
Relevant Assessments Regulation 299B Statement

Project Proposed Strategic Housing Development at
Dolcain House, Monastery Road, Clondalkin,
Dublin 22.

Subject Regulation 299B (1)(b)(ii)(II)(C) Statement

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1.0 INTRODUCTION

AWN Consulting have been appointed by the Applicant 'Randelswood Holdings Ltd' , to prepare this statement in accordance with the provisions of Regulation 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended; hereafter referred to as the "Planning Regulations"), this document provides a 'statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive (Directive 2014/52/EU) have been taken into account'.

This statement is part of the information provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 229B and 229C of the Planning Regulations. This statement will identify the relevant European Union legislation, and assessments of the effects on the environment carried out pursuant thereto, which have informed the proposed development. These relevant assessments will be identified as they relate to the proposed development, the results of those assessments will be outlined, and how those results have been taken into account in determining the significance of the proposed development on the environment will be identified.

The proposal comprises the redevelopment and change of use of Blocks A, B and C of the Dolcain House site (c. 0.81 ha) Monastery Road, Clondalkin, Dublin 22 from office use to residential use and construction of a new Block D to the east of Block B to accommodate residential apartment units. Together with modifications to the existing blocks and associated works the proposal will provide a total of 130 no. apartment units.

The development will consist of:

- (i) Demolition of existing shed (15.7sq.m), sub-station (29.5sq.m) and oil tank (12.1sq.m) located in the north-eastern section of the subject site;
- (ii) Change of use of the existing Blocks A, B and C at Dolcain House from office use to residential use

which range in height from 4-5 storeys over basement, together with modifications to the existing blocks; (iii) alterations to the existing Blocks A, B and C will include the removal of the existing fourth floor level and replacement with a new fourth floor level at Block A only, the provision of an additional floor level to all blocks with 2 no. setback floors proposed to the atrium to now provide for a height of 4-5-6 storeys to Blocks A, B and C and upgrading of the existing external fabric of the building as well as internal modifications to layouts to accommodate the proposed residential apartments; (iv) alterations to Block A to include a 5 storey extension to northern elevation; (v) alterations to Block B include the demolition of the existing single storey element on the eastern façade (73.2sq.m) which comprises a kitchen area, office and storage space, the demolition of the existing three-storey connection between Blocks B and C (23sq.m) and the relocation of the existing telecommunications mast equipment at roof level; (vi) construction of a new 6-storey Block D to the east of Block B to accommodate 29 no. apartment units. The proposed alterations and modifications to the existing Blocks A, B and C and the proposed Block D will accommodate a total of 130 no. apartment units (comprising 61 no. one-bedroom apartments, 59 no. two-bedroom apartments and 10 no. three-bedroom apartments, as follows:-

- Block A (including atrium) will comprise 50 no. apartments (consisting of 22 no. one-bedroom apartments, 22 no. two-bedroom apartments and 6 no. three-bedroom apartments) and will range in height from 4-5 to 6 storeys over basement level;
- Block B will comprise 22 no. apartments (consisting of 9 no. one-bedroom apartments, 9 no. two-bedroom apartments and 4 no. three-bedroom apartments) and will be 5 storeys in height;
- Block C will comprise 29 no. apartments (consisting of 13 no. one-bedroom apartments, and 16 no. two-bedroom apartments) and will be 6 storeys in height; and,
- Block D will comprise 29 no. apartments (consisting of 17 no. one-bedroom apartments, and 12 no. two-bedroom apartments) and will be 6 storeys in height.

The proposed development will be served by communal residential amenities/facilities at surface and basement level, including communal open space and outdoor areas at surface level; 310 no. bicycle parking spaces (254 no. at basement level and 56 no. at surface level); 78 no. car-parking spaces (62 no. at basement level and 16 no. surface level) including 5 no. car-club spaces and 3 no. accessible parking spaces and; 4 no. motorcycle parking spaces at basement level. The basement level also comprises a proposed bin storage area and plant room. The proposed development also includes landscaping, a pedestrian and cyclist access onto the adjacent Monastery Road to the north; and internal pedestrian and shared surfaces. (vii) Vehicular access to the development is proposed through the existing access/entrance to Dolcain House to the east. The application is accompanied by 2 no. site layout options, Option A and B. Option A includes a new public pedestrian footpath along the southern side of Monastery Road which extends east to the north-eastern application site boundary to facilitate a connection to future footpath. Option B provides for the omission of this footpath. (viii) Associated site and infrastructural works are also proposed which include; foul and surface water drainage; plant areas; ESB substation; and all associated site development works necessary to facilitate the proposed development.

