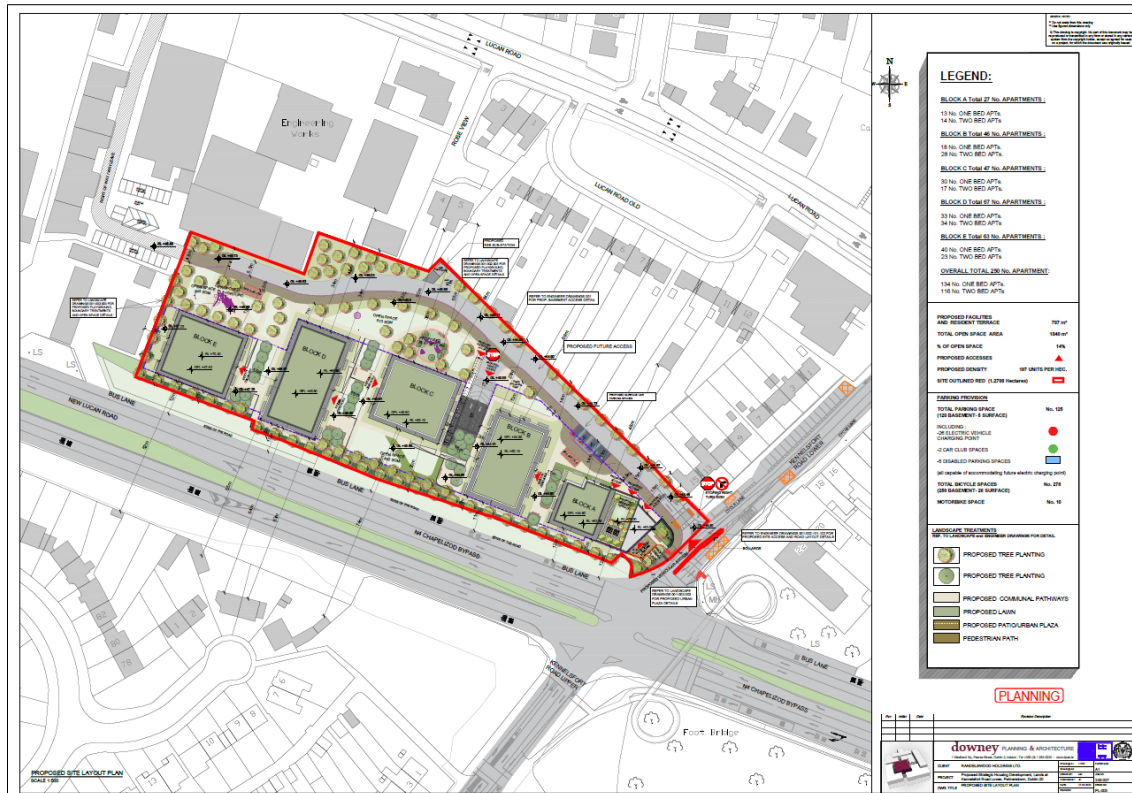


Habitats Directive Assessment

Screening of a proposed Strategic Housing Development on Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20



for Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive

15th April 2020

Final Report

Report prepared by

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SECTION 1

1.1. INTRODUCTION

Faith Wilson Ecological Consultant has prepared a report for Screening for Appropriate Assessment for a proposed Strategic Housing Development on lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 on behalf of Randelswood Holdings Ltd. as shown on **Figure 1** below.

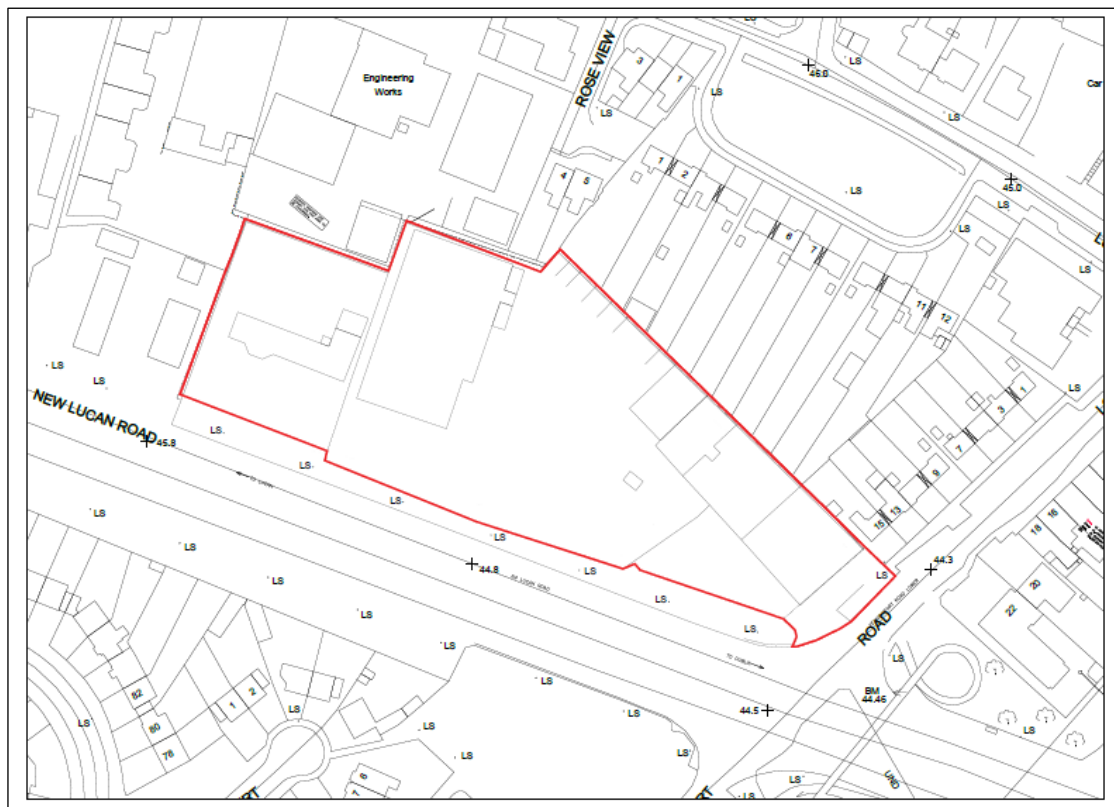


Figure 1. The proposed Strategic Housing Development site at Palmerstown shown in red.

The aim of the European Habitats Directive (Council Directive 92/43/EEC on the conservation of wild habitats and of wild fauna and flora) is to create a

network of protected wildlife sites across Europe, which are to be maintained at a favourable conservation status.

Each member state must designate their most important natural areas as Special Areas of Conservation (SAC). The Directive specifies the scientific criteria on the basis of which SAC sites must be selected and very strictly curtails the grounds that can be used as justification for damaging a site. The network of sites is referred to as NATURA 2000 and includes SACs (Special Areas of Conservation) for protected habitats and species and SPAs (Special Protection Areas) for birds, which are designated under the European Birds Directive (Council Directive 79/409/EEC as amended by Directive 2009/147/EC).

