

**Report for Screening for Appropriate Assessment**

**For a proposed Strategic Housing Development on lands Delgany, Co. Wicklow**



**FINAL REPORT**

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### Table of Contents

1. INTRODUCTION .....	3
1.1 Background .....	3
1.2 Legislative Background .....	3
1.3 Stages of Appropriate Assessment .....	5
2. SCREENING FOR APPROPRIATE ASSESSMENT.....	7
2.1 Project Description .....	7
2.2 Desk Study.....	7
2.3 Identification of Sites.....	7
2.4 Assessment of Significance .....	22
2.5 Cumulative/Potential/In-Combination Impacts .....	28
3. CONCLUSION .....	30
4. REFERENCES .....	32

## **Report for Screening for Appropriate Assessment**

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#### **1. INTRODUCTION**

##### **1.1 Background**

This report has been prepared by Faith Wilson (an independent ecological consultant) on behalf of Drumakilla Limited who are seeking Planning Permission for a proposed Residential Development on a site of c.6 Ha at Delgany, Co. Wicklow. The development will consist of 232 no. residential units, a crèche, a community facility, a management office, demolition works, new entrances, landscaping, parking and site development works.

This report has been prepared in accordance with the requirements of Article 6(3) of the Habitats Directive (Directive 92/43/EEC). Council directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna - 'The Habitats Directive' was transposed into Irish law by the European Community (Natural Habitats) Regulations 1997 (S.I. No. 94/1997).

##### **1.2 Legislative Background**

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 in some instances 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.

### 1.3 Stages of Appropriate Assessment

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 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)

This report has followed the stage by stage approach detailed in the above guidelines as outlined below:

**Stage 1. Screening** – the process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant;

**Stage 2. Appropriate Assessment** – the consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

**Stage 3. Assessment of Alternative Solutions** – the process, which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage 4. Assessment where no alternative solutions exist and where adverse impacts remain** – an assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

This report consists of the first stage of Appropriate Assessment; **the Screening for Appropriate Assessment (Stage 1)**.

Neither **Stage 2. Appropriate Assessment, 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 development of lands at the Carmelite Convent, Delgany, Co. Wicklow will not adversely affect the integrity of any Natura 2000 site.

The current screening exercise was based on a desk-top study, drawing on information sources which included the following: NPWS on-line data for Natura 2000 sites; Ordnance Survey of Ireland mapping and aerial photography; geological, hydrological and soils data available from GSI; and field visits conducted in August, September, October and November 2019.

## 2. SCREENING FOR APPROPRIATE ASSESSMENT

### 2.1 Project Description

Drumakilla Limited are applying for planning permission for the development of housing on the Carmelite Convent lands in Delgany, Co. Wicklow as shown on **Figure 1** below.



**Figure 1.** The proposed development lands in Delgany as outlined in red.

### 2.2 Desk Study

A desk study was carried out to collate the available information on the ecological environment potentially impacted by the proposed development at Delgany, Co. Wicklow. The National Parks and Wildlife Service (NPWS) of the Department of Culture, Heritage and the Gaeltacht (DCHG) database of designated conservation areas were checked with regard to the location of proposed site. 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 (Amendment) Act (2000) was also sought from NPWS and published sources.

### 2.3 Identification of 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 project was made using the NPWS online map viewer. These included any Natura 2000 sites within or adjacent to the lands in Delgany, Co. Wicklow and any Natura 2000 sites within the likely zone of impact of the proposed development (a 15km

radius) including those downstream. These are summarised in **Table 2.3.1** and shown on **Figure 2** below.

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*”.

