



**Kelland Homes**

**EIA SCREENING & STATEMENT IN  
ACCORDANCE WITH ARTICLE  
299B(1)(B)(II)(II)(C) OF THE PLANNING AND  
DEVELOPMENT REGULATIONS 2001-2021**

Clonburris, K1, Dublin

604097 01 (03)

OCTOBER 2022

**RSK**



## RSK GENERAL NOTES

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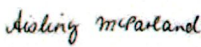

**Project No.:** 604097 01 (03)

**Title:** EIA Screening Report & Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021 – Clonburriss K1, Dublin

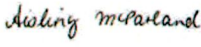
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Date: 14 June 2022

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Kelland Homes Ltd.

Proposed Strategic Housing Development, Northwood Crescent, Santry Demesne, Dublin 9  
604097 00 (00) EIA Screening Report & Section 299B(1)(b)(ii)(II)(C) Statement



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# 1 INTRODUCTION

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## 1.1 Background

- 1.1.1 This report has been prepared by RSK (Ireland) Limited (RSK) on behalf of Kelland Homes Ltd. in relation to the proposed development of 294 no. dwellings, crèche and retail / commercial unit at Clonburris, Dublin 22 (hereafter referred to as 'the proposed development').
- 1.1.2 This report includes an Environmental Impact Assessment (EIA) Screening Report and Statement in accordance with 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended
- 1.1.3 The objective of this report is to determine whether an Environmental Impact Assessment Report (EIAR) is required for the proposed development as set out in the mandatory and discretionary provision for the Planning and Development Act, 2001 as amended (the Act) and Schedule 5 of the Planning and Development Regulations, 2018 as amended (the Regulations), which has been prepared to provide supporting information to assist the competent authority, in this instance South Dublin County Council (SDCC), in determining whether an EIA is required for the proposed development.
- 1.1.4 The requirement for a 'sub-threshold' development to be subject to EIA is determined by the likelihood that the development would result in significant environmental effects which may arise due to location or characteristics of the development. Environmental Impact Assessment (EIA) is a process for identifying the likely significant consequences of a proposed development on the biological, physical and human environment prior to development consent being awarded.
- 1.1.5 The purpose of the 299B Statement is to accompany the Environmental Impact Assessment (EIA) Screening Report and provide the information required in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended) ("The Regulations").
- 1.1.6 This report is prepared with input from the design team to ensure that all potential effects as a result of the development have been considered within the EIA Screening process.

## 1.2 Requirement for Environmental Impact Assessment

- 1.2.1 Environmental Impact Assessment (EIA) is a process for identifying the likely significant consequences of a proposed development on the biological, physical and human environment prior to development consent being given.
- 1.2.2 The requirement for EIA arises under European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directive 97/11/EC, 2003/35/EC and 2009/31/EC (codified in Directive and replaced by Directive 2011/92/EU and most recently by Directive 2014/52/EU. This amended directive was transported into National planning law by the European (Planning Development) (Environmental Impact Assessment) Regulations (S.I. No. 296 of 2018).



- 1.2.3 The 2014 Directive has been transposed into Irish legislation through the Planning and Development (Amended) Act and Planning Development Regulations 2018.
- 1.2.4 The methodology employed in this screening exercise is in accordance with the EIA Guidance published in August 2018 by the Department of Housing, Planning and Local Government (DoHPLG) and the contents of Schedule 7 and 7a of the Planning and development Regulations 2018.
- 1.2.5 Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)

### **1.3 Purpose of This Report**

- 1.3.1 The objective of this Report is to determine if EIA is required for the Proposed Development by identifying and assess any potential for environmental impact as a result of the development and indicate how available results of relevant assessments of effects on the environment have been carried out pursuant to relevant European Legislation.

### **1.4 Structure of Report**

The Screening Report structure comprises:

- A description of the site context and proposed development, including a site location plan;
- EIA Screening Assessment;
- 299B Statements
- Completion of the assessment;
- Summary & Conclusions.