It is a requirement of the Habitats Directive ((92/43/EEC) that the competent consent authority, which is either the planning authority or on planning appeal An Bord Pleanála, must ensure that a proposal, which is likely to have a significant effect on an SAC or SPA, is authorised only to the extent that the authority is satisfied it will not adversely affect the integrity of the area and that an appropriate assessment of the implications of the development for the conservation status of the site is undertaken.

The European Parliament, in a communication to the European Council in September 2000, states: The implementation of the European Habitats Directive and Birds Directive, both with respect to species conservation and with respect to the establishment of the Natura 2000 network, is one of the most important tools for achieving the objectives of the Convention on Biological Diversity in the European Union and member states (European Parliament 2000).

Article 6 of the Habitats Directive provides a strict assessment procedure for any plan or project not directly connected with or necessary to the management of a designated European site but which has the potential to have implications for the site in view of the site's conservation objectives.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

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 subjected 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.

Article 6(4) states:

If, in spite of a negative assessment of the implications for the [Natura 2000] 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 a social or economic nature, Member States 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.

The European Communities (Birds and Natural Habitats) Regulations 2011 were implemented to transpose the Habitats Directive and the Birds Directive into Irish law as well as addressing transposition failures identified in the Court of Justice of the European Union (CJEU) judgements.

This report has taken into consideration the relevant requirements of the Planning and Development Act, 2000 (as amended by the Planning and Development Act 2010).

References to Natura 2000 sites throughout this report are to be taken as referring to European sites as defined in the above Planning Act.

1.2. METHODOLOGY

This report has been prepared with regard to the following guidance documents where relevant:

- *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* (European Commission Environment Directorate General, 2001)
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC* (EC Environment Directorate General, 2000)
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities Circular NPW 1/10 & PSSP 2/10*
- *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities.* (Department of Environment, Heritage and Local Government, 2010 revision)
- *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 Article 6(4) of the Habitats Directive 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative*

Reasons of Over-riding Public Interest, Compensatory Measures, Overall Coherence. Opinion of the European Commission (European Commission, January 2007)

There are four stages in an Appropriate Assessment as outlined in the European Commission Guidance Document (2001), summarised below:

- **Stage 1: Screening**

The first step to establishing if an appropriate assessment is required is referred to as 'screening' and its purpose is to determine on the basis of a preliminary assessment and objective criteria if the plan or project, alone or in combination with other plans or projects, could have a significant effect on a Natura 2000 site in view of the sites conservation objectives. The process identifies any likely impacts upon a Natura 2000 Site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

- **Stage 2: Appropriate Assessment**

This step considers the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other plans or projects, to the site's structure and function and its conservation objectives. Additionally, where there are deemed to be adverse impacts, an assessment of the potential mitigation of those impacts is considered.

- **Stage 3: Alternative Solutions**

This stage examines alternative means of achieving the objectives of the project or plan that aim to avoid adverse impacts on the integrity of the Natura 2000 site.

- **Stage 4: Imperative Reasons of Overriding Public Interest**

This stage is the main derogation process outlined in Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project which will have adverse effects on the integrity of a Natura 2000 site to proceed.

This report consists of one stage in Appropriate Assessment; a report for Screening for Appropriate Assessment (Stage 1) was prepared. **Neither a full Appropriate Assessment (Natura Impact Statement) (Stage 2), or Stage 3. Assessment of Alternative Solutions nor Stage 4. Assessment where no alternative solutions exist and where adverse impacts remain were applicable in this instance**, as the proposed Strategic Housing Development on lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 will not adversely affect the integrity of any Natura 2000 site.

- Block B containing a total of 46 no. apartments comprising of 18 no. 1 beds and 28 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;
- Block C containing a total of 47 no. apartments comprising of 30 no. 1 beds and 17 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;
- Block D containing a total of 67 no. apartments comprising of 33 no. 1 beds and 34 no. 2 beds, in a building 7 storeys over basement in height, and most apartments provided with private balconies/terraces;
- Block E containing a total of 63 no. apartments comprising of 40 no. 1 beds and 23 no. 2 beds, in a building 8 storeys over basement in height, and all apartments provided with private balconies/terraces.

The development also includes the construction of a basement providing 120 no. car parking spaces, 10 no. motorcycle spaces, 250 no. bicycle spaces, and a plant room and bin stores. The proposal also incorporates 5 no. car parking spaces and 26 no. bicycle spaces at surface level; upgrades and modifications to vehicular and pedestrian/cyclist access on Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road); 1 no. ESB sub-station; landscaping including play equipment and upgrades to public realm; public lighting; boundary treatments; and all associated engineering and site works necessary to facilitate the development.

2.1.2 Desk Study, Consultation and Field Survey

A desk study of the general area was undertaken to determine the proximity of the proposed development on lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 to designated areas for conservation utilising the online National Parks and Wildlife Service (NPWS) website database. The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht (DCHG) database of designated conservation areas were also checked with regard to the location of development. Information on protected species of fauna and flora listed for protection under Annex II of the EU Habitats Directive (92/43/EEC), Annex I of the Birds Directive (79/409/EEC) and the Wildlife Act 1976 (as amended) was also sought from NPWS, publications and other sources.

2.1.3 Description of the Receiving Environment at Palmerstown.

The site was first visited on the 20th September 2017 by Faith Wilson. A dedicated badger and bat survey was also conducted. The results of these surveys are presented in **Appendix 1**. There have been no significant changes in relation to ecology on the site since that visit. The site was revisited on the 25th March 2020 to ascertain same.

The site proposed for residential development at Palmerstown is located on lands adjoining the N4. The lands are fully developed with a number of

furniture warehouses, motor vehicle showrooms and a motor repair business. The site is bounded to the south by the N4 carriageway, to the east by a local access road to Palmerstown Village with residential dwellings to the north and east. A number of additional businesses are located to the north and west.



Plate 1. Furniture warehouses on site and motor vehicle sales - 2017.

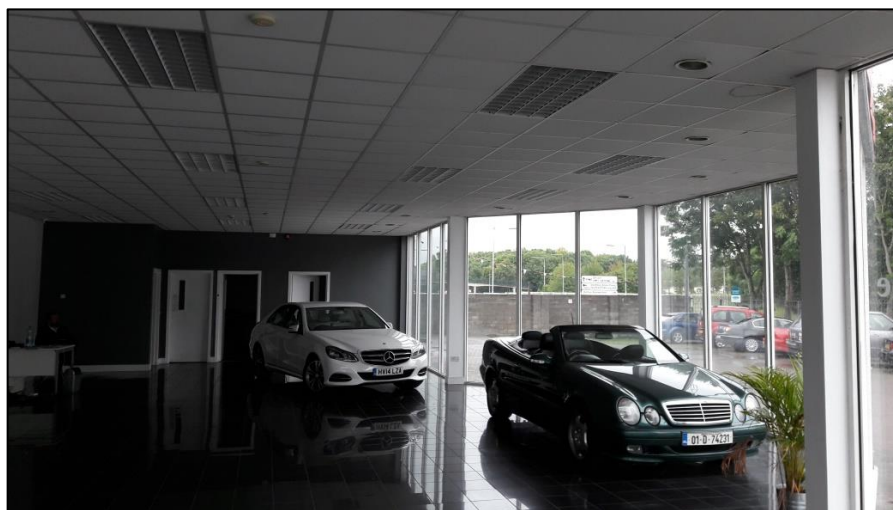


Plate 2. Car showrooms at the west of the site - 2017.