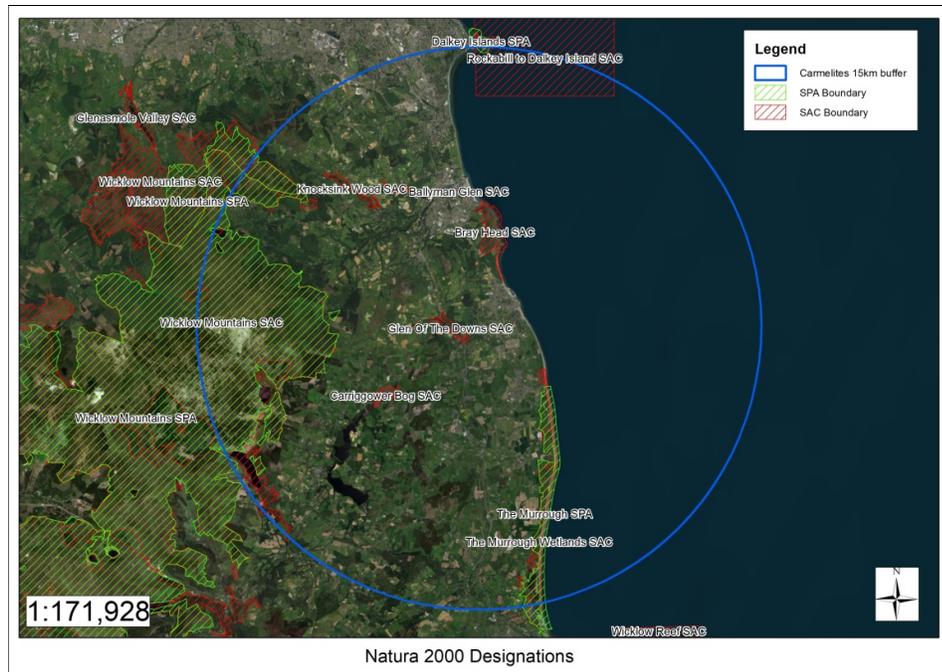
The lands proposed for development at the site of Former Carmelite Monastery lands, Delgany, Co. Wicklow are not currently the subject of any nature conservation designations. The site is within 0.5km east of the boundary of the Glen of the Downs (Site Code: 000719) which is designated as a Special Area of Conservation (SAC), and a proposed Natural Heritage Area (pNHA).

There are eight Special Areas of Conservation (SAC) within a 15km radius of the site. These are Ballyman Glen SAC (Site Code: 000731), Bray Head SAC (Site Code: 000714), Carrigower Bog SAC (Site Code: 000716), Glen Of The Downs SAC (Site Code: 000719), Knocksink Wood SAC (Site Code: 000725), Rockabill to Dalkey Island SAC (Site Code: 003000), The Murrough Wetlands SAC (Site Code: 002249) and Wicklow Mountains SAC (Site Code: 002122), which are 8.6km north-east, 3km north east, 5km south west, 0.5km south west, 8.5km north west, 12.6km north, 4km south-east and 7.5km west of the site respectively.

Some of these sites are also designated as SPAs. There are three Special Protection Area (for birds) (SPA) within a 15km radius of the site. These include Wicklow Mountains SPA (Site Code: 004040), Dalkey Islands SPA (Site Code: 004172) and The Murrough SPA (Site Code: 004186), which are 7.4km west, 15km north and 4.5km south-east of the site respectively.

Those Natura 2000 sites occurring within a 15km radius of the lands at Delgany are detailed in **Table 2.3.1** and shown on **Figure 2** below. These include;

- Glen of the Downs SAC (Site Code: 000719)
- Bray Head SAC (Site Code: 000714)
- Carrigower Bog SAC (Site Code: 000716)
- The Murrough Wetlands SAC/SPA (Site Code: 002249/004186)
- Knocksink Wood SAC (Site Code: 000725)
- Ballyman Glen SAC (Site Code: 000713)
- Wicklow Mountains SAC/SPA (Site Code: 002122/004040)
- Dalkey Islands SPA (Site Code: 004172)
- Rockabill to Dalkey Islands SAC (Site Code: 003000)



**Figure 2. Designated Natura 2000 sites within a 15km radius of the lands proposed for development at Delgany.**

Proposed NHAs are also habitats or sites of interest to wildlife that have been identified by NPWS. These sites become NHAs once they have been formally advertised and land owners have been notified of their designation. NHAs are protected under the Wildlife (Amendment) Act, 2000, from the date they are formally proposed. NHA is a statutory designation according to the Wildlife Act 1976 (as amended) and requires consultation with NPWS if any development impacts on a pNHA.

NHAs are considered to be of national importance, while SACs and SPAs are of international importance for nature conservation.

There are no other designated biodiversity areas affected by the proposed development of the lands at Delgany that have a recognised European Union or International protection status beyond those listed above.

