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**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 Mixed-Use Development at the  
Belgard Square East, Belgard Road And  
Blessington Road, Tallaght, Dublin 24

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

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**Ref.** EC/21/12600TR02

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## 1.0 INTRODUCTION

AWN Consulting have been appointed by Ravensbrook Limited ('the Applicant'), 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 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 consists of the construction of a mixed-use development comprising c. 2,206 sqm of commercial floor space in the form of retail, office (Class 2 financial/professional services and Class 3 office), café, licenced restaurant, and a 267sqm crèche at ground and first floor levels and 318 no. build-to-rent residential apartments within a part 6, part 12 storey building over partial basement with associated internal and external amenity space, a new tertiary road, car and bicycle

parking, a central public courtyard, site wide landscaping and all associated ancillary works is proposed.

The architectural design of the proposed development utilises high quality materials and reflects the existing pattern of development in the surrounding area. A detailed description of the architectural rationale and characteristics of the proposals is provided within the Architectural Design Statement prepared by Henry J Lyon Architects. The Landscape Design and Access statement, prepared by Park Hood Chartered Landscape Architects provides a rationale for the landscape proposals.

## 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 Enviroguide (2022a). 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:

Ten (10 no.) designated sites - *Glensmole Valley SAC, the Wicklow Mountains SAC, the Wicklow Mountains SPA, the North Dublin Bay SAC, the South Dublin Bay SAC, the Knocksink Wood SAC, Rye Water Valley/Carton SAC, Red Bog Kildare SAC, the North Bull Island SPA, the South Dublin Bay and River Tolka Estuary SPA and Poulaphouca Reservoir SPA* - are located within a 15km radius of the Proposed Development. The AA Screening concludes:

*“... upon the examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that, on the basis of objective information; the possibility may be excluded that the Proposed Development will have a significant effect on any of the European sites [listed above] ”*

The conclusions of the AA Screening have been adopted within the EIA Screening Report (Sections 3.3 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.

#### Ecological Impact Assessment

An Ecological Impact Assessment (EclA) has been undertaken for the proposed development by Enviroguide (2022b) and is included with the planning documentation.

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

The Ecological Impact Assessment concludes that:

*It is considered that provided the mitigation measures proposed are carried out in full, there will be no significant negative impact to any valued habitats, designated sites or individual or group of species as a result of the Proposed Development. Based on the successful implementation of these measures and proposed works, to be carried out in accordance with the landscape plan, there will be no significant negative ecological impacts arising from Construction and Operational Phases of the Proposed Development.*

The conclusions of the Ecological Impact Assessment have been adopted within the EIA Screening Report (Section 3.3 and 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 in respect of Biodiversity, with particular attention to species and habitats 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 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 has been informed by the Hydrological Risk Assessment undertaken by AWN Consulting, 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 nearest surface water receptor is the Tymon River (WFD code: IE\_EA\_09P030800; EPA segment code 09\_1029) which, according to the EPA maps, begins its course c. 370m to the northeast of the proposed development site (refer Figure 1.1 above). The Jobstown Stream (WFD code: IE\_EA\_09D010620; EPA segment code 09\_369) is located c. 410 m south of the site.*

*The Tymon River crosses the Tymon Park and becomes the Poddle River downstream c. 2.7 km northeast of the site. The Poddle River eventually discharges into the River Liffey in Dublin Centre c. 9 km to the northeast of the site. The Jobstown Stream is a tributary of the Dodder River to which joins it at the Dodder Valley Park c. 2 km to the southeast of the proposed development site. The Dodder River ultimately discharges into the River Liffey at Ringsend c. 11 Km to the northeast of the site.*

*There is a 225mm diameter public storm drain on Belgard Road to the east of the development site. An existing 1,050mm diameter public storm sewer is present on Belgard Square East to the east of the subject development. A spur from this sewer is present in the north of the subject development site, in proximity to the site's boundary with Blessington Road. These surface water sewers flows southerly towards the Dodder River.*

*The River Dodder ultimately outfalls to the Liffey Estuary, which is hydrologically connected to the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA. There is, therefore, an indirect pathway from the proposed development to these designated European sites.*

*The Environmental Protection Agency (EPA, 2022) on-line mapping presents the available water quality status information for water bodies in Ireland. The Tymon River belongs to the Poddle\_010 WFD surface waterbody which has a 'Poor' Status (EPA, 2022) and its WFD risk score is 'At risk of not achieving good status'. The Jobstown Stream (Dodder\_040 WFD surface waterbody) has a 'Poor' WFD status and is also 'At Risk of not achieving good status'. This poor status is related to its biological status (invertebrate); all chemical conditions have been classified as 'good'. The most recent quality data (2019) for the Dodder River also indicate that it is 'Unpolluted' in the vicinity of the site (Old Bawn Bridge).*