2.0 HABITATS DIRECTIVE (DIRECTIVE 92/43/EEC) AND BIRDS DIRECTIVE (DIRECTIVE 2009/147/EC)

The main EU legislation for conserving biodiversity is the Directive 2009/147/EC of the European Parliament and of the Council of November 2009 on the conservation of

wild birds (Birds Directive); and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

The Habitats Directive is the cornerstone of habitats and species protection in Ireland. The Habitats Directive (92/43/EEC) and the associated Birds Directive (2009/147/EC) are transposed into Irish legislation by Part XAB of the 2000 Act and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) as amended.

The main aim of the Habitats Directive is the conservation of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status. These annexes list habitats (Annex I) and species (Annexes II, IV and V) which are considered threatened in the EU territory. The listed habitats and species represent a considerable proportion of biodiversity in Ireland and the Directive itself is one of the most important pieces of legislation governing the conservation of biodiversity in Europe.

Articles 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on non-Natura 2000 areas as features that connect the Natura 2000 network. Articles 12 and 16 of the Habitats Directive establish a system of strict protection for the animal species listed in Annex IV(a), but also allow for derogation from these provisions under defined conditions.

2.1 RELEVANT ASSESSMENTS

Appropriate Assessment (AA) Screening

An Appropriate Assessment (AA) Screening has been undertaken for proposed development by Altemar Ltd (2021). This takes into account the requirements of the objectives of the Habitats Directive and the Birds Directive. This is included with the planning documentation. The AA Screening concludes:

The proposed redevelopment project is located in a suburban environment 6.7 km from the nearest Natura 2000 site (Glenasmole Valley SAC). Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. There is no direct hydrological pathway linking the proposed development site to a Natura 2000 site. There is an indirect pathway to Natura 2000 sites located within Dublin Bay via the proposed foul and surface water drainage networks. Foul wastewater will be connected to an existing public sewer network, which will subsequently be processed in the Ringsend Wastewater Treatment Plant. Surface water will be directed to the existing public surface water drainage network on Monastery Road. As this network outfalls to the River Camac, a watercourse that feeds into the River Liffey, there is an indirect pathway to Natura 2000 sites located within Dublin Bay. Specifically, the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and the North Bull Island SPA. However, given the distance between the proposed site and the Natura 2000 sites (11.2km, 14km, 11km, and 14km respectively), pollutants or silt produced by the proposed development during both construction and operational phases will settle, be diluted, or dispersed within the marine environment. As such, the proposed development project will not have a significant impact on the conservation objectives of Natura 2000 sites.

No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site. A Stage 2 Appropriate Assessment is not required for the proposed development.

The conclusions of the AA Screening have been adopted within the EIA Screening Report (Sections 3.4 and Section 5.3) when considering the ecological sensitivity of the site and determining the likelihood of significant effects on the environment arising from the proposed development with particular attention to potential impacts on European Sites.

Bat Survey Report

All Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Acts (2000 and 2010). Also, the EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare species, including bats, and their habitats and requires that appropriate monitoring of populations be undertaken. Across Europe, they are further protected under the

Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982), which, in relation to bats, exists to conserve all species and their habitats. 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. The Irish government has ratified both these conventions.

All bats are listed in Annex IV of the Habitats Directive and the lesser horseshoe bat is further listed under Annex II of the Habitats Directive.

The Bat Fauna Survey for a proposed Strategic Housing Development (SHD) at Dolcain House, Monastery Road, Clondalkin, Co. Dublin for the proposed development has been prepared by Altemar Ltd (2021) this concludes that no trees of bat roosting potential are to be felled as part of the proposal. No bats were noted emerging from the buildings on site. No significant negative impacts on roosting animals are expected to result from the proposed redevelopment.

The conclusions and recommendations set out in the Bat Survey Report (Altemar Ltd, 2021) have been adopted within the EIA Screening Report when determining the likelihood of significant effects on the environment, arising from the proposed development in respect of Biodiversity (Section 5.3), with particular attention to species and habitats (with specific reference to bat) protected under the Habitats Directive and the Birds Directive.

