
**STATEMENT IN ACCORDANCE WITH
ARTICLE 299B (1)(b)(ii)(II)(C) OF THE
PLANNING AND DEVELOPMENT
REGULATIONS 2001 – 2021**

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Project Proposed Strategic Housing Development,
Bancroft View, Lands on Greenhills Road
(North of Bancroft Park, South/West of
Hibernian Industrial Estate and East of Airton
Road junction), Tallaght, Dublin 24

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

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1.0 INTRODUCTION

AWN Consulting have been appointed by the Applicant, Greenhills Living Limited, to prepare this statement in accordance with the provisions of Article 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 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 299B and 299C of the Planning Regulations. This statement will identify the relevant European Union legislation, and assessments of the effects on the environment carried out, 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 proposed development is a sub-threshold development. The application is not accompanied by an Environmental Impact Assessment Report. An EIA Screening Report has been prepared by Hughes Planning and Development Consultants (HPDC) which includes the information specified in Schedule 7A to the Planning and Development Regulations as well as relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and which will enable the Board to carry out a screening determination.

The proposed development will consist of:

- (i) demolition of existing substation and removal of existing advertisement structure on site;
- (ii) construction of a residential development of 197 no. apartments (79 no. one-bedroom, 105 no. two-bedroom and 13 no. three-bedroom) in 4 no. blocks (ranging in height from seven to eight storeys with eighth floor level roof garden) as follows:
 - Block A containing 41 no. apartments (6 no. one bedroom, 34 no. two bedroom and 1 no. three-bedroom) and measuring eight storeys in height (with eighth floor roof garden);
 - Block B containing 79 no. apartments (33 no. one bedroom, 34 no. two bedroom and 12 no. three bedroom) and measuring eight storeys in height;
 - Block C containing 42 no. apartments (24 no. one bedroom and 18 no. two bedroom) and measuring seven storeys in height; and,
 - Block D containing 35 no. apartments (16. no one bedroom and 19 no. two bedroom) and measuring seven storeys in height.
- (iii) all apartments will have direct access to an area of private amenity space, in the form of a balcony, and will have shared access to internal communal amenities including 2 no. resident lounges (114.7sq.m), gym (98sq.m) external communal amenity space (1,490.8sq.m) and public open space (1,667sq.m);
- (iv) provision of 78 no. vehicular parking spaces (including 3 no. car-share parking spaces, 4 no. mobility parking spaces, and 8 no. electric vehicle parking spaces), 4 no. set-down vehicular parking spaces (including 1 no. mobility parking space) and 448 no. bicycle parking spaces (including 100 no. visitor parking spaces) at ground floor/ground level accessible via new vehicular entrance gate off access road off Greenhills Road;
- (v) provision of 4 no. commercial units (871.5sq.m total) and 1 no. childcare facility (329.7sq.m) with associated external amenity space (168.8sq.m) located at ground floor level; and,
- (vi) all ancillary works including public realm/footpath improvements, landscaping, boundary treatments, internal footpaths/access roadways, bin storage, foul and surface water drainage, green roofs, removable solar panels, ESB substation and all site services, site infrastructure and associated site development works necessary to facilitate the 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).

2.1 RELEVANT ASSESSMENTS

Appropriate Assessment (AA) Screening

An Appropriate Assessment (AA) Screening has been undertaken for the proposed development by Openfield (2022a), which 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 undertaken notes that

'No significant effects will arise from this project to Natura 2000 sites in Dublin Bay: the North Dublin Bay SAC, South Dublin Bay SAC, the North Bull Island SPA or the South Dublin Bay and River Tolka Estuary SPA'.

The AA Screening Report concludes that:

'the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available'.

The conclusions of the AA Screening have been adopted within the EIA Screening Report (HPDC 2022) 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.

Ecological Impact Assessment

An Ecological Impact Assessment (EclA) has been undertaken for the proposed development by Openfield (2022b) and is included with the planning documentation, although from the perspective of European law the relevant ecological assessments are carried out in the AA screening.

This report includes an assessment of potential impacts on biodiversity, including protected species or habitats, that are likely to arise from the residential development during either the construction or operational phases.

