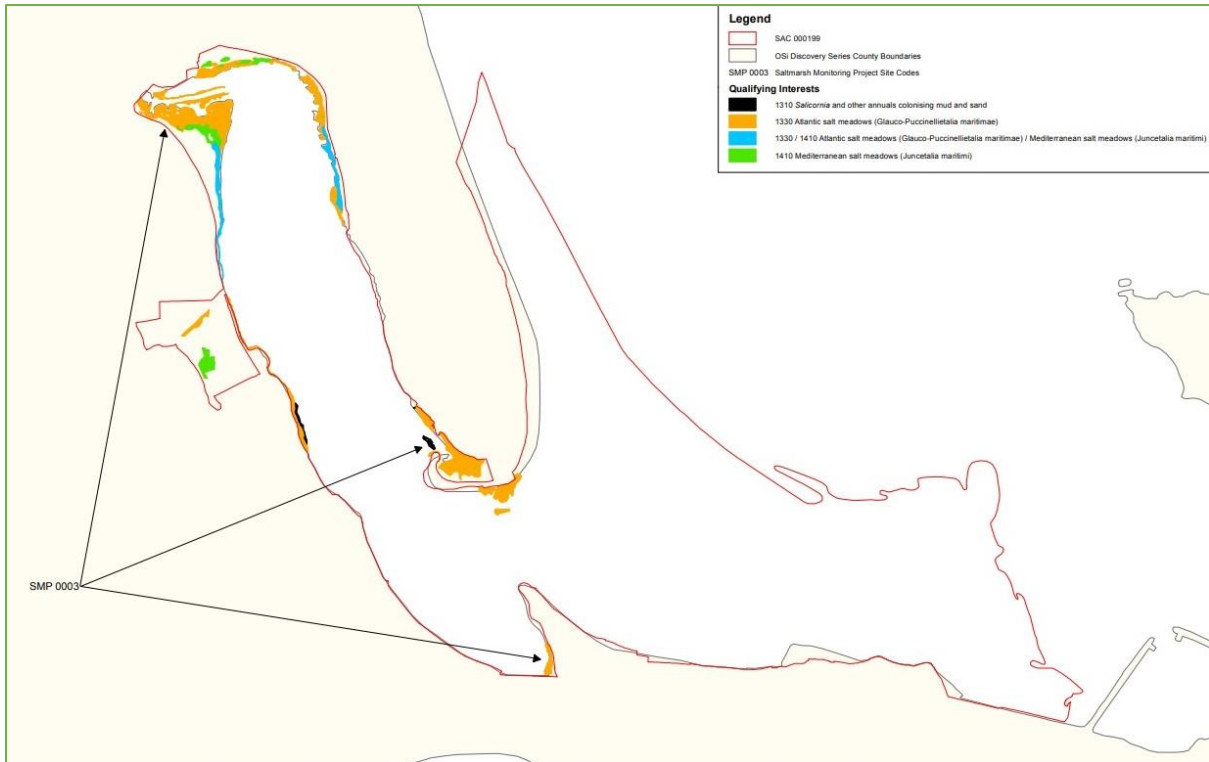


Figure 2 Annex I Saltmarsh habitats in Baldoye Bay. [from NPWS Conservation Objectives 2012¹]

¹https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf

3 Screening for Appropriate Assessment

3.1 Management of Natura 2000 site/s

Plans or projects that are directly connected with or necessary to the management of a Natura 2000 site do not require AA. The proposed project is not directly connected with or necessary for the management of a Natura 2000 site. Therefore this project is subject to screening for Appropriate Assessment to determine if it alone, or in-combination with other plans or projects, is likely to cause significant effects to a European site.

3.2 Identification of possible effects

A European site is only at risk of likely significant effects where the Source-Pathway-Receptor link exists between the proposed development and the European site (OPR 2021). Potential connectivity was considered if there was overlap with the Foreshore Licence Application Area and an SAC (direct effects) or if the SAC was within range of the effects of the proposed activity (indirect effect).

3.2.1. Annex I habitats

The potential environmental impacts on Annex I Habitats is physical disturbance. The effects of the proposed survey are direct and occur within the footprint of the sampling area. There are no indirect effects.