There are 17 proposed Natural Heritage Areas (pNHAs)/Natural Heritage Areas (NHAs) within 15km of the site at Delgany. These include:

- Ballyman Glen pNHA (Site Code: 000713)
- Bray Head pNHA (Site Code: 000714)
- Carrigower Bog pNHA (Site Code: 000716)
- Dalkey Coastal Zone And Killiney Hill pNHA (Site Code: 001206)
- Dargle River Valley pNHA (Site Code: 001754)
- Devil's Glen pNHA (Site Code: 000718)
- Dingle Glen pNHA (Site Code: 001207)
- Glen of the Downs pNHA (Site Code: 000719)
- Glencree Valley pNHA (Site Code: 001755)
- Great Sugarloaf pNHA (Site Code: 001769)

- Kilmacanogue Marsh pNHA (Site Code: 000724)
- Knocksink Wood pNHA (Site Code: 000725)
- Loughlinstown Woods pNHA (Site Code: 001211)
- Powerscourt Waterfall pNHA (Site Code: 001767)
- Powerscourt Woodland pNHA (Site Code: 001768)
- The Murrough pNHA (Site Code: 000730)
- Vartry Reservoir pNHA (Site Code: 001771)

There are no ecological or hydrological links between the lands at Delgany and these or any other pNHA. The small culverted stream which flows through the lands ultimately discharges to the Three Trout Stream and the Irish Sea. The Glen of the Downs, which is also a national Nature Reserve is upstream of the site.

### Project Description

The proposed development will consist of 232 no. residential units, a crèche, a community facility, a management office, demolition works, new entrances, landscaping, parking and site development works as shown on **Figure 3** below.