## 2 SITE CONTEXT & PROPOSED DEVELOPMENT

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### 2.1 Site Description

- 2.1.1 The proposed development at Clonburris (hereafter referred to as “the site”) is located c. 8.5km south west of Dublin city centre and comprises the land within the red-line boundary shown in Figure 1.
- 2.1.2 The site is situated within the Clonburris SDZ, west of the Lucan-Newlands Road, east of the R113 Fonthill Road North, south of the Clondalkin Fonthill Railway, and north of the Cappaghmore residential estate. The site itself was previously in use as agricultural pasture and comprises three small fields: two fields to the western half and a larger field to the east. Mature hedgerows separate the fields. A hard-standing area consisting of gravel and small stones is present to the north portion of eastern field below the railway.
- 2.1.3 The surrounding area includes a mixture of residential and commercial land uses to the east and south, and SDD land to the west.
- 2.1.4 Cappagh House ruins position in the south eastern corner of the site has a granted permission to be demolished (SDZ20A/0021) and therefore this is excluded from this report.

## 2.2 The Proposed Development

- 2.2.1 Kelland Homes Ltd seeks permission for development on a site area of 6.3Ha, on lands within the townland of Cappagh, Dublin 22. The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing carpark / park & ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road). The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within part of the development areas of Clonburris Urban Centre (i.e. CUC-S4) and Clonburris South East (i.e. CSE-S1 & CSE-S2), as identified in the Clonburris SDZ Planning Scheme 2019.
- 2.2.2 The proposed development consists of the construction of 294 no. dwellings, crèche and retail / commercial unit, comprised of:
- 118 no. 2, 3 & 4 bed, 2 storey semi-detached and terraced houses;
  - 104 no. 2 & 3 bed duplex units accommodated in 10 no. 3 storey buildings;
  - 72 no. 1 & 2 bedroom apartments in 2 no. 4 & 6 storey buildings;
  - 1 no. 2 storey creche (c.520.2m<sup>2</sup>);
  - 1 no. 2 storey retail /commercial unit (c.152.1m<sup>2</sup>).
- 2.2.3 Access to the development will be via the permitted road network (under Ref. SDZ20A/0021) which provides access from the Ninth Lock Road to the east and the R113 (Fonthill Road) to the west. The proposed development will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station permitted under SDZ21A/0006).
- 2.2.4 The proposed development also provides for all associated site development works above and below ground, public & communal open spaces, hard & soft landscaping and boundary treatments, surface car parking, bicycle parking, bin & bicycle storage, public lighting, plant (M&E), utility services & 4 no. ESB sub-stations.
- 2.2.5 This application is being made in accordance with the Clonburris Strategic Development Zone Planning Scheme 2019 and relates to a proposed development within the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.





### 3 LEGISLATION AND POLICY CONTEXT

- 3.1.1 The requirement for EIA arises under European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Directive 97/11/EC, 2003/35/EC and 2009/31/EC (codified in Directive and replaced by Directive 2011/92/EU and most recently by Directive 2014/52/EU. This amended directive was transposed into National planning law by the European (Planning Development) (Environmental Impact Assessment) Regulations (S.I. No. 296 of 2018).
- 3.1.2 The current requirements for EIA are outlined in Part X of the Planning and Development Act, 2000, as amended and Part 10 of the Planning and Development Regulations 2001, as amended. The prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5, Part 1 of the Planning and Development Regulations 2001, as amended. This Part identifies projects of a class that will always have the potential for significant environmental effects and therefore will always require an EIA. Part 2 of Schedule 5 identifies projects that may be likely to have significant effects and, therefore, thresholds or criteria have been set by member states to require an EIA.
- 3.1.3 To determine whether or not the proposed development constitutes development, which is subject to the requirement for EIA, due consideration should be afforded to whether the proposed development is a class set out in Annex I or II of the Directive. These have been broadly transposed into Schedule 5 (Part 1 and 2) of the Planning and Development Regulations 2001 (as amended) with national thresholds included for many of the Annex II classes. Should a project exceed these limits then it must automatically be subject to an EIA.
- 3.1.4 Should a project be of a type set out in Part 2 of Schedule 5, but it does not exceed a quantity, area or other threshold specified in that Schedule in respect of the relevant class of development, then this project should undergo a “sub threshold” EIA Screening to determine whether the proposed development would or would not be likely to have significant effects on the environment. Regard must be given to the project characteristics outlined in Annex III of the EIA Directive 2014/52/EU, as transposed in Ireland to Schedule 7 of the Planning and Development Regulations 2001, as amended, when carrying out this screening exercise.
- 3.1.5 In instances where an application for sub-threshold development is not supported by an EIAR, but where there is “significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development”, Article 299B(1)(b)(ii)(II) of the Planning Regulations requires that the Board must satisfy itself that the Applicant has provided the following:
- *the information specified in Schedule 7A,*
  - *any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and*
  - *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.*