3.0 WATER FRAMEWORK DIRECTIVE (DIRECTIVE 2000/60/EC)

The Water Framework Directive (WFD) (Directive 2000/60/EC) requires all Member States to protect and improve water quality in all waters. The WFD is one of the key overarching instruments in the protection of waters and includes subordinate directives or water-related legislation have been developed in response to, the Water Framework Directive.

The WFD requires 'Good Water Status' for all European waters to be achieved through a system of river basin management planning and extensive monitoring by 2015 or, at the least, by 2027. 'Good status' means both 'Good Ecological Status' and 'Good Chemical Status'.

The objectives of the WFD are (1) to prevent the deterioration of water bodies and to protect, enhance and restore them with the aim of achieving at least good status and (2) to achieve compliance with the requirements for designated protected areas

3.1 RELEVANT ASSESSMENTS

The EIA Screening Report has been informed by the water quality status as defined by the monitoring program and assessment undertaken by the EPA pursuant to the obligations to the WFD. The results of the monitoring program and assessment undertaken by the EPA are summarised below:

The closest surface water features to the Proposed Development Site are recorded on the GSI database and the EPA database (<https://gis.epa.ie/EPAMaps/>) as the Camac Stream (River Waterbody Code: IE_EA_09C020500). One of its tributaries the Ballymount Stream located 750 m south of the proposed development flows c. 2km in a north easterly direction before joining the Camac River directly. The Ballymount Stream is listed as having the same WFD status as the Camac River of 'at risk' with 'Poor' Ecological Status during the 2013-2018 WFD monitoring round.

The site is situated within the Dublin Ground Water Body (IE_EA_G_008) which achieved "Good" status for the last WFD cycle (2013-2018) and is currently projected to be not at risk (<https://gis.epa.ie/EPAMaps/>).

The Camac River flows into the Liffey River which reaches Dublin Bay at Liffey Estuary Lower. The most recent surface water quality data for the Liffey Estuary Upper, Liffey Estuary Lower and Dublin Bay (2019-2020) indicate that they are 'Unpolluted'. Under the 2015 'Trophic Status Assessment Scheme' classification of the EPA, 'Unpolluted' means there have been no breaches of the EPA's threshold values for nutrient enrichment, accelerated plant growth, or disturbance of the level of dissolved oxygen normally present.

The results of this assessment provided by the EPA have been used to determine the current water body status of the aquifer and receiving waters for any discharge from the proposed development site.

As stated in the AA Screening (Altemar Ltd, 2021); there are no Natura 2000 sites downstream of the proposed development prior to reaching the Natura 2000 sites within estuarine waters of Dublin Bay. Due to the significant distance (>10km), dilution and settlement within the River Camac and River Liffey and mixing within the estuarine environment of the River Liffey, no significant effects are foreseen. As a result of the surface water connection to public networks, the proposed development is not directly hydrologically linked to a Natura 2000 site.

The current water body status has been considered within the EIA Screening baseline appraisal (Section 4.2) and also informed the Appropriate Assessment (AA) Screening undertaken for the proposed development by Altemar Ltd (2021).

As there is no direct pathway or proposed discharges the proposed development will not impact on the current water quality status of the *Camac River or Liffey estuary* under the Water Framework Directive.

The current water body status has been considered in the examination of the likelihood of significant effects on water quality in the Liffey Estuary and Dublin Bay having regard to potential indirect impacts from surface water and foul water arising from the proposed development during the construction and operational phases.

4.0 THE FLOODS DIRECTIVE (DIRECTIVE 2007/60/EC)

The Floods Directive (Directive 2007/60/EC) establishes a framework for the assessment and management of flood risks, with the aim to reduce the adverse consequences on human health, the environment and material assets.

The Floods Directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Floods Directive also reinforces the rights of the public to access this information and to have a say in the planning process.

The Floods Directive must be implemented in tandem with the WFD. In Ireland, the OPW is the national authority assigned with the implementation of the Floods Directive, which was transposed into Irish law by the EU (Assessment and Management of Flood Risks) Regulations SI 122 of 2010.

4.1 RELEVANT ASSESSMENTS

The Commissioners of Public Works in Ireland have developed the Flood Maps for the Republic of Ireland on www.floodinfo.ie as part of the Catchment Flood Risk Assessment and Management (CFRAM) Programme together with Local Authorities and Ordnance Survey Ireland.