3.2.2 Annex II species

Marine mammals

In Ireland Annex II marine mammal species include the European otter, grey seal, harbour seal, harbour porpoise and bottlenose dolphin. The proposed project is being carried out in a coastal habitat and is small in scale therefore no disturbance will occur to cetaceans. Possible effects on seals and otter is visual disturbance due to physical activity on the shore.

Migratory fish

As this activity is occurring in a coastal habitat and is small in scale therefore there will be no disturbance to migration fish species.

3.2.3. Birds

The activity on the shore may cause visual disturbance to species utilising the area for foraging or roosting.

3.3 Identification of the relevant European site/s

Special Area of Conservations (SAC) were screened on the potential for connectivity between the proposed project and their qualifying interests. Due to the scale of this proposed project the potential connectivity was considered only where there was overlap with the Foreshore Licence Application Area and an SAC (direct effects).

3.3.1 Annex I habitats

As these works are being undertaken in the marine environment, using the Source-Pathway-Receptor model, only the marine and coastal Annex I habitats were considered in this screening process.

The Foreshore Licence Application Area overlaps with Baldoyle Bay SAC. No other SAC was considered to be within the Zone of Influence of the proposed project.

3.3.2 Annex II species

A single SACs is designated for seals in the vicinity of the sampling area, Lambay Island SAC. No SAC designated for Otter was considered to be within the Zone of Influence of the proposed project.

Using this criteria were identified to be within the Zone of Influence of the proposed project. These are:

- Baldoyle Bay SAC
- Lambay Island SAC

Table 3.1 Special Area of Conservation (SAC) and their qualifying interests to be considered further in the screening process.

Site and Code	Distance from Survey Area	Qualifying Interests	Screened In/Out	Potential source of impact
Baldoyle Bay SAC [Site code IE000199]	overlaps	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	Out	Physical disturbance confined to footprint of sampling area. Sampling area very small.
Lambay Island SAC [Site code IE000204]	12km	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] <i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Phoca vitulina</i> (Harbour Seal) [1365]	Out	No Source-Pathway-Receptor link

3.3.3 Birds

A Special Protection Area (SPA) is considered in the screening process if there is potential for connectivity between their Special Conservation Interest (SCI), their wetlands and the proposed project. For this project possible connectivity is considered if the SPA overlaps with the Foreshore Licence Application Area or is within 15km of this area. It is acknowledged that seabirds generally have large foraging ranges (Woodward *et al.* 2019) and may occasionally occur in the Foreshore Licence Application Area from more distant SPAs. If the survey area represents the outer extent of the foraging range of species, such as Manx Shearwater which have very large ranges, then the connectivity between it and SPAs for which the species is an SCI is considered to be insignificant.

Waders respond differentially to visual disturbance depending on factors that include the species involved, flock size and context of their location (i.e. industrialised areas) (Cutts loc. cit., Goss-Custard *et al.* 2019). Waders show mixed responses to anthropogenic noise depending on species. Some species, such as sanderling, are highly tolerant whilst others, such as knot and redshank, are highly sensitive (Cutts *et al.*, 2013).

While wintering SCIs do not forage as widely as seabird species, they may move between estuarine areas and utilise estuarine habitats outside of the SPA for which they are listed. Such movements are likely to happen most frequently between estuarine habitats which are in close proximity. Therefore a 15km range for screening for estuarine SPAs was considered appropriate.

Using the above criteria the following SPAs were considered to be within the Zone of Influence of the proposed project:

- Baldoyle Bay SPA
- North Bull Island SPA
- Ireland's Eye SPA
- Malahide Estuary SPA
- Howth Head Coast SPA
- South Dublin Bay and River Tolka Estuary SPA
- Rogerstown Estuary SPA
- Lambay Island SPA
- Dalkey Islands SPA

Table 3.2 Special Protection Areas (SPA) and their qualifying interests to be considered further in the screening process.