The lands have no extant habitats of natural value and are fully developed with warehousing, buildings and hard standing road surfaces such as tarmac. There are a small number of self-seeded shrubs such as bramble, buddleia and elder and some planted ornamental shrubs within the site environs. An immature hedgerow of planted beech (WL1) adjoins the site on the western side of the southern boundary. A treeline (WL2) adjoins the southern boundary of the site along the N4 on the western end of the

boundary. These consist of semi-mature ash, alder and Norway maple. Other site boundaries consist of breeze block and brick walls.



Plate 3. Garage on the site - 2017.



Plate 4. Sales office (this and the other timber building have bat roosting potential) - 2017.



Plate 5. Vacant building on site – former Barber’s shop (this building has bat roosting potential) - 2017.



Plate 6. Internal view of warehousing - 2017.



Plate 7. Property boundary with the N4 - 2017.



Plate 8. Site in 2020.



Plate 9. Site in 2020.

2.2 ASSESSMENT OF RELEVANCE OF PROPOSED DEVELOPMENT TO NATURA 2000 SITES

In line with the European Commission Methodological Guidance (EC (2001)) and the DoEHLG Guidance (DoEHLG (2010)) a review of all Natura 2000 sites that could be potentially affected by the proposed development on lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 was made using the NPWS online map viewer.

These included any Natura 2000 sites within or adjacent to the lands at Palmerstown, and any Natura 2000 sites within the likely zone of impact of the proposed development (a 15km radius) including those downstream.

In addition to the identified Natura 2000 sites consideration is also given to relevant species listed under Annexes I and II and IV of the Birds and Habitats Directives respectively.

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are habitats of international significance that have been identified by NPWS and submitted for designation to the EU. The obligations imposed in relation to SACs and SPAs (or “European Sites”) are set out in the Planning Acts and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011). The main implication of this designation is that any project likely to have a significant adverse impact on the integrity of a “non priority” site of international importance for nature conservation may only be carried out for “imperative reasons of overriding public interest, including those of a social or economic nature”.

Best practice recommends assessing Natura 2000 sites located within 15km of a proposed plan or project. This assessment confirmed that there are eight Natura 2000 designations (5 Special Areas of Conservation and 3 Special Protection Areas (for birds)) located within 15km of the development.

These include;

- Rye Water Valley/Carton SAC (Site Code: 001398) the boundaries of which are 7.7 km to the west of the site,
- Glenasmole Valley SAC (Site Code: 001209) the boundaries of which are 13.9 km to the south of the site,
- South Dublin Bay SAC (Site Code: 000210), which is also listed as a SPA (South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)), the boundaries of which are 10.8 km and 9.7 km to the east of the site respectively.
- North Dublin Bay SAC (Site Code: 000206), which is also listed as a SPA (North Bull Island SPA (Site Code: 004006)), the boundaries of which are 12.6 km to the east of the site.

- Wicklow Mountains SAC (Site Code: 002122), which is also listed as a SPA (Wicklow Mountains SPA (Site Code: 004040)), the boundaries of which are 13.1 km and 14 km to the south of the site respectively.

Those Natura 2000 sites occurring within a 15km radius of the proposed development at Palmerstown are detailed in **Table 2.2** below.

Natura 2000 Site Conservation Objectives:

Detailed site management plans are available for many of the Natura 2000 sites identified as outlined in the reference list, and generic conservation objectives are identified for those remaining. The conservation objectives for each of the Natura 2000 sites outlined above are summarised below in **Table 2.2**. This screening report has examined the generic and detailed conservation objectives for each Natura 2000 site and the attributes and targets for each conservation objective and has not identified any potential risk of significant impact on any of these targets.

Hydrological Links to Natura 2000 sites:

There are no Natura 2000 sites located either within or directly adjacent to the proposed development site at Palmerstown. Surface waters from the environs of Palmerstown ultimately drain to the River Liffey to the north of the village. The site is therefore indirectly hydrologically connected to the Natura 2000 sites in Dublin Bay.

Table 2.2. Natura 2000 sites within 15km of the location of the proposed development at Palmerstown.

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
001398	Rye Water Valley SAC	7.7 km west	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] 	<p>Source: NPWS (2018). Conservation objectives for Rye Water Valley/Carton SAC [001398]. Generic Version 6.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>To maintain the favourable conservation condition of the Annex I habitats and Annex II species for which the SAC has been selected:</p> <ul style="list-style-type: none"> • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]
000210	South Dublin Bay SAC	10.8 km east	<ul style="list-style-type: none"> • (1140) Mudflats and sandflats not covered by seawater at low tide 	<p>Source: NPWS (2013). Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat for which the SAC has been selected:</p> <ul style="list-style-type: none"> • (1140) Mudflats and sandflats not covered by seawater at low tide

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
004024	South Dublin Bay and River Tolka Estuary SPA	9.7 km east	<ul style="list-style-type: none"> • Brent goose (<i>Branta bernicla hrota</i>), • Sandwich Tern (<i>Sterna sandvicensis</i>), • Roseate Tern (<i>Sterna dougallii</i>), • Common Tern (<i>Sterna hirundo</i>), • Arctic Tern (<i>Sterna paradisaea</i>), • Oystercatcher (<i>Haematopus ostralegus</i>), • Ringed Plover (<i>Charadrius hiaticula</i>), • Knot (<i>Calidris canuta</i>), • Sanderling (<i>Calidris alba</i>), • Dunlin (<i>Calidris alpina</i>), • Bar-tailed Godwit (<i>Limosa lapponica</i>) 	<p>Source: NPWS (2015). Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • Brent goose (<i>Branta bernicla hrota</i>), • Sandwich Tern (<i>Sterna sandvicensis</i>), • Roseate Tern (<i>Sterna dougallii</i>), • Common Tern (<i>Sterna hirundo</i>), • Arctic Tern (<i>Sterna paradisaea</i>), • Oystercatcher (<i>Haematopus ostralegus</i>), • Ringed Plover (<i>Charadrius hiaticula</i>), • Knot (<i>Calidris canuta</i>), • Sanderling (<i>Calidris alba</i>), • Dunlin (<i>Calidris alpina</i>), • Bar-tailed Godwit (<i>Limosa lapponica</i>) <p>To maintain the favourable conservation condition of wetland habitat in South Dublin and the River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p>

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
004006	North Bull Island SPA	12.6 km east	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Shelduck (<i>Tadorna tadorna</i>) • Teal (<i>Anas crecca</i>) • Pintail (<i>Anas acuta</i>) • Shoveler (<i>Anas clypeata</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa totanus</i>) • Turnstone (<i>Arenaria interpres</i>) • Black-headed Gull (<i>Larus ridibundus</i>) • Wetlands & Waterbirds 	<p>Source: NPWS (2015). Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Shelduck (<i>Tadorna tadorna</i>) • Teal (<i>Anas crecca</i>) • Pintail (<i>Anas acuta</i>) • Shoveler (<i>Anas clypeata</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa totanus</i>) • Turnstone (<i>Arenaria interpres</i>) • Black-headed Gull (<i>Larus ridibundus</i>) • Wetlands & Waterbirds