The Ecological Impact Assessment states that:

'In summary, it has been seen that the application site is artificial and highly modified land within a builtup area with a short stretch of 'lower significance' hedgerow. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. Three-cornered Leek is growing on the site and this plant is listed as alien invasive as per SI 477 of 2011. There are no locally high value habitats and features are of limited value even for common and widespread species'.

The EclA concludes that *'No long-term negative impacts to biodiversity are predicted to arise from this development'.*

The conclusions of the Ecological Impact Assessment have been adopted within the EIA Screening Report (HPDC 2022) when considering the ecological sensitivity of the site and determining the likelihood of significant effects on the environment arising from the proposed development in respect of Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive.

Bat Assessment

All Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Acts (2000 and 2010).

A specialist bat survey was undertaken for the proposed development by Wildlife Surveys Ireland (2022) and included a walkover of the lands within the survey area, inspection of the substation present on site and external examination of two freight

containers also present on site. No bats were seen entering or exiting the substation building, freight containers or trees and no swarming behaviour was recorded.

The Bat Assessment (Wildlife Surveys Ireland 2022) notes that:

‘There is no evidence of bat roost loss from this proposal. There will be a very minor loss of foraging but given that there will be a line of developing trees removed, there is potential within the site for feeding. There will be a change in the lighting of the site given that it is currently unlit directly while there is some light pollution from surrounding security lights’.

With respect to this, the Bat Assessment outlines mitigation measures for the proposed development to include *‘roost provision in the proposed buildings by means of incorporation of purpose-built roost boxes, planting for biodiversity and lighting management’.*

The Bat Assessment prepared for the proposed development by Wildlife Surveys Ireland (2022) concludes that:

‘There is no impact upon bat conservation predicted from the proposed construction. The mitigation, if implemented in full, will reduce any impacts to a short-term to medium term slight loss of feeding. The measures proposed will prevent impacts from lighting and from vegetation loss and from any potential roost loss. The incorporation of bat boxes into the building will provide long-term bat roost sites’.

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 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 objectives of the WFD are (1) to prevent the deterioration of water bodies and (2) to protect, enhance and restore them with the aim of achieving at least good status.

The AA Screening Report (Openfield 2022a) and EIA Screening Report (HPDC 2022) have 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 this assessment provided by the EPA have been used to determine the current water body status of the receiving waters for any discharge from the proposed development site. The current water body status has been considered within the AA Screening undertaken for the proposed development by Openfield (2022a).

The conclusions of the AA Screening have been adopted within the EIA Screening Report (HPDC 2022) in the examination of the likelihood of significant effects on water quality in the Dublin Bay and Natura 2000 sites located there, having regard to potential direct and indirect impacts from surface water and foul water 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 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 European Communities (Assessment and Management of Flood Risks) Regulations SI 122 of 2010.

4.1 RELEVANT ASSESSMENTS

A site-specific Flood Risk Assessment (FRA) has been included in the Engineering Services Report prepared by Fitzsimons Doyle & Associates (FDA). This Site-Specific FRA draws on, and is informed by studies undertaken by the OPW pursuant to the requirements of the Floods Directive, including the National Catchment-based Flood Risk Assessment and Management (CFRAM) Programme.

The Site-Specific FRA considers that the proposed development is in Flood Zone C and is at low risk (1:1,000) of flooding as per the CFRAM Study, and that no major sources of flooding were identified on or adjacent to the site.

The results of the site-specific FRA have been considered within the EIA Screening Report (HPDC 2022) 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).

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.

The proposed development is not within the consultation distance of any Seveso Site, nor is the proposed development a Seveso/COMAH facility. The closest Seveso site to the proposed development is the Irish Distillers Limited site, a Lower Tier establishment located c. 1.95 km north of the development site at Robinhood Road, Fox and Geese, Clondalkin, Dublin 22. The consultation distance for the Irish Distillers Ltd is 300 m as listed within Appendix 8 of the Dublin City Development Plan 2022 – 2028 and therefore will also not form a constraint on the proposed development.

There 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.

The CAFÉ 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 µg/m³ was measured in 2019. This is above the EU annual limit value for NO₂ of 40 µg/m³. There have been no exceedances recorded at any monitoring stations subsequently during 2020 or 2021. This exceedance of an air pollution standard is as a result of the heavy traffic passing this monitoring station. In response to this the Dublin Region Air Quality Plan (2021) has been developed by the Dublin Local Authorities in conjunction with the EPA.