Site and Code	Distance from Survey Area	Qualifying Interests	Screened In/Out	Potential source of impact
Baldoyle Bay SPA [IE004016]	0km	Light-bellied Brent Goose [A046] Shelduck [A048] Ringed Plover [A137] Golden Plover [A140] Grey Plover [A141] Bar-tailed Godwit [A157] Wetland and Waterbirds [A999]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised.
North Bull Island SPA [IE004006]	0.7km	Light-bellied Brent Goose [A046] Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Wetland and Waterbirds [A999]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised, no ex-situ effects.
Ireland's Eye SPA [IE004117]	2.5km	Cormorant [A017] Herring Gull [A184] Kittiwake [A188] Guillemot [A199] Razorbill [A200]	Out	No Source-Pathway-Receptor link

Site and Code	Distance from Survey Area	Qualifying Interests	Screened In/Out	Potential source of impact
Malahide Estuary SPA [IE004025]	3km	Great Crested Grebe [A005] Light-bellied Brent Goose [A046] Shelduck [A048] Pintail [A054] Goldeneye [A067] Red-breasted Merganser [A069] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Redshank [A162] Wetland and Waterbirds [A999]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised, no ex-situ effects.
Howth Head Coast SPA [IE004113]	4km	Kittiwake (<i>Rissa tridactyla</i>) [A188]	Out	No Source-Pathway-Receptor link
South Dublin Bay and River Tolka Estuary SPA [IE004024]	6km	Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin A149] Bar-tailed Godwit A157] Redshank [A162] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised, no ex-situ effects.

Site and Code	Distance from Survey Area	Qualifying Interests	Screened In/Out	Potential source of impact
Rogerstown Estuary SPA [IE004015]	9km	Greylag Goose [A043] Light-bellied Brent Goose [A046] Shelduck [A048] Shoveler [A056] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Dunlin [A149] Black-tailed Godwit [A156] Redshank [A162] Wetland and Waterbirds [A999]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised, no ex-situ effects.
Lambay Island SPA [IE0004069]	10km	Fulmar [A009] Cormorant [A017] Shag [A018] Greylag Goose [A043] Lesser Black-backed Gull [A183] Herring Gull [A184] Kittiwake [A188] Guillemot [A199] Razorbill [A200] Puffin [A204]	Out	Sampling will take place in summer. Scale of activity on the shore is small and localised, no ex-situ effects.
Dalkey Islands SPA [IE004172]	13km	Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194]	Out	No Source-Pathway-Receptor link

3.4 Assessment of Likely Significant Effects

3.4.1 Annex I Habitats

Sampling is localised and the retained samples small. The number of people on the shore is also small and access is by foot. Therefore the possibility of likely significant effects on the Annex I habitats in the overlapping SAC as a result of the proposed project **can be excluded**.

3.4.2 Annex II species

The sampling survey takes place in the summer months. The survey activity will not generate noise above background and there will be a very small number of people on the shore. The possibility of likely significant effects as a result of the proposed project on Annex II species **can be excluded**.

3.4.2 Birds

The sampling survey will take place in the summer months so no overlap with overwintering species will occur. The survey activity will not generate noise above background and there will be a very small number of people on the shore. The scale of the proposed project is small and

so there will be no ex-situ effects. Therefore likely significant effects as a result of the proposed project on bird species within the Zone of Influence of the proposed project **can be excluded**.

3.4.3 In-combination effects

Article 6(3) of the Habitats Directive requires that AA be carried out in respect of any plan or project which is likely to have a significant effect on one or more European sites, “either individually or in combination with other plans or projects”. Therefore, regardless of whether or not the likely effects of a plan or project are significant when considered in isolation, the potential for the plan or project to significantly affect European sites in combination with other past, present or foreseeable future plans or projects must also be assessed.

A search of the Department’s Foreshore applications web site and the Fingal County Council web sites was carried out on the 9th of May 2023 No applications in the latter website was identified in the general area of the proposed project. A number of Foreshore projects were identified as taking place in the general vicinity of the proposed project (Table 3.3).

Table 3.3 Foreshore Applications for works within the general vicinity of Baldoyle Bay.

Application	Project	Application Status	In-combination effects
FS007635 MaresConnect Ltd	Site Investigation for MaresConnect Ltd Interconnector.	Applied March 2023	No effects
FS006984 Rush Sailing Club	Landing Pontoon	Applied May 2022	No effects
FS007472 Mac Lir Offshore Ltd.	Benthic ecology surveys within potential cable corridor.	Applied January 2022	No effects
FS007367 Greystones (OWL) Windfarm Ltd.	Site Investigations off Counties Wicklow and Dublin.	Applied June 2022	No effects
FS007330 Réalt na Mara Offshore Wind Farm Ltd	Site Investigations off Counties Wicklow and Dublin.	Applied March 2021	No effects
FS007392 Lir Offshore Array Ltd.	Site Investigations off Counties Louth, Meath and Dublin.	Applied April 2023	No effects
FS006909 Broadmeadow Way Greenway	Development of a new greenway between Malahide Demesne and Newbridge Demesne.	Applied December 2021	No effects
FS006843 Irish Water Greater Dublin Drainage Outfall	Construction of the marine section of an outfall pipe at Maynetown and Burrow, Fingal.	Applied April 2020	No effects

Of the above projects only FS006843 occurs within Baldoyle Bay. However the proposed project is small in scale and taking place over a very limit time period in the summer. Likely significant in-combination effects between this project and the Irish water project on the

conservation objectives of Natura 2000 sites considered in this report **can be excluded** at this stage.