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
000206	North Dublin Bay SAC	12.6 km east	<ul style="list-style-type: none"> • (1140) Mudflats and sandflats not covered by seawater at low tide • (1210) Annual vegetation of drift lines • (1310) <i>Salicornia</i> and other annuals colonizing mud and sand • (1320) <i>Spartina</i> swards (<i>Spartinion maritimae</i>) • (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • (1395) Petalwort (<i>Petalophyllum ralfsii</i>) • (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • (2110) Embryonic shifting dunes • (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 	<p>Source: NPWS (2013). Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>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:</p> <ul style="list-style-type: none"> • (1140) Mudflats and sandflats not covered by seawater at low tide • (1210) Annual vegetation of drift lines • (1310) <i>Salicornia</i> and other annuals colonizing mud and sand • (1320) <i>Spartina</i> swards (<i>Spartinion maritimae</i>) • (1330) Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • (1395) Petalwort (<i>Petalophyllum ralfsii</i>) • (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • (2110) Embryonic shifting dunes • (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

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
002122	Wicklow Mountains SAC	13.1 km south	<ul style="list-style-type: none"> • (3130) Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoeto-Nanojuncetea</i> • (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, • (6230) Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas, • (7130) Blanket bog (*active only), • (8110) Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), • (8210) Calcareous rocky slopes with chasmophytic vegetation, • (8220) Siliceous rocky slopes with chasmophytic vegetation, • (9990) Blanket bog (not active), • (1355) Otter (<i>Lutra lutra</i>). 	<p>Source: NPWS (2017). Conservation Objectives: Wicklow Mountains SAC 002122. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p> <p>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:</p> <ul style="list-style-type: none"> • (3130) Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoeto-Nanojuncetea</i> • (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, • (6230) Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas, • (7130) Blanket bog (*active only), • (8110) Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), • (8210) Calcareous rocky slopes with chasmophytic vegetation, • (8220) Siliceous rocky slopes with chasmophytic vegetation, • (9990) Blanket bog (not active), • (1355) Otter (<i>Lutra lutra</i>),

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
001209	Glenasmole Valley SAC	13.9 km south	<ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (*important orchid sites) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] 	<p>Source: NPWS (2018). Conservation Objectives: Glenasmole Valley SAC 001209. Generic Version 6.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected:</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (important orchid sites) (priority habitat) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Petrifying springs with tufa formation (<i>Cratoneurion</i>) (priority habitat) [7220]

Site Code	Site Name and Designation	Approximate distance from the proposed development at Palmerstown	Qualifying Interest	General Conservation Objectives
004040	Wicklow Mountains SPA	14 km south	<ul style="list-style-type: none"> • Peregrine falcon (<i>Falco peregrinus</i>), • Merlin (<i>Falco columbarius</i>). 	<p>Source: NPWS (2018). Conservation objectives for Wicklow Mountains SPA [004040]. Generic Version 6.0. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p> <p>To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> • Peregrine falcon (<i>Falco peregrinus</i>), • Merlin (<i>Falco columbarius</i>).

SECTION 3. ASSESSMENT OF SIGNIFICANCE

3.1 ASSESSMENT OF PROPOSED DEVELOPMENT AT PALMERSTOWN.

The development will consist of the demolition of all existing structures on site and the construction of a residential development of 250 no. 'build to rent' apartments (134 no. 1 beds, 116 no. 2 beds) in 5 no. blocks; with a café and ancillary residential amenity facilities, to be provided as follows:

- Block A containing a total of 27 no. apartments comprising of 13 no. 1 beds and 14 no. 2 beds, in a building ranging from 3-6 storeys over basement in height, with 1 no. communal roof garden (at third floor level), and most apartments provided with private balconies/terraces. Block A also provides a café, a reception/concierge with manager's office and bookable space at ground floor level; meeting rooms and workspace/lounge at first floor level; a gym at second floor level; and a cinema and a games room at basement level;
- Block B containing a total of 46 no. apartments comprising of 18 no. 1 beds and 28 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;
- Block C containing a total of 47 no. apartments comprising of 30 no. 1 beds and 17 no. 2 beds, in a building 6 storeys over basement in height, and all apartments provided with private balconies/terraces;
- Block D containing a total of 67 no. apartments comprising of 33 no. 1 beds and 34 no. 2 beds, in a building 7 storeys over basement in height, and most apartments provided with private balconies/terraces;
- Block E containing a total of 63 no. apartments comprising of 40 no. 1 beds and 23 no. 2 beds, in a building 8 storeys over basement in height, and all apartments provided with private balconies/terraces.

The development also includes the construction of a basement providing 120 no. car parking spaces, 10 no. motorcycle spaces, 250 no. bicycle spaces, and a plant room and bin stores. The proposal also incorporates 5 no. car parking spaces and 26 no. bicycle spaces at surface level; upgrades and modifications to vehicular and pedestrian/cyclist access on Kennelsfort Road Lower; utilisation of existing vehicular and pedestrian/cyclist access via Palmerstown Business Park (onto Old Lucan Road); 1 no. ESB sub-station; landscaping including play equipment and upgrades to public realm; public lighting; boundary treatments; and all associated engineering and site works necessary to facilitate the development.

The potential impacts of the proposed Strategic Housing Development at Palmerstown on nearby Natura 2000 sites was assessed using the following factors:

- size and scale
- land-take
- distance from the Natura 2000 site or key features of the site
- resource requirements (water abstraction etc.)
- emissions (disposal to land, water or air)
- excavation requirements
- transportation requirements
- duration of construction, operation, decommissioning, etc.
- reduction of habitat area
- disturbance to key species
- habitat or species fragmentation
- reduction in species density
- changes in key indicators of conservation value (water quality etc.)
- climate change
- key relationships that define the structure of the sites
- key relationships that define the function of the site

Brief description of the project or plan	It is proposed to develop a Strategic Housing Development on the lands at Palmerstown as described above.
Brief description of the Natura 2000 sites	There are no Natura 2000 sites either within or directly adjacent to the proposed development at Palmerstown. There are eight Natura 2000 sites occurring within a 15km radius as described above in Table 2.2 .
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 sites	The development will require the following: <ul style="list-style-type: none"> • Construction activities (e.g. runoff and other pollution, increase of suspended solids, alteration of hydraulic conditions and noise and dust emissions); and, • Permanent landtake for the development • Connection to the main wastewater and water supply networks
Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of: <ul style="list-style-type: none"> • size and scale; • land-take; • distance from the Natura 2000 site or key features of the site; • resource requirements (water abstraction etc.); • emissions (disposal to land, water or air); excavation requirements; • transportation requirements; 	<p>The proposed development is not within or directly adjacent to any Natura 2000 site, therefore there will be no direct impacts arising from the project regarding size and scale or land-take.</p> <p>The proposed development at Palmerstown is 7.7 km distant from the nearest Natura 2000 site (Rye Water Valley/ Carton SAC (001398)).</p> <p>Surface waters from the lands at Palmerstown eventually feed into the River Liffey. The River Liffey enters Dublin Bay at</p>