**Figure 3. Proposed housing development at Delgany.**

**Table 2.3.1. Designated Natura 2000 sites within a 15km radius of the Carmelite lands, Delgany, Co. Wicklow.**

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
000719	Glen of the Downs SAC	0.5km south west	<ul style="list-style-type: none"> <li>• (91A0) Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles.</li> </ul>	<p>NPWS (2020). Conservation objectives for Glen of the Downs SAC [000719]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• (91A0) Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles.</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
000714	Bray Head SAC	3km NE	<ul style="list-style-type: none"> <li>• (1230) Vegetated sea cliffs of the Atlantic and Baltic coasts,</li> <li>• (4030) European dry heaths,</li> <li>• (6210) Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites).</li> </ul>	<p>NPWS (2017). Conservation Objectives: Bray Head SAC 000714. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• (1230) Vegetated sea cliffs of the Atlantic and Baltic coasts,</li> <li>• (4030) European dry heaths,</li> <li>• (6210) Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco Brometalia</i>) (*important orchid sites).</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
000716	Carrigower Bog SAC	5km SW	<ul style="list-style-type: none"> <li>(7140) Transition mires and quaking bogs.</li> </ul>	<p>NPWS (2019). Conservation Objectives: Carrigower Bog SAC 000716. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>(7140) Transition mires and quaking bogs.</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
002249	The Murrough Wetlands SAC	4km SE	<ul style="list-style-type: none"> <li>• (1210) Annual vegetation of drift lines,</li> <li>• (1220) Perennial vegetation of stony banks,</li> <li>• (1330) Atlantic salt meadows (<i>Glauco Puccinellietalia maritimae</i>),</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>),</li> <li>• (7210) * Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i>,</li> <li>• (7230) Alkaline fens.</li> </ul>	<p>NPWS (2020). Conservation objectives for The Murrough Wetlands SAC [002249]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• (1210) Annual vegetation of drift lines,</li> <li>• (1220) Perennial vegetation of stony banks,</li> <li>• (1330) Atlantic salt meadows (<i>Glauco Puccinellietalia maritimae</i>),</li> <li>• (1410) Mediterranean salt meadows (<i>Juncetalia maritimi</i>),</li> <li>• (7210) * Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i>,</li> <li>• (7230) Alkaline fens.</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
004186	The Murrough SPA	4.5km SE	<ul style="list-style-type: none"> <li>• Red-throated Diver (<i>Gavia stellata</i>),</li> <li>• Greylag Goose (<i>Anser anser</i>),</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>),</li> <li>• Wigeon (<i>Anas penelope</i>),</li> <li>• Teal (<i>Anas crecca</i>),</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>),</li> <li>• Herring Gull (<i>Larus argentatus</i>),</li> <li>• Little Tern (<i>Sterna albifrons</i>),</li> <li>• Wetlands &amp; Waterbirds.</li> </ul>	<p>NPWS (2020). Conservation objectives for The Murrough Wetlands SPA [004168]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p> <ul style="list-style-type: none"> <li>• Red-throated Diver (<i>Gavia stellata</i>),</li> <li>• Greylag Goose (<i>Anser anser</i>),</li> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>),</li> <li>• Wigeon (<i>Anas penelope</i>),</li> <li>• Teal (<i>Anas crecca</i>),</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>),</li> <li>• Herring Gull (<i>Larus argentatus</i>),</li> <li>• Little Tern (<i>Sterna albifrons</i>),</li> <li>• Wetlands &amp; Waterbirds.</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
000725	Knocksink Wood SAC	8.5km N	<ul style="list-style-type: none"> <li>• (7220) Petrifying springs with tufa formation (<i>Cratoneurion</i>),</li> <li>• (910E0) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae).</li> </ul>	<p>NPWS (2020). Conservation objectives for Knocksink Wood SAC [000725]. Generic Version 8.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• (7220) Petrifying springs with tufa formation (<i>Cratoneurion</i>),</li> <li>• (910E0) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae).</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
000713	Ballyman Glen SAC	8.6km N	<ul style="list-style-type: none"> <li>• (7220) Petrifying springs with tufa formation (<i>Cratoneurion</i>),</li> <li>• (7230) Alkaline fens.</li> </ul>	<p>NPWS (2019). Conservation Objectives: Ballyman Glen SAC 000713. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• (7220) Petrifying springs with tufa formation (<i>Cratoneurion</i>),</li> <li>• (7230) Alkaline fens.</li> </ul>
002122	Wicklow Mountains SAC	7.5km W	<ul style="list-style-type: none"> <li>• (3130) Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea</li> <li>• (3160) Natural dystrophic lakes and ponds,</li> <li>• (4010) Northern Atlantic wet heaths with <i>Erica tetralix</i>,</li> <li>• (4030) European dry heaths,</li> <li>• (4060) Alpine and Boreal heaths,</li> <li>• (6230) Species-rich Nardus grasslands, on siliceous substrates in mountain areas,</li> <li>• (7130) Blanket bog (*active only),</li> </ul>	<p>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>Accessed 20<sup>th</sup> September 2020</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for</p>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
			<ul style="list-style-type: none"> <li>• (8110) Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>),</li> <li>• (8210) Calcareous rocky slopes with chasmophytic vegetation,</li> <li>• (8220) Siliceous rocky slopes with chasmophytic vegetation,</li> <li>• (9990) Blanket bog (not active),</li> <li>• (1355) Otter (<i>Lutra lutra</i>),</li> <li>• Peregrine falcon (<i>Falco peregrinus</i>),</li> <li>• Merlin (<i>Falco columbarius</i>).</li> </ul>	<p>which the SAC has been selected:</p> <ul style="list-style-type: none"> <li>• (3130) Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoeto-Nanojuncetea</i></li> <li>• (3160) Natural dystrophic lakes and ponds,</li> <li>• (4010) Northern Atlantic wet heaths with <i>Erica tetralix</i>,</li> <li>• (4030) European dry heaths,</li> <li>• (4060) Alpine and Boreal heaths,</li> <li>• (6230) Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas,</li> <li>• (7130) Blanket bog (*active only),</li> <li>• (8110) Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>),</li> <li>• (8210) Calcareous rocky slopes with chasmophytic vegetation,</li> <li>• (8220) Siliceous rocky slopes with chasmophytic vegetation,</li> <li>• (9990) Blanket bog (not active),</li> <li>• (1355) Otter (<i>Lutra lutra</i>),</li> <li>• Peregrine falcon (<i>Falco peregrinus</i>),</li> <li>• Merlin (<i>Falco columbarius</i>).</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
004040	Wicklow Mountains SPA	7.4km W	<ul style="list-style-type: none"> <li>• Peregrine falcon (<i>Falco peregrinus</i>),</li> <li>• Merlin (<i>Falco columbarius</i>),</li> <li>• Ring Ouzel (<i>Turdus torquatus</i>),</li> <li>• Red Grouse (<i>Lagopus lagopus</i>).</li> </ul>	<p>NPWS (2020) Conservation objectives for Wicklow Mountains SPA [004040]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Peregrine falcon (<i>Falco peregrinus</i>),</li> <li>• Merlin (<i>Falco columbarius</i>),</li> <li>• Ring Ouzel (<i>Turdus torquatus</i>),</li> <li>• Red Grouse (<i>Lagopus lagopus</i>).</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
003000	Rockabill to Dalkey Island SAC	12.6km N	<ul style="list-style-type: none"> <li>• Reefs [1170],</li> <li>• Harbour porpoise (<i>Phocoena phocoena</i>) [1351].</li> </ul>	<p>NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</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"> <li>• Reefs [1170],</li> <li>• Harbour porpoise (<i>Phocoena phocoena</i>) [1351].</li> </ul>