6.1 RELEVANT ASSESSMENTS

The Dublin Region Air Quality Plan (2021) sets out 14 measures and actions to be established by Dublin Authorities and the Minister for Environment. The proposed development is not located within an area which has an identified exceedance in the EU air quality limits; there are no specific assessments under the CAFE Directive relevant to the proposed development at this location.

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 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-Midlands Waste Region is the overarching policy document set out how the requirements of the Waste Framework Directive are met. Currently the EMR and other regional waste management plans are under review and the Regional Waste Management Planning Offices expect to publish the final plan in mid-2022.

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction Site Environmental / Waste Management Plan (CEWMP) prepared by FDA is included with the planning documentation.

The principles set out in the Waste Framework Directive have been taken into account thorough the design of the proposed development and the mitigation measures set out in these reports.

The CEWMP (FDA 2022b) has been prepared to demonstrate how it is proposed during the construction phase to comply with the relevant legislation and guidelines.

The management measures set out in the CEWMP have been adopted within the EIA Screening Report (HPDC 2022) 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 Council Development Plan (2016-2022) and Draft South Dublin County Council Development Plan (2022-

2028) as varied undertook a Strategic Environmental Assessment (SEA) to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the development plan.

The SEA for the SDCC Development Plan (2016-2022) and Draft South Dublin County Council Development Plan (2022-2028) sets out the 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 development plan also states that additional detailed mitigation measures to those listed within the SEA and those integrated into the development plan 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 development plan 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 (Openfield 2022a) and the site-specific Flood Risk Assessment (FDA 2022a).

The results of these assessments have been considered within the EIA Screening Report (HPDC 2022) 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 and European Sites.

9.0 DIRECTIVE 2008/56/EC; MARINE STRATEGY DIRECTIVE

The Marine Strategy Directive (2008/56/EC) was adopted on 17 June 2008 and establishes a framework for community action in the field of marine environmental policy. This has been subsequently amended by Directive (2017/845/EC) as regards the indicative lists of elements to be taken into account for the preparation of marine strategies. The Marine Strategy Directive (2008/56/EC) was transposed into national legislation by the European Communities (Marine Strategy Framework) Regulations 2011 (S.I. 249 2011).

As a residential development set well back from any coastal area, the Marine Strategy Directive is not directly relevant to the proposed development. Any impact on nearby water bodies has been assessed as part of the EIA Screening Report and factored into the project design.

10.0 CONCLUSION

This statement indicates how the available results of relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account in this proposed project.

This statement identifies the relevant Directives which could apply the proposed project. The relevant assessments has been identified as they relate to the proposed development, the results of those assessments, and how those results have been taken into account in determining the significance of the proposed development on the environment.

This statement should be read in conjunction with the Environmental Impact Assessment Screening Report prepared by HPDC and enclosed with the application.

ABP may complete an examination for the purposes of a screening determination in accordance with Article 299B of the Planning Regulations and, in particular, may have regard to the matters prescribed at Article 299B(1)(b) of the Planning Regulations.

This statement, in particular, is provided so that ABP may have regard to “*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 have been taken into account*” in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning Regulations.

This statement supports the conclusion in the EIA Screening document prepared by HPDC that the proposed development is not likely to have any significant impacts on the environment and, therefore, that no EIA is required in respect of the proposed development.

11.0 REFERENCES

Screening Report for Appropriate Assessment of a proposed Strategic Housing Development at Greenhills Road, Tallaght, Dublin 24. Openfield Ecological Services 2022a.

Ecological Impact Assessment (EclA) for Strategic Housing Development, Greenhills Road, Tallaght, Dublin 24. Openfield Ecological Services 2022b.

Engineering Services Report for Bancroft View SHD at Greenhills Road, Dublin 24. Fitzsimons Doyle & Associates 2022a.

Construction Site Environmental / Waste Management Plan (CEWMP) for Bancroft View SHD at Greenhills Road, Tallaght, Dublin 24.

EIA Screening Report, Bancroft View SHD, Lands on Greenhills Road (north of Bancroft Park, south/west of Hibernian Industrial Estate and east of Airtown Road junction), Tallaght, Dublin 24. Hughes Planning and Development Consultants 2022.

A Bat Assessment Of The Bancroft Site, Greenhills Road, Tallaght. Wildlife Surveys Ireland 2022.