<ul style="list-style-type: none"> • duration of construction, operation, decommissioning, etc.; • other 	<p>Dublin Port where the boundaries of South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC are located.</p> <p>It is proposed to discharge the proposed surface water network by gravity to the existing manhole (ID_4105) to the south-east of the proposed development, at the existing junction with Kennelsfort Road Lower and the R148. Refer to drawing No. PALM-ACM-00-00-DR-CE-50-0501 for more information on the surface water network layouts.</p> <p>The proposed development has been assessed in relation to Sustainable Urban Drainage Systems (SuDS) in accordance with the guidelines of the GDSDS and the SuDS Manual CIRIA C753. A number of SuDS measures are proposed including:</p> <ul style="list-style-type: none"> • Permeable paving; • Geo-Cellular Storage Tank; • Bio-Retention Systems (at each planter location); • Filter Drain; • Green Roof; • Tree Pits; • Petrol Interceptor. <p>These measures are indicated on drawing No. PR224738-ACM-00-00-DR-CE-00-0502.</p> <p>It is proposed to discharge wastewater from each block via gravity and then connect to the existing wastewater manhole (ID_4110) to the east of the site. The surface water run-off in the basement will also be collected and discharged into the foul water network via a proposed pumping station system, provided with an emergency storage tank. As part of the proposal, it is intended to divert the existing 225mm diameter sewer network running throughout the site to a new 225mm diameter pipe running along the southern boundary. Please refer to the AECOM Report 'Proposed Strategic Housing Development on Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20' and to drawing PR224738-ACM-00-00-DR-CE-00-0500 for further details for the diversion of the existing foul water sewer.</p> <p>Any potentially polluted surface water associated with the proposed works such as</p>
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	<p>silt laden waters, etc. will be captured and retained on site in line with best construction practice.</p> <p>Due to the distance from the site to the boundary of the Natura 2000 sites combined with best practice site management no significant indirect effect on the Qualifying Interests/Species of Conservation Interest is predicted as a result of the proposed works.</p> <p>There are no requirements to abstract water from any Natura 2000 site for the proposed development at Palmerstown.</p> <p>It is proposed to service the proposed development via a new 150mm diameter watermain connection off the 250mm diameter asbestos watermain running along Kennelsfort Road Lower to the east of the site as set out in the AECOM Report 'Proposed Strategic Housing Development on Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20' and as indicated on the AECOM Drawing PR224738-ACM-00-00-DR-CE-00-2701.</p> <p>There are no impacts to Natura 2000 sites expected from transportation, duration of construction, operation, or decommissioning of any element of the proposed development at Palmerstown.</p>
<p>Describe any likely changes to the site arising as a result of:</p> <ul style="list-style-type: none"> • reduction of habitat area • disturbance to key species; • habitat or species fragmentation; • reduction in species density; • changes in key indicators of conservation value (water quality etc.); • climate change 	<p>As the proposed development at Palmerstown is being undertaken within a fully developed site, there are no significant changes expected to any Natura 2000 site relating to habitat or species reduction, changes to key indicators of conservation value, or to climate change.</p> <p>Although there is a distant hydrological connection between the subject lands and the Natura 2000 sites downstream in Dublin Bay in terms of surface water significant impacts on these sites are ruled out. There is no direct hydrological connection between the lands proposed for development, coupled with the nature of the Natura 2000 sites and the qualifying interests for same which would also determine the significance or otherwise of potential impacts.</p> <p>In determining this professional assessment the author also takes particular cognisance of two recent judgements.</p>

	<p>Firstly the CJEU judgement in Case C-323/17 <i>People Over Wind & anor. v. Coillte</i>, which ruled that “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project”.</p> <p>This is not an issue in respect of the proposed development of housing on these lands as there is a fundamental difference between this project and Case C-323/17.</p> <p>Case C-323/17 dealt with potential impacts on a highly sensitive instream ecological receptor - the Nore Pearl Mussel, an aquatic species with limited mobility - confined to those waters. Dublin Bay Natura 2000 sites are highly dynamic estuarine habitats which are subject to twice daily tidal ingress and egress - along with the associated movement of sediments.</p> <p>There are no specific mitigation measures required on this site for the protection of any Natura 2000 sites. The SUDS measures have been designed in accordance with the ‘Greater Dublin Regional Code of Practice for Drainage Works V.6 incorporating SUDS strategies and the CIRIA report C753 ‘The SuDS Manual’.</p> <p>It is useful to note that, in his judgement of 8th February 2019, in Case 2017 883 JR of the Irish High Court (Eoin Kelly v An Bord Pleanála & anor), Justice Barniville concluded: “I have considered this ground of challenge in full. I have concluded that the Board and its inspector did not take into account “mitigation measures” at the screening stage in breach of Article 6(3) of the Habitats Directive and the decision of the CJEU in <i>People Over Wind</i>.</p> <p><i>The SUDS measures incorporated in the development are not “mitigation measures” as that term has been considered by the CJEU in People Over Wind.</i>”</p> <p>Similarly the SUDS measures being implemented in this development are not “mitigation measures” for any habitat/species.</p>
<p>Describe any likely impacts on the Natura 2000 site as a whole in terms of:</p> <ul style="list-style-type: none"> • interference with the key 	<p>There will be no impacts to Natura 2000 sites relating to interference of key relationships that define the structure and function of the</p>

<p>relationships that define the structure of the site</p> <ul style="list-style-type: none"> • interference with key relationships that define the function of the site 	<p>sites from the proposed development at Palmerstown.</p>
<p>Provide indicators of significance as a result of the identification of effects set out above in terms of:</p> <ul style="list-style-type: none"> • Loss • Fragmentation • Disruption • Disturbance • Change to key elements of the site (e.g. water quality etc.) 	<p>There will be no impacts to Natura 2000 sites relating to loss, fragmentation, disruption or disturbance from the proposed development at Palmerstown.</p>
<p>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</p>	<p>There will be no direct, indirect, or cumulative impacts from the proposed development at Palmerstown on Natura 2000 sites.</p>

Cumulative/In Combination Impacts

The EC Habitats Directive, the Planning Acts and the Habitats Regulations 2011 require that the impacts on Natura 2000 sites from the plan or project in question are assessed and that they are assessed in combination with other plans and projects that could affect the same Natura 2000 sites.

The Appropriate Assessment Screening Process identified several other plans and projects that could act in combination with the proposed development at Palmerstown to pose likely significant effects on European sites within the environs of the study area. These include:

- There are a number of a number of current planning applications in the general area including extensions to domestic dwellings, changes of use for commercial premises and development of commercial units/properties.
- The South Dublin County Development Plan 2016-2022.

All of these plans and/or projects have been screened for Appropriate Assessment or undergone an Appropriate Assessment themselves and it is therefore assumed that if a plan has been adopted or a project given planning permission following an AA that it cannot pose likely significant adverse effects on a Natura 2000 site.