Site Code	Site Name and Designation	Approximate distance from the Carmelite lands at Delgany, Co. Wicklow	Qualifying Interest	Conservation Objectives
004172	Dalkey Islands SPA	15km N	<ul style="list-style-type: none"> <li>• Roseate Tern (<i>Sterna dougallii</i>),</li> <li>• Common Tern (<i>Sterna hirundo</i>),</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>).</li> </ul>	<p>NPWS (2020) Conservation objectives for Dalkey Islands SPA [004172]. Generic Version 7.0. Department of Culture, Heritage and the Gaeltacht.</p> <p>Accessed 20<sup>th</sup> September 2020</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <ul style="list-style-type: none"> <li>• Roseate Tern (<i>Sterna dougallii</i>),</li> <li>• Common Tern (<i>Sterna hirundo</i>),</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>).</li> </ul>

**Conservation Management 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. This 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.

**2.4 Assessment of Significance**

This section considers the list of Natura 2000 sites as detailed in **Table 2.3.1** and their qualifying habitats and species under the EU Habitats and Birds Directives.

<b>Name of project or plan</b>	Housing development on the Carmelite lands, Delgany, Co. Wicklow.
<b>Name and Location of Natura 2000 sites</b>	Natura 2000 sites within a 15km radius of the site are detailed in <b>Table 2.3.1</b> and shown on <b>Figure 2</b> above.
<b>Description of the project or plan</b>	Planning permission for a housing development on the Carmelite lands, Delgany, Co. Wicklow.
<b>Is this project or plan directly connected with or necessary to the management of the sites (provide details)?</b>	No
<b>Are there other projects or plans that together with the project or plan being assessed could affect the sites (provide details)?</b>	<p>The Wicklow County Development Plan 2016 - 2022 and the proposed Settlement Plans include policies and objectives to protect, conserve and manage in a prudent and sustainable manner those lands under the jurisdiction of Wicklow County Council including the County's natural and built heritage and therefore, its Natura 2000 sites.</p> <p>Other planning applications in the vicinity include:</p> <p><b>Ref. ABP 27.248401 and Planning Reg. Ref. 151307 (Richview)</b>                  Permission was granted by the Board and Wicklow County Council for 89 two storey dwellings including 25 no. 4 bed detached dwellings, 28 no. 4 bed semi-detached dwellings, 18 no. 3 bed semi-detached dwellings, 6 no. 3 bed terraced dwellings and 12</p>

	<p>no. 2 bed terraced dwellings; for the removal of existing stables, outbuildings and the partial removal and change of use of the existing dwelling (Richview House) to a creche (275sqm) including 8 no. surface car parking space, bin storage, cycle parking and external play area; for the construction of an ESB substation and switchroom (25sqm); for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate road, visitor surface car parking, footpaths, hard and soft landscaping and all site services above and below ground including connection to existing services. (4/10/17)</p> <p><b>Planning Reg. Ref. 18/621 ( To north east of application site on opposite side of Convent Road)</b>  Permission was granted for construction of 6 no 4 bed 2 storey semidetached units, comprising of 5 no units at 134 sqm and 1 no unit at 153 sqm, new vehicle entrance off Convent Road, connection to all existing services, all associated landscaping, car parking and ancillary site works.(August 2018).</p> <p>A number of Strategic Housing Developments have also been permitted by the Board in the wider Delgany/Greystones area. These include:</p> <p><b>ABP REF. PL27 .305773: "Glenheron C", Greystones, Co. Wicklow</b>  Permission was granted for 354 no. residential units (124 no. houses, 230 no. apartments) and associated site works on 19/02/2020 .</p> <p><b>ABP REF. PL27 .305476 Farrankelly and Killincarraig townlands, Delgany, Greystones, Co. Wicklow.</b>  Permission was granted for 426 no. residential units (245 no. houses and 181 no. apartments), a creche</p>
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	and associated site works on 15/01/2020.
<b>The assessment of significance of effects</b>	
<b>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites</b>	The project does not directly encroach into the designated area of any Natura 2000 site.