4 Conclusion

4.1 Appropriate Assessment Screening Conclusion

Using the Source-Pathway-Receptor approach the qualifying interests of European sites within the vicinity of the proposed project were assessed. Given the scale of the proposed project and the time of year when it will occur no likely significant effects were identified for European sites.

It is concluded that likely significant effects as a result of the proposed project, alone or in combination with other plans and projects, on the conservation objectives of European sites can be excluded and therefore an Appropriate Assessment is not required.

5 References

Cutts, N., Hemingway, K. and Spencer, J. 2013. The Waterbird Disturbance Mitigation Toolkit Informing Estuarine Planning and Construction Projects. Produced by the Institute of Estuarine and Coastal Studies (IECS). Version 3.2.

Goss-Custard, J.D., Hoppe, C. H., Hood, M.J., and R. A. Stillman, 2019. Disturbance does not have a significant impact on waders in an estuary close to conurbations: importance of overlap between birds and people in time and space. doi: 10.1111/ibi.12768

OPR, 2021. Office of the Planning Regulator, March 2021 OPR Practice Note PN01.
<https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

Woodward, I., Thaxter, C.B., Owen, E. & Cook, A.S.C.P., 2019. Desk-based revision of seabird foraging ranges used for HRA screening, Report of work carried out by the British Trust for Ornithology on behalf of NIRAS and The Crown Estate, ISBN 978-1-912642-12-0.

6 Site Specific Conservation Objectives

* indicates those sites which have generic conservation objectives. All others have Version 1 of the site specific conservation objectives at the time of writing.

Baldoyle Bay SAC

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf

Lambay Island SAC

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000204.pdf

Baldoyle Bay SPA IE004016

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf

North Bull Island SPA IE004006

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf

*Ireland's Eye SPA IE004117

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004117.pdf

Malahide Estuary SPA IE004025

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004025.pdf

*Howth Head Coast SPA IE004113

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004113.pdf

South Dublin Bay and River Tolka Estuary SPA IE004024

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf

Rogerstown Estuary SPA IE004015

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004015.pdf

*Lambay Island SPA IE004069

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004069.pdf

Dalkey Islands SPA IE004172

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004172.pdf

Appendix

Clarification from MA Environment on prescribed bodies observations:

From: Yvonne Leahy (Housing) <Yvonne.Leahy@housing.gov.ie>
Sent: Wednesday 23 August 2023 14:17
To: Ing-Marie Shore (Housing) <Ing-Marie.Shore@housing.gov.ie>
Subject: RE: 4 UCD cases - consolidated prescribed bodies observations - FS007192, FS007274, FS007207, FS007278

Hi Ing-Marie,

The only stipulation is from IFI which are biosecurity measures that UCD had already included. So as long as that is included in the MLVC report I think that that will be fine.

Take care,
Yvonne

Yvonne Leahy Ph. D.

Marine Advisor
Department of Housing, Local Government and Heritage
M: 087 7417039

From: Ing-Marie Shore (Housing) <Ing-Marie.Shore@housing.gov.ie>
Sent: Wednesday 23 August 2023 13:03
To: Yvonne Leahy (Housing) <Yvonne.Leahy@housing.gov.ie>
Cc: Ian Hartnett (Housing) <Ian.Hartnett@housing.gov.ie>
Subject: RE: 4 UCD cases - consolidated prescribed bodies observations - FS007192, FS007274, FS007207, FS007278

Thanks Yvonne, much appreciated. Am I to understand that the observations from the other prescribed bodies do not need to be referred to in the screening report either? There were no objections to the proposed works from any of the prescribed bodies. We can put a line in the submission to the Minister to that effect so as to acknowledge that the prescribed bodies consultation was held.

Regards,

Ing