- 3.1.6 In addition, Article 299B(1)(c) of the Planning Regulations indicates that: The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

## 3.2 Screening Consideration

- 3.2.1 The following classes of development are contained within Part 2 of the Planning and Development Regulations (as amended), have been considered:

There is no class set out under Part 1 of Schedule 5 in relation to the provision of a housing development. ***Under Part 2 of Schedule 5, in relation to infrastructure projects (10)(b)(i) identifies developments of more than 500 dwelling units (ii) construction of car parks providing more than 400 spaces and (iii) identifies urban development which would involve an area of greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district means district within a city or town in which the predominant land use is retail or commercial).***

- The proposed development is a sub-threshold development, as it comprises 294 no. Build-to-Rent residential apartment units, which is below the 500 dwelling threshold listed in paragraph (1)(b)(i) of Part 2 of Schedule 5 to the Planning Regulations.
- The site area is c. 6.3ha and is situated in a predominately residential setting, therefore significantly below the area threshold and "urban development" on lands comprising "other parts of a build-up area" other than a business district specified in class 10(b)(iv).
- Schedule 7 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended (the "2016" Act) sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment.

***Under Part 2 Class 15: Any project listed in this Part which does not exceed a quantity area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.***

It is established that the proposed development constitutes an Infrastructure project but does not exceed the specified thresholds set in in Class 10 (b) (iv). Therefore, in order to establish if the project is likely to have a significant effect on the environment and therefore meet the requirement of Class 15 a screening EIA is required.

The criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA are set on in Schedule 7 of the Planning and Development Regulations, 2001 (as amended).

Schedule 7 criteria to be reviewed are discussed in more detail, with reference to the proposed development, in the following subsections. The screening questions are based on the criteria listed under each grouped heading in Schedule 7. An evaluation of the Schedule 7 criteria reproduced below.



1. A description of the project, including in particular:

- A description of the physical characteristics of the whole project and, where relevant, of demolition works.
- A description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from:

- The expected residues and emissions and the production of waste, where relevant, and
- The use of natural resources, in particular soil, land, water and biodiversity.

4. Compilation of the above information taking into account criteria in Schedule 7 as appropriate.

3.2.2 Schedule 7, as referenced in Item 4 of Schedule 7A provides a further list of criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an environmental impact assessment. These can be grouped under broad headings and topics as set out below:

1. Characteristics of the Proposed Development.

- a. The size and design of the whole project;
- b. Cumulation with other existing and/or approved projects;
- c. The use of natural resources, in particular land, soil, water and biodiversity;
- d. The production of waste;
- e. Pollution and nuisances;
- f. The risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- g. The risks to human health (for example due to water contamination or air pollution).

2. Location of the Proposed Development.

- a. The environmental sensitivity of geographical areas likely to be affected by proposed development, with particular regard to:
- b. The existing and approved land use;
- c. The relative abundance, availability, quality, and regenerative capacity of natural resources (including soil, land, water, and biodiversity) in the area and its underground;
- d. The absorption capacity of the natural environment:
  - Wetlands, riparian areas, river mouth;



- *Coastal zones and the marine environment;*
- *Mountain and forest areas;*
- *Nature reserves and parks;*
- *Areas classified or protected under national legislation;*
- *Natura 2000 areas designated by member States pursuant to Directive 92/43/EEC and Directive 2009/147/etc;*
- *Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
- *Densely populated areas;*
- *Landscapes and sites of historical, cultural, or archaeological significance.*

### *3. Type and Characteristics of the Potential Impacts.*

*The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 above, with regard to the impact of the project on the factors specified in Article 3 (1), taking into account:*

- a. The magnitude and spatial extent of the impact (for example the geographical area and size of the population likely to be affected);*
- b. The nature of the impact;*
- c. The trans-boundary nature of the impact;*
- d. The intensity and complexity of the impact;*
- e. The probability of the impact; The expected onset, duration, frequency, and reversibility of the impact;*
- f. The cumulation of the impact with the impact of other existing and or approved projects; g. The possibility of effectively reducing the impact.*

- 3.2.3 In addition, Article 299B(1)(c) of the Planning Regulations indicates that: The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.
- 3.2.4 The information supplied by the Applicant in this statement is to allow the Board to carry out an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations. It is provided so that the Board may have regard to all of the matters prescribed at Article 299C(1)(a) of the Planning Regulations.
- 3.2.5 In particular, this statement is provided in accordance with sub-paragraph (C) of Article 299B(1)(b)(ii)(II), so that the Board may reference 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.