The proposed development of the Carmelite lands, Delgany, Co. Wicklow is 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

<b>Brief description of the project or plan</b>	<p>Planning Permission is sought for 232 no. residential units, a crèche, a community facility, a management office, demolition works, new entrances, landscaping, parking and site development works.</p> <p>These works will require the following:</p> <ul style="list-style-type: none"> <li>• Temporary land take (for the construction phase);</li> <li>• Construction activities (e.g. runoff and other pollution, increase of suspended solids, alteration of hydraulic conditions and noise and dust emissions); and,</li> <li>• Permanent land take for the development</li> </ul> <p>The development will be serviced by the main wastewater drainage system and by mains water.</p>
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<p><b>Brief description of the Natura 2000 sites</b></p>	<p>The development is not located within a site designated for nature conservation purposes.</p> <p>A number of Natura 2000 sites are located within a 15km radius of the site as detailed above in <b>Table 2.3.1</b> and shown on <b>Figure 2</b>.</p>
<p><b>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</b></p>	<p>There are no impacts on any Natura 2000 sites expected by virtue of distance. There is no direct hydrological link between the site and any Natura 2000 site.</p> <p>Cumulative impacts of this and other developments in the Greystones/Delgany area such as the Farrankelly SHD application and smaller housing developments at the adjoining lands at Richview House, at Killincarrig, and at Seagreen, Greystones were considered in combination with the following planning and policy documents which were relevant to the subject lands:</p> <ul style="list-style-type: none"> <li>• <i>National Biodiversity Action Plan 2017 - 2021</i> (Department of Culture, Heritage and the Gaeltacht, 2017);</li> <li>• <i>County Wicklow Biodiversity Action Plan 2010 - 2015</i> (Wicklow County Council, 2010);</li> <li>• <i>Wicklow County Development Plan 2016 - 2022</i> (Wicklow County Council, 2016);</li> <li>• <i>Greystones-Delgany &amp; Kilcoole Local Area Plan 2013 - 2019</i> (Wicklow County Council, 2013); and,</li> <li>• <i>Eastern River Basin District, River Basin Management Plan 2009 - 2015</i>.</li> </ul>
<p><b>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:</b></p> <ul style="list-style-type: none"> <li>• size and scale;</li> <li>• land-take;</li> <li>• distance from the Natura 2000 site or key features of the site;</li> <li>• resource requirements (water abstraction etc.);</li> </ul>	<p>The proposed development is located within Carmelite lands, Delgany, Co. Wicklow.</p> <p>There will be no loss of any areas of Annex I habitats arising from the proposal thus there will no impacts arising from the project regarding size and scale or land-take on any Natura 2000 site.</p> <p>The proposed development is located at a distance from all Natura 2000 sites as set out in <b>Table 2.3.1</b></p> <p>There are no requirements to abstract water to service the project which might impact on any Natura 2000 site. The site will be served by mains water.</p>