*The Poddle and Dodder sub-catchments discharge into the Liffey Estuary Upper and Lower, respectively. Both waterbodies have a WFD status (2013-2018) of 'Good'; the Dublin Bay Coastal waterbody has a WFD status of 'Good'. The Liffey Estuary Upper and Lower waterbodies have a WFD risk score of 'At risk of not achieving good status' while the Dublin Bay waterbody has a WFD risk score of 'Not at risk'. The surface water quality data for the Liffey Estuary and Dublin Bay (EPA, 2021) 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 Hydrological Qualitative Risk Assessment prepared by AWN notes that ' , there is no long term discharge planned which could have an impact on the status of the water body. In the scenario of an accidental release (unmitigated leaks [...]) there is potential for a temporary impact only which would not be of a sufficient magnitude to effect a change in the current water body status.'*

*All foul effluent generated from the proposed development from the upper floors shall be collected in separate foul pipes and flow under gravity, via the new 225mm sewer, to the existing 225mm diameter foul sewer on Belgard Square East to the west of the site via a new connection.*

*The foul sewer eventually discharges to the Ringsend Waste Water Treatment Plant (WWTP) where it is treated and ultimately discharges into South Dublin Bay. The WWTP and pumping station operate under an EPA licence D0034 01. Once it is treated, it is discharged to the Liffey Estuary Lower. There is, therefore, also an indirect pathway from the*

*proposed development to the designated European sites at Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA).*

The results of the monitoring program and assessment 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. The current water body status has been considered within the EIA Screening (Section 4.2).

The current water body status has been considered in the examination of the likelihood of significant effects on water quality in the Dodder Sub Catchment and Dublin Bay having regard to potential direct and 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 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 prepared by CS Consulting (2022d). This Site-Specific FRA draws on, and is informed by studies undertaken by the OPW pursuant to the requirements of the Floods Directive, including:

- South Dublin Development Plan 2016-2022 (including Strategic Flood Risk Assessment)
- Greater Dublin regional Code of Practice for Works
- Office of Public Works Flood Maps
- Department of the Environment Flooding Guidelines
- Geological Survey of Ireland Maps
- Local Authority Drainage Records

The Site-Specific FRA considers that the proposed development is appropriate for the locations and therefore, further assessment and justification test is not required under The Planning System and Flood Risk Management Guidelines (OPW, 2009).

The results of the Site-Specific FRA have been considered with the EIA Screening Report 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 or COMAH Regulations, and the site is not located near any existing Seveso site.

The Irish Distillers Ltd site (Lower Tier Seveso site) at 7-9 Robinhood Road, Fox and Geese, Dublin 22 is the closest Seveso site to the proposed development located 3.9km north-northeast. As the consultation distance from the site is 300m, this will not form a constraint on the proposed development. The B.O.C. Gases site (Upper Tier Seveso site) is located 4.6km north-northeast from the proposed development site. This site has a consultation distance of 700m 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 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  $\text{NO}_2$  of 40  $\mu\text{g}/\text{m}^3$ . 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) this set 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-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 CS Consulting 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 Construction & Demolition Waste Management Plan (CS Consulting, 2022a) 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 Act 1996 (as amended)
- Waste Management (Collection Permit) Regulations 2007 (SI No. 820 of 2007) as amended
- Department of Environment, Heritage and Local Government, Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (2006)

The management practices set out in Section 7 of Construction & Demolition Waste Management Plan have been adopted within the EIA Screening Report (Section 5.9) 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 (Enviroguide, 2022a) and the site-specific Flood Risk Assessment (CS Consulting 2022d).

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 and European Sites.

The application is accompanied by a Statement of Consistency prepared by John Spain Associates, which demonstrates that the proposed development is broadly consistent with the South Dublin County Council Development Plan 2016-2022 and Draft South Dublin County Council Development Plan 2022-2028, which themselves are subject to SEA's. Overall, the proposed development is in line with the objectives of the development plan's and the land use zoning.



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

The EIA Screening Report notes that the *'proposed development due to its size and localised nature will not have any significant negative effect on wetlands, riparian areas, river mouths, coastal zones and the marine environment, mountain and forest areas, nature reserves and parks, or densely populated areas'*.

## 10.0 DIRECTIVE 2010/75/EU; INDUSTRIAL EMISSIONS DIRECTIVE

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

## 11.0 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.

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

## 12.0 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 to 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 document prepared by AWN Consulting 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 all of 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 AWN Consulting 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.

### 13.0 REFERENCES

Hydrological Risk Assessment. AWN Consulting. 2022.

Appropriate Assessment Screening Report, Enviroguide. May 2022a.

Construction and Demolition Waste Management Plan, CS Consulting Group, May 2022a.

Construction Environmental Management Plan, CS Consulting Group, May 2022b.

Ecological Impact Assessment Report, Enviroguide, May 2022b.

Engineering Services Report, CS Consulting Group, May 2022c.

Landscape Design and Access Statement, Park Hood Chartered Landscape Architects, October 2021.

Planning and Development Regulations, 2001 as amended.

Site Specific Flood Risk Assessment, CS Consulting Group, May 2022d.