### **3.3 Screening Statement**

- 3.3.1 The screening assessment of the proposed development against Schedule 7 criteria is presented in Table 1 and an assessment of proposed development against potential impacts by EIAR Topic is outlined in Table 2 below.
- 3.3.2 Consideration has been given to the information available as required for the purpose of screening sub-thresholds. The sections below set out the screening determination (Table 3.1) take into account the preliminary reports and drawings prepared for this application.
- 3.3.3 The below assessment against the Schedule 7 screening criteria suggests that the proposed development would not meet the criteria for the requirement for EIAR. The criteria as set out in Schedule 7 have been incorporated into this EIA screening. This EIA Screening concludes, for reasons set out hereinafter, that the Proposed Development will not have significant effects on the environment as detailed in Sections 3.6 to 3.8, and accordingly a mandatory EIA is not required.



**Table 1: Assessment of proposed development against Schedule 7 screening criteria**

Schedule 7 screening criteria	Assessment of proposed development against these criteria
<p><b>1: Characteristics of the proposed development</b>  <i>The characteristics of development must be considered with particular regard to:</i></p>	
<p>- <i>The size and design of the whole development;</i></p>	<p>The proposal is for development on a site area of 6.3Ha, on lands within the town land of Cappagh, Dublin 22. The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing car park / park &amp; ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road). The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within part of the development areas of Clonburris Urban Centre (i.e.. CUC-S4) and Clonburris South East (i.e. CSE-S1 &amp; CSE-S2), as identified in the Clonburris SDZ Planning Scheme 2019.</p> <p>The proposed development consists of the construction of 294 no. dwellings, crèche and retail / commercial unit, comprised of:</p> <ul style="list-style-type: none"> <li>• 118 no. 2, 3 &amp; 4 bed, 2 storey semi-detached and terraced houses;</li> <li>• 104 no. 2 &amp; 3 bed duplex units accommodated in 10 no. 3 storey buildings;</li> <li>• 72 no. 1 &amp; 2 bedroom apartments in 2 no. 4 &amp; 6 storey buildings;</li> <li>• 1 no. 2 storey creche (c.520.2m<sup>2</sup>);</li> <li>• 1 no. 2 storey retail /commercial unit (c.152.1m<sup>2</sup>).</li> </ul> <p>Cappagh House ruins in the south eastern corner of the site has a granted permission to be demolished (SDZ20A/0021) and therefore has been this has been excluded from this report.</p>
<p>- <i>Cumulation with other existing development and/or approved development;</i></p>	<p>Other schemes in the surrounding area will have been subject to their own AA and EIA Screening and SEA exercises.</p> <p>There are 3 applications of relevance within the SDZ lands, these include:</p> <ol style="list-style-type: none"> <li>1. The permitted roads / infrastructure works (approved) Ref. SDZ20A/0021</li> <li>2. Cairn Homes current application – (not yet granted) Ref. SDZZ1A/0022.</li> <li>3. SDCCs Part 8 scheme in Kishogue</li> </ol> <p>The size and footprint of the proposed development is considered small and significantly below the threshold specified in class 10(b)(i), (iii) and (iv). It is situated within the Clonburris</p>