<ul style="list-style-type: none"> <li>• <b>emissions (disposal to land, water or air);</b></li> <li>• <b>excavation requirements;</b></li> <li>• <b>transportation requirements;</b></li> <li>• <b>duration of construction, operation, decommissioning, etc.;</b></li> <li>• <b>other</b></li> </ul>	<p>Foul water will be treated at the Greystones WWTP at Charlesland Road which serves the town of Greystones and the surrounding villages of Kilcoole, Delgany, Rathcoole and Newtownmountkennedy. The WWTP discharges to the sea via a 750m long sea outfall and diffuser.</p> <p>This Waste Water Treatment Plant, has a capacity to treat effluent with a population equivalent (P.E.) of 40,000. It is operated by Irish Water and is licenced to discharge treated effluent to the Irish Sea by the EPA (licence no.: D0010-01). The most recent available Annual Environmental Report is from 2017 and states the plant was in full compliance with its emission limit standards and that the discharge was not having a perceptible impact upon the quality of the receiving waters. It's organic loading in 2017 was 24,937 population equivalent (P.E.) leaving remaining capacity of 15,063 P.E.</p> <p>There are no specific mitigation measures required on this site for the protection of any Natura 2000 sites. The SUDS measures on the site 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 &amp; anor), Justice Barniville concluded: <i>"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 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>There will be no emissions or excavation requirements arising from the construction of the development that could impact on any Natura 2000 site. There will be significant cut and fill</p>
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	<p>within the development but these excavation works do not extend beyond the red line boundary of the site. Any excess topsoil or subsoil arising from the site will be disposed of to a licensed landfill facility.</p> <p>Standard site management procedures during construction will be implemented to reduce impacts from dust, noise and vibration.</p> <p>There are no impacts to any Natura 2000 sites expected from transportation, duration of construction, operation, or decommissioning of any element of the proposed development.</p>
<p><b>Describe any likely changes to the site arising as a result of:</b></p> <ul style="list-style-type: none"> <li>• <b>reduction of habitat area</b></li> <li>• <b>disturbance to key species;</b></li> <li>• <b>habitat or species fragmentation;</b></li> <li>• <b>reduction in species density;</b></li> <li>• <b>changes in key indicators of conservation value (water quality etc.);</b></li> <li>• <b>climate change</b></li> </ul>	<p>There are no changes expected to any Natura 2000 site relating to habitat or species reduction, changes to key indicators of conservation value, or to climate change as a result of the proposed development. All new buildings will be constructed to the highest energy conservation standards.</p>
<p><b>Describe any likely impacts on the Natura 2000 site as a whole in terms of:</b></p> <ul style="list-style-type: none"> <li>• <b>interference with the key relationships that define the structure of the site</b></li> <li>• <b>interference with key relationships that define the function of the site</b></li> </ul>	<p>There will be no impacts or interference to the key relationships that define the structure and functions of the site.</p>

<p><b>Provide indicators of significance as a result of the identification of effects set out above in terms of:</b></p> <ul style="list-style-type: none"> <li>• Loss</li> <li>• Fragmentation</li> <li>• Disruption</li> <li>• Disturbance</li> <li>• Change to key elements of the site (e.g. water quality etc.)</li> </ul>	<p>There will be no impacts to Natura 2000 sites relating to loss, fragmentation, disruption, disturbance, or changes to the key elements of the site.</p> <p>Surface waters from the site ultimately drain to the Three Trout Stream. The Three Trout Stream does not discharge to any Natura 2000 site (SAC or SPA).</p>
<p><b>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.</b></p>	<p>There will be no direct, indirect, or cumulative impacts from the proposed development on any of the Natura 2000 sites.</p>

## 2.5 Cumulative/Potential/In-Combination Impacts

Cumulative impacts of this and other developments in the Greystones/Delgany area (as set out below) were considered in combination with the following planning and policy documents which were relevant to the subject lands:

- **The Wicklow County Development Plan 2016 - 2022** and the proposed Settlement Plans include policies and objectives to protect, conserve and manage in a prudent and sustainable manner those lands under the jurisdiction of Wicklow County Council including the County's natural and built heritage and therefore, its Natura 2000 sites.
- **Ref. ABP 27.248401 and Planning Reg. Ref. 151307 (Richview).** Permission was granted by the Board and Wicklow County Council for 89 two storey dwellings including 25 no. 4 bed detached dwellings, 28 no. 4 bed semi-detached dwellings, 18 no. 3 bed semi-detached dwellings, 6 no. 3 bed terraced dwellings and 12 no. 2 bed terraced dwellings; for the removal of existing stables, outbuildings and the partial removal and change of use of the existing dwelling (Richview House) to a crèche (275sqm) including 8 no. surface car parking space, bin storage, cycle parking and external play area; for the construction of an ESB substation and switchroom (25sqm); for all boundary walls and fences, proposed vehicular and pedestrian entrances to the development off Bellevue Hill and associated signage, internal estate road, visitor surface car parking, footpaths, hard and soft landscaping and all site services above and below ground including connection to existing services. (4/10/17)

- **Planning Reg. Ref. 18/621 ( To north east of application site on opposite side of Convent Road).** Permission was granted for construction of 6 no 4 bed 2 storey semidetached units, comprising of 5 no units at 134 sqm and 1 no unit at 153 sqm, new vehicle entrance off Convent Road, connection to all existing services, all associated landscaping, car parking and ancillary site works.(August 2018).