The Flood Maps have been developed to comply with the requirements of the European Communities (Assessment and Management of Flood Risks) Regulations 2010 to 2015 (implementing Directive 2007/60/EC) for the purposes of establishing a framework for the assessment and management of flood risks, aiming at the reduction of adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods.

A Site-Specific Flood Risk Assessment (FRA) has been prepared by Lohan & Donnelly and is included with the application documentation. This Site-Specific FRA draws on, and is informed by, the available www.floodinfo.ie flood information.

The Site-Specific FRA considers that the proposed development site is "classified as a Flood Zone C and therefore has a low probability of experiencing a flood" and the proposed development is appropriate for the Flood Zone C locations and therefore, further assessment (Stage 3 FRA) is not required under The Planning System and Flood Risk Management (OPW, 2009). The potential impact of climate change has been allowed for in the design of the surface water drainage network in accordance with the Greater Dublin Strategic Drainage Study Design Criteria.

The results of the Site-Specific FRA and the Strategic FRA have been considered with the EIA Screening Report (Section 3.7, and 5.8) in the examination of the likelihood of significant effects on the environment arising from the proposed development as a consequence of flooding, which has the potential to affect human health and material assets.

5.0 SEVESO DIRECTIVE 82/501/EEC, SEVESO-II DIRECTIVE 96/82/EC, SEVESO-III DIRECTIVE 2012/18/EU

The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU) was developed by the EU after a series of catastrophic accidents involving major industrial sites and dangerous substances. Such accidents can give rise to serious injury to people or serious damage to the environment, both on and off the site of the accident.

The Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015) (the "COMAH Regulations"), implements the latest Seveso III Directive (2012/18/EU). The purpose of the COMAH Regulations is to transpose the Seveso Directive into Irish law and lay down rules for the prevention of major accidents involving dangerous substances, and to seek to limit as far as possible the consequences for human health and the environment of such accidents, with the overall objective of providing a high level of protection in a consistent and effective manner.

5.1 RELEVANT ASSESSMENTS

The proposed development is of a type not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under Seveso Directive of COMAH Regulations, and the site is not located near any existing Seveso site.

The closest SEVESO sites to the proposed development are the B.O.C Gases facility, an Upper Tier establishment located c. 2.5km northeast of the proposed development in the Bluebell industrial estate, Dublin 12. The Irish distillers Ltd. facility a Lower Tier establishment located c. 1.5 km East of the proposed development at 9 Robinhood Road, Dublin 12 And the Kayfoam Woolfson manufacturing facility a Lower tier establishment located c. 2.1 km Northeast of the proposed site in the bluebell industrial estate, Dublin 12. The proposed development site is not located within the consultation zones; therefore, this site does not form a constraint to the proposed development at this location.

Due to the separation distance from the proposed development site to the nearest site controlled under the Seveso site Directive, and the fact that it lies outside the

consultation zone are no specific assessments required by the Applicant under the Seveso Directive or COMAH Regulations.

6.0 CLEAN AIR FOR EUROPE (CAFE) DIRECTIVE (DIRECTIVE 2008/50/EC)

The Clean Air for Europe (CAFE) Directive 2008/50/EC is the prevailing legislation to improve the quality of air in Europe and limit exposure to air pollution. The CAFE Directive set rules including how to monitor, assess, and manage ambient air quality.

Overall, the main objective of the CAFE Directive is to reduce human and environmental exposure to air pollutants and ensure that the limits of values and thresholds are not exceeded. The CAFE Directive was transposed into Irish legislation by S.I. No. 180/2011 - Air Quality Standards Regulations 2011.

The CAFE Directive mandates the location and quantity of air monitoring stations that Environmental Protection Agency (EPA) should undertake ambient air monitoring. If there is an exceedance of the ambient limit value an Air Quality Action Plan must be developed by Local Authorities in conjunction with the EPA.

In Ireland there is only one monitoring site that has exceedance of the EU Air Quality limit value for nitrogen dioxide, this is located at St. John's Road West station Dublin. An annual average concentration of 43 $\mu\text{g}/\text{m}^3$ was measured in 2019. This is above the EU annual limit value for NO_2 of 40 $\mu\text{g}/\text{m}^3$. This exceedance of an air pollution standard is as a result of the heavy traffic passing this monitoring station. In response to this an Air Quality Action Plan will be developed by the Dublin Local Authorities in conjunction with the EPA, this is not due for publication until the end of 2021.