In addition the proposed development of a Strategic Housing Development at Palmerstown, in combination or cumulatively with the above plans and projects, is not likely to have a significant effect on any of the Natura 2000 sites identified.

SECTION 4 CONCLUSIONS

This screening report has evaluated the proposed Strategic Housing Development at Palmerstown, to determine whether or not significant negative impacts on Natura 2000 sites are likely to arise by virtue of its construction and use.

Given the nature of the project and implementation of standard construction measures in relation to protection of water quality, it is concluded that there will be no negative impacts on the qualifying interests or species of any Natura 2000 site within a 15km radius of the proposed development at Palmerstown.

This report finds that the proposed development at Palmerstown will not, either individually or cumulatively in combination with the other identified plans and projects will not adversely affect the integrity of any Natura 2000 site.

The Appropriate Assessment procedure for this proposed Plan is therefore concluded at this Screening Stage and a detailed (Stage 2) Appropriate Assessment is not required.

SECTION 5 REFERENCES

AECOM (2020). Proposed Strategic Housing Development on Lands at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20. Infrastructure Report - Randelswood Holdings Ltd. Project number: 60556657. 10 April 2020.

Anon. (1996). Interpretation Manual of European Union Habitats. Version EUR 15, European Commission, Brussels.

Anon. (2010). Appropriate Assessment of plans and projects in Ireland: Guidance for planning authorities. National Parks and Wildlife Service, Dept Environment, Heritage and Local Government.

Council of the European Communities (1992). Council Directive of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (92/43/EEC). O.J. L 206/35, 22 July 1992.

Council of the European Communities (1979). Council Directive of 02 April 1979 on the conservation of wild birds (79/409/EEC). O.J.L. 103, 25 April 1979.

European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites - methodological guidance on the provisions of Article 6(3) and 6 (4) of the Habitats Directive 92/43/EEC.

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Flora Protection Order (2015). Government of Ireland.

National Parks and Wildlife Service Online Database and Natura 2000 Sites - Site Synopsis. Available online at www.npws.ie

Planning and Development Act, 2000 (No. 30 of 2000). The Stationery Office, Dublin, Ireland.

Ramao, C. (2003). Interpretation Manual of the European Union Habitats Version Eur 25. European Commission DG Environment Nature and Biodiversity. Brussels.

Wildlife Act (1976). Government of Ireland.

Wildlife (Amendment) Act (2000). Government of Ireland.

APPENDIX 1. BADGER AND BAT SURVEY

1. INTRODUCTION

Faith Wilson (licensed bat specialist and independent ecologist) was commissioned by Downey Planning to undertake a bat and badger survey of lands proposed for a Strategic Housing Development at Palmerstown Retail Park, Kennelsfort Road Lower, Palmerstown, Dublin 20 as shown on **Figure 1** below.

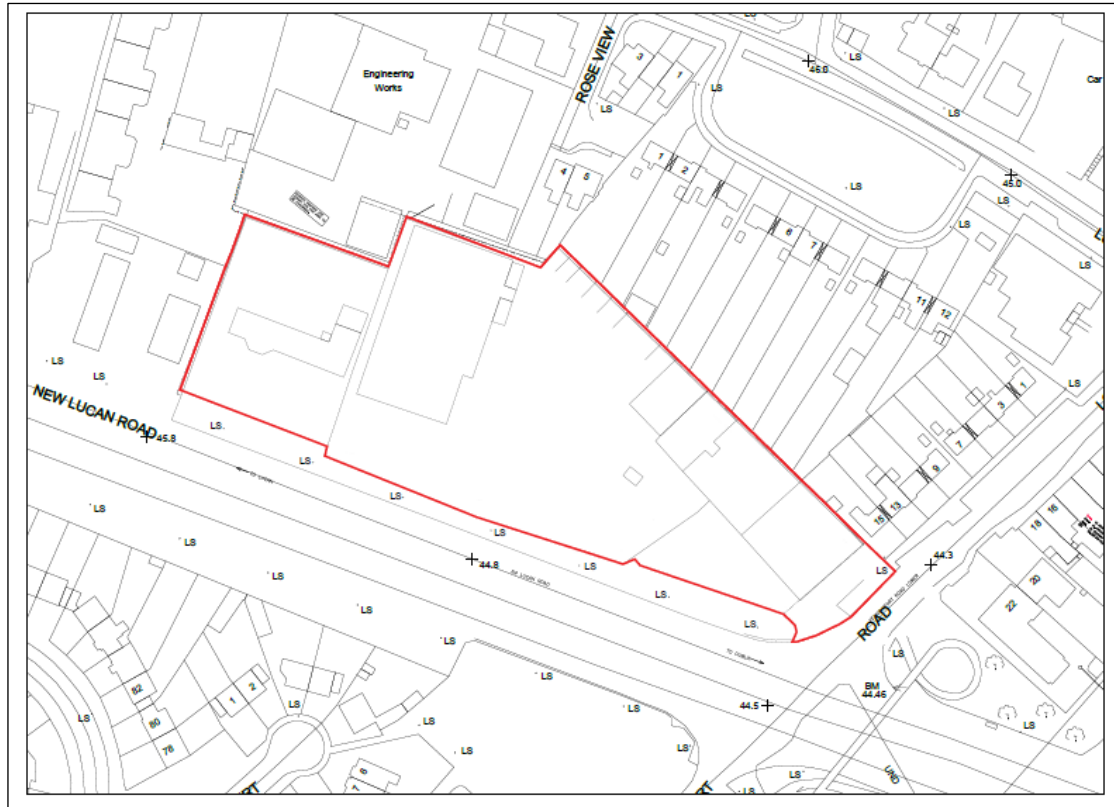


Figure 1. The proposed Strategic Housing Development site at Palmerstown.

The development will consist of the demolition of all existing structures on site and the construction of a residential development of 250 no. 'build to rent' apartments (134 no. 1 beds, 116 no. 2 beds) in 5 no. blocks; with a café and ancillary residential amenity facilities, to be provided as follows:

- Block A containing a total of 27 no. apartments comprising of 13 no. 1 beds and 14 no. 2 beds, in a building ranging from 3-6 storeys over basement in height, with 1 no. communal roof garden (at third floor level), and most apartments provided with private balconies/terraces. Block A also provides a café, a reception/concierge with manager's office and bookable space at ground floor level; meeting rooms and workspace/lounge at first floor level; a gym at second floor level; and a cinema and a games room at basement level;