A number of Strategic Housing Developments have also been permitted by the Board in the wider Delgany/Greystones area. These include:

- **ABP REF. PL27 .305773: "Glenheron C", Greystones, Co. Wicklow.** Permission was granted for 354 no. residential units (124 no. houses, 230 no. apartments) and associated site works on 19/02/2020 .
- **ABP REF. PL27 .305476 Farrankelly** and Killincarraig townlands, Delgany, Greystones, Co. Wicklow. Permission was granted for 426 no. residential units (245 no. houses and 181 no. apartments), a crèche and associated site works on 15/01/2020.

**Other plans and projects of relevance include:**

- *National Biodiversity Action Plan 2017 - 2021* (Department of Culture, Heritage and the Gaeltacht, 2017);
- *County Wicklow Biodiversity Action Plan 2010 – 2015* (Wicklow County Council, 2010);
- *Wicklow County Development Plan 2016 – 2022* (Wicklow County Council, 2016);
- *Greystones-Delgany & Kilcoole Local Area Plan 2013 – 2019* (Wicklow County Council, 2013); and,
- *Eastern River Basin District, River Basin Management Plan 2009 – 2015.*

As neither the proposed development, the Farrankelly or Glenheron SHD developments or any of the above developments, plans or projects are expected to have an impact on the Natura 2000 sites listed in **Table 2.3.1**, the risk of in-combination effects can be ruled out.

### 3. CONCLUSION

This section considers the list of Natura 2000 sites detailed in **Table 2.3.1** and their qualifying habitats and species under the EU Habitats and Birds Directives.

The proposed development of the Carmelite lands, Delgany, Co. Wicklow will not have any impacts, direct or indirect on the qualifying species or habitats of the following SACs:

- Ballyman Glen SAC (Site Code: 000731), Bray Head SAC (Site Code: 000714), Carriggower Bog SAC (Site Code: 000716), Glen Of The Downs SAC (Site Code: 000719), Knocksink Wood SAC (Site Code: 000725), Rockabill to Dalkey Island SAC (Site Code: 003000), The Murrough Wetlands SAC (Site Code: 002249) and Wicklow Mountains SAC (Site Code: 002122), which are 8.6km north-east, 3km north east, 5km south west, 0.5km south west, 8.5km north west, 12.6km north, 4km south-east and 7.5km west of the site respectively,

Or on the following SPAs:

- Wicklow Mountains SPA (Site Code: 004040), Dalkey Islands SPA (Site Code: 004172) and The Murrough SPA (Site Code: 004186), which are 7.4km west, 15km north and 4.5km south-east of the site respectively,

and they are therefore excluded from further assessment.

Following the review of the project it is concluded that the proposed development of housing on the Carmelite lands, Delgany, Co. Wicklow will not adversely affect the integrity of any Natura 2000 site within a 15km radius of the project.

There will be no likelihood for significant effects on any European sites, and there will be no adverse effects on European site integrity during the construction or operation of the proposed development in combination with other plans or projects. This judgement was reached on the basis that:

- The adjoining coastal waters are currently classed as “Unpolluted” by the EPA;
- The Greystones WWTP has been upgraded to 40,000 P.E. This is likely to maintain the ‘Unpolluted’ water quality status of coastal waters despite potential pressures from future development;
- The Greystones WWTP has sufficient capacity to support the overall development;
- The inclusion of SUDs in the drainage design; and,
- It is an aim of Wicklow County Council (as outlined in the *Wicklow County Development Plan 2010 - 2016*) to ensure the implementation of Sustainable Urban Drainage Networks (SUDS) and compliance with the Greater Dublin Strategic Drainage Study (GSDSDS) for all new development.

This report finds that the proposed housing development at Delgany 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.

On the basis of the findings of this Report for Screening for Appropriate Assessment, it is concluded that the proposed development will not have a significant effect on the Natura 2000 network and neither a **Stage 2. Appropriate Assessment, Stage 3. Assessment of Alternative Solutions** or a **Stage 4. Assessment where no alternative solutions exist and where adverse impacts remain** is required.

Based on this information, and beyond reasonable scientific doubt, we have demonstrated that the development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 sites. Therefore, a Stage 2 Appropriate Assessment is not required.

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