6.1 RELEVANT ASSESSMENTS

There are no Air Quality Action Plans published in Ireland. Furthermore, the proposed development is not located within an area has an identified exceedance in the EU air quality limits; therefore, there are no specific assessments under the CAFE Directive relevant to the proposed development at this location. Irrespective of this, AWN Consulting have assessed the potential air quality impacts that the proposed development may have on the receiving environment during the construction and operational phases of the proposed development.

The Air Quality Impact Assessment produced by AWN Consulting Ltd has been informed by the Environmental Protection Agency's National Ambient Air Quality Monitoring Network and assessments undertaken by the EPA pursuant to the obligations of the CAFE Directive. Specifically, published data for nitrogen dioxide (NO_2), and particulate matter (PM_{10} , and $\text{PM}_{2.5}$).

A detailed baseline assessment for NO_2 , SO_2 , benzene, and $\text{PM}_{10}/\text{PM}_{2.5}$ (particulate matter $<10\ \mu\text{m}$ and $<2.5\ \mu\text{m}$) was undertaken by AWN on the site of the proposed development to ensure the works undertaken at the adjoining site of SIAC BP Construction will not impact on the air quality of the potential residents. Monitoring was conducted for a two-month period, from June 2021 – August 2021. Existing baseline levels of NO_2 , SO_2 , Benzene, PM_{10} , and $\text{PM}_{2.5}$ are low and are within the applicable ambient air quality standards in the region of Dolcain House, Clondalkin. It can therefore be concluded that operations at the adjoining SIAC BP site are not currently causing a deleterious impact to the local ambient air quality and are unlikely to negatively impact the air quality for potential future residents. The greatest potential impact on air quality during the construction phase of the proposed development is from construction dust emissions and the potential for nuisance dust. Operational

phase traffic has the potential to impact local air quality as a result of increased vehicle movements associated with the proposed development. However, the proposed development it is not predicted to significantly change the existing traffic on the nearby road links

The Air Quality Assessment report states no significant impacts to air quality or climate are predicted during the construction or operational phases of the proposed development. Once the best practice dust minimisation measures outlined in Section 6.1 are implemented, fugitive emissions of dust from the site during construction will be insignificant and pose no nuisance to nearby receptors. Following the assessment of traffic during the operational phase of the development the impact on ambient air quality in the operational stage is considered long-term, localised, negative and imperceptible.

The conclusions and mitigation measures set out in the Air Quality Impact Assessment have been adopted within the EIA Screening Report (Section 5.4) in the examination of the likelihood of significant effects on the environment arising from the proposed development in respect of Air Quality.

7.0 THE WASTE FRAMEWORK DIRECTIVE (DIRECTIVE 2008/98/EC)

Directive 2008/98/EC has applied since December 2010 and Amending Directive (2018/851/EU) was adopted on 30 May 2018 (together, the “Waste Framework Directive”). The Waste Framework Directive was transposed into national legislation by the European Union (Waste Directive) Regulations 2011-2020, which includes amendments to the Environmental Protection Agency Act 1992 (as amended) and the Waste Management Act 1996 (as amended).

The Waste Framework Directive sets long-term objectives for the Union’s waste management and gives economic operators and Member States a clear direction for the investments to achieve those objectives. The overall goal of the directives is to improve EU waste management. This will contribute to the protection, preservation, and improvement of the quality of the environment as well as encourage the prudent and rational use of natural resources.

The Waste Framework Directive includes requirements for member states to carry out certain monitoring and assessment, including in relation to the implementation of the waste prevention measures, implementation of measures on re-use and food waste prevention measures, need for waste installation infrastructure, waste collection schemes, rates of recycling and landfill and the implementation of waste management plans and waste prevention programmes.

One of the major relevant aspects of the Waste Directive in relation to construction sites is Article 5 that is transposed into Irish legislation by Article 27 of the Waste Directive Regulations. The Waste Directive provides a formal mechanism by which a substance or object, which is production residue, could be determined not be a waste but instead a by-product.

7.1 RELEVANT ASSESSMENTS

The Eastern-Midlands Region Waste Management Plan 2015-2021 published by the Dublin City Council on behalf of the Eastern-Midland Waste Region is the overarching policy document set out how the requirements of the Waste Framework Directive are met.