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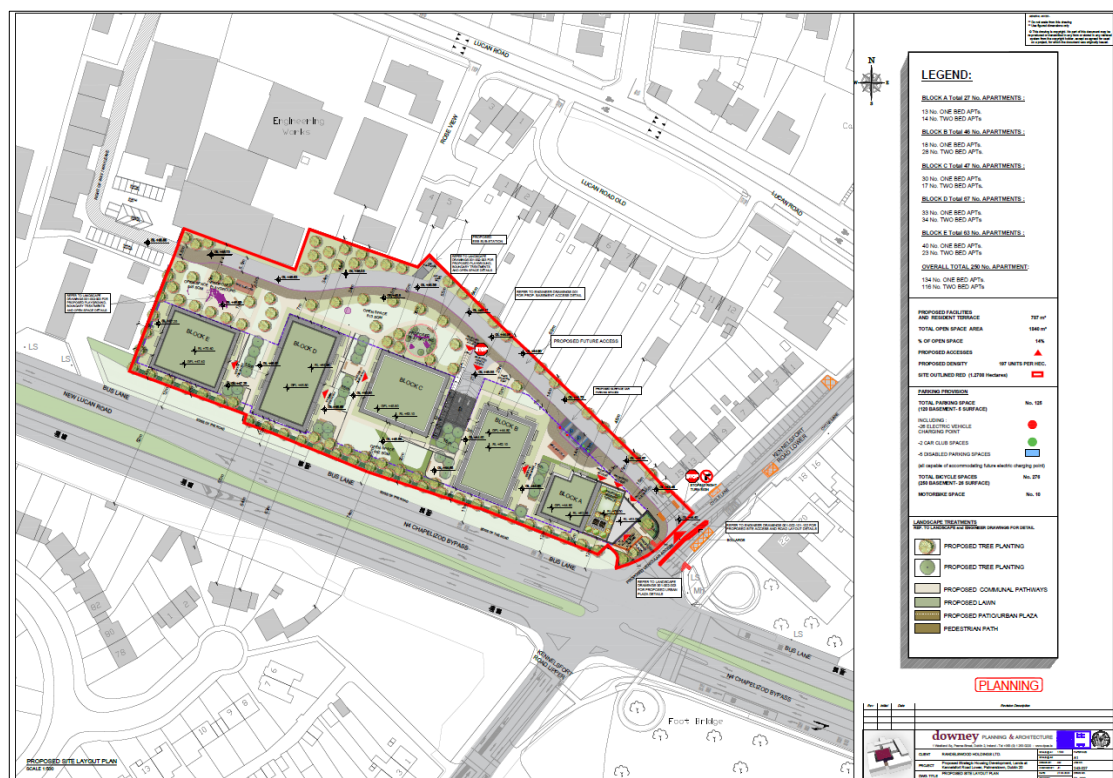


Figure 2. Proposed Strategic Housing Development at Palmerstown ((Downey Planning and Architecture 2020)).

2. DESKTOP RESEARCH/BACKGROUND INFORMATION

2.1 Bats

2.1.1 Previous Records

Records of known roosts, ad hoc observations and transects recorded during the All Ireland Daubenton's Monitoring Scheme, Irish Car Based Bat Monitoring Survey and the BATLAS 2010 project are recorded in the Bat Conservation Ireland database, which was accessed.

The Bat Conservation Ireland database does not hold any records of bat activity from the lands at the Palmerstown Retail Park.

The 10km square in which the lands are located (O03) has records of both roosts and general observations of Leisler's bat (*Nyctalus leisleri*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), and Daubenton's bat (*Myotis daubentonii*). There are also records of an unidentified *Myotis* species (*Myotis* sp. and probably one of the above two) and an unidentified pipistrelle species (*Pipistrellus* sp. and probably one of the above two). These records include both detector records and records of known roosts.

2.1.2 Bat Survey Methodology

Visual Inspection

A visual inspection of the buildings within the retail park was undertaken on the 20th September 2017 during daylight hours. Some areas were inspected from the ground with binoculars as they could not be accessed.

The property was revisited on the 25th March 2020 to determine if any significant changes to the site had occurred from the perspective of roosting bats. It was not possible to conduct an additional detector survey of the property in March 2020 as this is outside the recommended time period for bat surveys as bats were still in hibernation as can be seen below (Source: NPWS Bat Mitigation Guidelines).

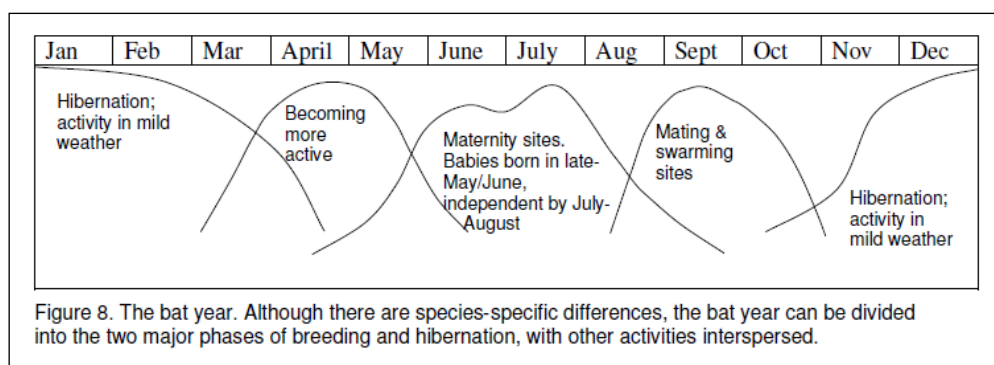


Table 5.2 within that same document is also presented below, which outlines the appropriate months for bat surveys.

Table 5.2. The applicability of survey methods. (Source: NPWS Bat Mitigation Guidelines).

Season	Roost Type	Inspection	Bat detectors and emergence counts
Spring (Mar - May)	Building	Suitable (signs, perhaps bats)	Limited, weather dependent
	Trees	Difficult (best for signs before leaves appear)	Very limited, weather dependent
	Underground	Suitable (signs only)	Static detectors may be useful
Summer (June- August)	Building	Suitable (signs and bats)	Suitable
	Trees	Difficult	Limited; use sunrise survey
	Underground	Suitable (signs only)	Rarely useful
Autumn (September - November)	Building	Suitable (signs and bats)	Limited, weather dependent
	Trees	Difficult	Rather limited, weather dependent; use sunrise survey?
	Underground	Suitable (signs, perhaps bats)	Static detectors may be useful
Winter (December - February)	Building	Suitable (signs, perhaps bats))	Rarely useful
	Trees	Difficult (best for signs after leaves have gone)	Rarely useful
	Underground	Suitable (signs and bats)	Static detectors may be useful

A professional determination was therefore made as to whether significant changes to the previous bat survey results were likely.

Detector Survey

A bat detector survey was carried out at dusk on the 20th September 2017 using two types of bat detectors - a *Batbox Duet* Heterodyne/Frequency Division detector and a Pettersson D100 Heterodyne detector. The potential emergence of bats from the buildings was monitored and a walk over survey of the property was also conducted.

Bat activity is predominantly bi-modal, with bats taking advantage of increased insect numbers on the wing during the periods after dusk and before dawn, (there is usually a lull in activity in the middle of the night). While this holds true for 'hawking' species (bats that capture prey in the open air), 'gleaning' species such as brown long-eared (*Plecotus auritus*), Natterer's (*Myotis nattereri*) and Whiskered/Brandt's bats (*Myotis mystacinus/brandtii*) remain active throughout the night, as prey is available on foliage for longer periods.