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction & Demolition Waste Management Plan prepared by Lohan & Donnelly Consulting Engineers is included with the planning documentation. The principles set out in the Waste Framework Directive have been taken into account through the design of the proposed development and the mitigation measures set out in these reports.

The Construction & Demolition Waste and Management Plan (Lohan & Donnelly Consulting, 2021) has been prepared to demonstrate how it is proposed during the Construction Phase to comply with the following relevant legislation and guidelines including:

- Waste Management Acts 1996 (as amended)
- Waste Management (Collection Permit) Regulations 2007 (SI No. 820 of 2007)
- Waste Management (Collection Permit) Amendment Regulations 2008 (SI No. 87 of 2008)
- Department of the Environment, Heritage and Local Government – Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects – July 2006
- The Eastern-Midlands Region Waste Management Plan 2015-2021
- EPA “Guidance on Soil and Stone By-Products in the context of Article 27 of the European Communities (Waste Directive) Regulations – Version 3 June 2019

The management measures set out in Section 6 of the Construction & Demolition Waste Management Plan have been adopted within the EIA Screening Report (Section 5.8) in the examination of the likelihood of significant effects on the environment arising from the proposed development in respect of material assets and waste.

8.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (DIRECTIVE 2001/42/EC)

Directive 2001/42/EC, the SEA Directive, on the assessment of the effects of certain plans and programmes on the environment requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. Public plans and programmes that are likely to have significant effects on the environment must have a Strategic Environmental Assessment (SEA).

The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/ 2004), as amended.

8.1 RELEVANT ASSESSMENTS

South Dublin County Council as part of the South Dublin County Development Plan (2016-2022) as varied undertook a Strategic Environmental Assessment (SEA) or Strategic Environmental Assessment Screening Reports, to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the Plan.

The SEA for the CDP sets out that requirements for monitoring of the plan for the identification of unforeseen adverse effects and the undertaking of appropriate remedial action at an early stage. The SEA for the CDP also states that additional

detailed mitigation measures to those listed within the SEA and those integrated into the CDP would be likely to be required by the development management and EIA processes of individual projects.

With particular reference to the monitoring and mitigation issues raised in the CPD the potential for effects in respect of Water Quality, Biodiversity (Natura 2000 sites), and Flooding and the need for the need for mitigation measures for the proposed development have been considered within the application documentation. Specifically within the Appropriate Assessment (AA) Screening Report (Altemar, 2021) and the Site-Specific Flood Risk Assessment (Lohan & Donnelly, 2021). These reports have not specified any additional mitigation measures for the proposed development.

The results of these assessments have been considered within the EIA Screening Report in the examination of the likelihood of significant effects on the environment arising from the proposed development on the existing water regime and have informed in particular the assessment of potential impacts on the water quality of Dublin Bay and the European Sites located there.

The application is accompanied by a Statement of Consistency prepared by Hughes Planning and Development Consultants, which demonstrates that proposed development is broadly consistent with the South Dublin County Development Plan 2016-2022, which itself was subject to SEA. Overall, the proposed development is line with the objectives of the Development Plan and the land use zoning. The Material Contravention Statement addresses any elements of the scheme, which are not fully in accordance with the Development Plan.

9.0 INDUSTRIAL EMISSIONS DIRECTIVE (DIRECTIVE 2010/75/EU)

The Industrial Emissions Directive (2010/75/EU) on industrial emissions (integrated pollution, prevention and control) was adopted on 24 November 2010. The Directive was transposed into national legislation by the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 (S.I. 137 2013).

The Directive lays down rules on integrated prevention and control of pollution arising from industrial activities. It also lays down rules to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment as a whole.

The Directive is not directly relevant to the proposed Project, and the proposed development will not directly involve industrial activities under the Directive.

10.0 REGULATION (EU) 1315/2013; TRANS-EUROPEAN NETWORKS IN TRANSPORT, ENERGY AND TELECOMMUNICATION REGULATION

Regulation (EU) 1315/2013 on Union guidelines for the development of the trans-European network and repealing Decision 661/2010/EU was adopted on 11 December 2013.

The policy addresses the implementation and development of a Europe-wide network of railway lines, roads, inland waterways, maritime shipping routes, ports, airports and railroad terminals. The objective is improved used of infrastructure, reduced environmental impact of transport, enhanced energy efficiency and increased safety.

Regulation 1315/2013 is not directly relevant to the proposed Project.