Trees within the property were examined during a site visit on 20th September 2017 and on 25th March 2020 by Faith Wilson. Bats often use both trees and

buildings to roost in. Trees within the site were assessed using the following standard criteria, which were created by bat specialists from Bat Conservation Ireland for use in the assessments of tree roosts on large infrastructural projects and are summarised in NRA (2006):

- Presence or absence of bat droppings (these can be hard to find amongst leaf litter or may be washed away following periods of wet weather),
- Bat droppings may also be seen as a black streak beneath holes, cracks, branches, etc.,
- Presence or absence of smooth edges with dark marks at potential entrances to roosts,
- Presence or absence of urine stains at potential entrances to roosts,
- Presence of natural cracks and rot holes in the trunk or boughs of the tree,
- Hollow trees,
- Presence or absence of creepers such as ivy or honeysuckle on trees (ivy clad trees are often used by bat species such as pipistrelles as roosts),
- Presence or absence of loose bark such as that of sycamore, or flaky bark on coniferous species such as cedars, cypress and Scot's pine,
- Presence or absence of bracket fungi which may indicate a rotten or potentially hollow centre to the tree,
- Known bat roosts previously identified,
- Trees with storm or machinery damage or broken boughs,
- Clutter level - where the branches and trunk are easily accessible, this is considered a better tree for bat roosts,
- Adjoining habitat - if there are a variety of feeding opportunities for bats, this increases the potential of a tree as a bat roost,
- Adjoining potential roosts / known roosts. This raises the likelihood of a tree being of benefit as bats may move roosts if the roost becomes too hot or cold during roosting and a nearby alternative roost is highly desirable.

2.2 Legislation Relating To Bats

Eleven species of bats occur in Ireland and all are protected under both national and international law.

2.3.1 *Wildlife Act 1976 (amended 2000)*

In the Republic, under Schedule 5 of the Wildlife Act 1976, all bats and their roosts are protected by law. It is unlawful to disturb either without the appropriate licence. The Act was amended in 2000.

2.3.2 Bern and Bonn Convention

Ireland has also ratified two international conventions, which afford protection to bats amongst other fauna. These are known as the 'Bern' and 'Bonn' Conventions.

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982), exists to conserve all species and their habitats, including bats.

2.3.3 EU Habitat and Species Directive

The EU Directive on the Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare species and their habitats, including certain species of bats.

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was instigated to protect migrant species across all European boundaries, which covers certain species of bat.

All bat species are given strict protection under Annex IV of the EU Habitats Directive, whilst the lesser horseshoe bat (*Rhinolophus hipposideros*) and greater horseshoe bat (*Rhinolophus ferrumequinum*) are given further protection under Annex II of the EU Habitats Directive. Both are listed as a species of community interest that is in need of strict protection and for which E.U. nations must designate Special Areas of Conservation (SACs). The latter is only known from a single site and no breeding populations have been recorded to date. The former are a species of the western seaboard of Ireland and have not yet been recorded on the east coast.

The principal pressures on Irish bat species have been identified as follows:

- urbanized areas (e.g. light pollution);
- bridge/viaduct repairs;
- pesticides usage;
- removal of hedges, scrub, forestry;
- water pollution;
- other pollution and human impacts (e.g. renovation of dwellings with roosts);
- infillings of ditches, dykes, ponds, pools and marshes;
- management of aquatic and bank vegetation for drainage purposes;
- abandonment of pastoral systems;
- speleology and vandalism;
- communication routes: roads; and
- inappropriate forestry management.

2.3 Badgers

Badgers (*Meles meles*) are common and widespread in Ireland, and are found in all lowland habitats where the soil is dry and not subject to flooding (Hayden and Harrington, 2000). Badgers are social animals that live in complex underground tunnel systems called setts. Badger territories may vary in size from about 60-200 ha (Smal, 1995).

Badgers and their setts legally are protected under the provisions of the Wildlife Act, 1976, and the Wildlife Amendment Act, 2000. It is an offence to intentionally kill or injure a protected species or to wilfully interfere with or destroy the breeding site or resting place of a protected wild animal. It is standard best practice to ensure that mitigation measures are taken to limit impacts on badgers and badger populations during developments.

The removal of badgers from affected setts and subsequent destruction of these setts must be conducted under licence by experienced badger experts or other suitably qualified personnel. The National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government grant licences to the experts undertaking the badger operations and not to the developer or contractor. An application for a wildlife licence should be submitted to the NPWS with the relevant ecological information from the detailed badger survey. At least three weeks is normally required to process a licence application, but early discussions with NPWS can expedite the procedure. Conditions are usually attached to each wildlife licence granted in respect of badgers. It is normal practice to impose seasonal constraints e.g. that breeding setts are not interfered with or disturbed during the badger breeding season (December to June inclusive). No active sett should be interfered with or disturbed during the breeding season as any sett category may contain cubs. Closure of setts during the breeding season requires monitoring to demonstrate no sett activity occurs.

3. RESULTS

3.1 Bats

3.1.1 Detector Survey

The detector survey conducted in September 2017 recorded one species of bat in the vicinity of the buildings on site. This was a Leisler's bat, with other bat activity recorded locally in Waterstown Park. Temperatures were suitable for bat activity (14°C), and it was overcast and calm with occasional light drizzle.

3.1.2 Building and Structure Survey

No bats were recorded emerging or returning to any of the buildings on site and there were no signs of bats recorded in any of the structures. The only buildings that offered some potential for roosting bats were the two small wooden buildings used as site offices for the car sales and the former barbers

shop. The other buildings are large industrial warehouses which do not offer any roosting potential.

The property was revisited on the 25th March 2020 and no significant change to the receiving environment from the perspective of bats has occurred.

3.1.3 Tree Survey

No tree roosts were confirmed during the survey. The trees adjoining the site do not have any potential to support roosting bats on account of their age, size (mature) and growth habit.

3.2 Badger

There was no evidence of use by badgers (*Meles meles*) of the site and there were no obvious signs of setts or badger activity in the vicinity of the property which is fully developed with buildings, roads and private walled gardens which do not afford any breeding or foraging habitat for badger.

4. POTENTIAL IMPACTS OF THE DEVELOPMENT ON FAUNA

The bat survey did not record any confirmed roosts in any of the trees or in the buildings due for demolition. **These works do not therefore require a bat derogation licence from National Parks and Wildlife Service but given the potential of three of the buildings to support roosting bats a series of best practice measures are detailed below to ensure the safeguarding of bats.**

There are no potential impacts on badger arising from the development.

5. PROPOSED MITIGATION FOR BATS

Potential Roosts in Buildings

There is potential for bats to roost within three of the buildings on site – the old barbers shop and the two wooden structures. If a long period of time has lapsed (>6 months) between when planning permission is granted and the project commences it is recommended that the buildings are resurveyed for bats prior to any proposed demolition works as animals may have sought refuge in the building during the intervening period.

If a future bat survey confirms the presence of a roost a bat derogation licence can then be sought for the works.

Awareness of Bats

All workers on the project should be informed of the potential to come across roosting bats which may be present in the three buildings as detailed on site during their removal.

Building Removal

As a precautionary measure it is recommended that one side of the roofs of these three buildings are stripped manually under the supervision of a licensed bat specialist and left open overnight. The remainder of the roof can be removed the following day. If bats are encountered works in that part of the building should cease and a licensed bat specialist called in who can identify the species and assess the situation and deal with the bat.