	<p>SDZ committed development, west of the Lucan-Newlands Road, east of the R113 Fonthill Road North, south of the Clondalkin Fonthill Railway, and north of the Cappaghmore residential estate within the Dublin metropolitan area.</p> <p>Given that no quantifiable impacts on the Natura sites are predicted from the proposed development, any addition to the cumulative impact will be negligible, and not likely significant effect on any Natura 2000 site, NHAs or pNHAs in consequence of adding the development to the other proposals.</p> <p>As a result it is not thought that the development either in isolation or in combination with other approved development would not result in significant effects to other scheme already committed.</p> <p>All other phases of the development of the SDZ lands will be post this current project and will have to comply with the SDZ planning scheme.</p>
<p>- <i>The use of natural resource, in particular, soil, water and biodiversity,</i></p>	<p><b>Soil</b></p> <p>It is anticipated that excavated soil will be reused or disposed of to a licensed facility.</p> <p>Where this material is removed off-site for reuse as a by-product (and not as a waste), it will be done in accordance with Article 27 of the European Communities (Waste Directive) Regulations 2011. Any material that does not meet the Article 27 requirements will be disposed to a licensed facility.</p> <p><b>Water</b></p> <p>According to Chapters 8 and 11 of the EAIR done for the infrastructure to be put in place across Clonburris SDZ and which has been granted planning permission, the surface water on Site drains to the south-east to existing stormwater networks on Ninth Lock Road. The drainage run continues south on Ninth Lock Road where it splits into parallel runs along Station Road which later merge and discharge to an open watercourse within the industrial estate. The watercourse discharges into the Camac River which joins the River Liffey ca. 8.1 km downstream before entering Dublin Bay another ~7.6 km further downstream.</p> <p>An overflow channel runs beside the Grand Canal to the south of the Site. Surface water from the Site does not however appear to drain into this channel, though some mixing may occur during flood events.</p> <p>The foul water drainage network which is to service the Site is to pass through a pumping station that is to be built along the R112 Fonthill Road and from there to connect through a</p>



rising main to the existing 9B sewer trunk connection. Foul water will be treated at Ringsend WwTP, which discharges into Dublin Bay.

Water quality for the area was classed as 'good' for the Grand Canal main line during the 2013-2018 WFD assessment. The Camac River, into which the surface water of the Site discharges, was classed as 'poor'.  
Cappaghmore development located to the southern boundary of the proposed development which provides a buffer to the Grand Canal pNHA which runs c. 140 m to the south west of the Site's red line boundary, which provides a sufficiently large buffer to prevent pollution from the construction site under normal circumstances. However, it appears from available flood information (last accessed at [www.floodinfo.ie](http://www.floodinfo.ie) on 02/05/2022) that there have been recurring flood events at the site of proposed development. Such flooding poses a risk particularly if large amounts of construction materials or waste are being stored on site. These could be washed into the channel together with pollutants from other areas along the canal. As the Grand Canal joins Dublin Bay, there may even be some effects on the qualifying interests of North and South Dublin Bay SACs, if the events are large and frequent enough.

The proposed development will provide significant and integrated SUDS infrastructure, including a high amenity retention pond/lake. It will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station granted under SDZ21A/0006).

#### *Biodiversity*

Ecological surveys were previously done by Scott Cawley as part of an Environmental Assessment Impact Report (EAIR) for Clonburris Strategic Development Zone (SDZ), a site of ca. 280 ha located in west Dublin. Blackstaff Ecology were commissioned to conduct further surveys towards the completion of an Ecological Impact Assessment (EclA) for a site for proposed development measuring ca. 7.2 ha at the eastern end of the SDZ between the R113 and the Ninth Lock Road, in proximity to Clondalkin Fonthill train station. This included confirmation of the Fossitt habitat types, an invasive non-native species (INNS) survey, a





badger survey, an assessment of habitats suitable for breeding birds and amphibians and a bat roost potential assessment of the trees and buildings on the site. These surveys were conducted by Blackstaff Ecology on 8th and 13th April 2022. The findings are included in this EoIA.

The Fossitt habitats on site were mapped and consist of hedgerows (WL1), dry meadow and grassy verges (GS2), stone walls (BL1), recolonising bare ground (ED3), earth bank (BL2), spoil and bare ground (ED2), recently felled woodland (WS5) and drainage ditches (FW4). No habitats listed in Annex I of the Habitats Directive were identified on site. No protected flora was identified on site. Species of note include a sizeable population of cowslips and a small population of primroses. Several lengths of hedgerow had been recently cleared and certain other parts of hedgerow had been severely cut back. An area of woodland had been recently cleared around an old ruin and areas of scrub removed.

No regulated INNS were found to be present within the survey area. However, four moderate to high impact invasive species were found to be present on the site – cherry laurel, butterfly bush, snowberry and piri-piri burr.

Further surveys for bats, newts, breeding birds and barn owl are recommended prior to commencement of further works. A programme on monitoring is ongoing and the results are not yet available at the time of writing this report.

An assessment was done of key ecological receptors on the Site and the likely impact of the proposed development, and it was found that the proposed mitigation measures cannot fully prevent residual adverse impacts. A number of compensation measures are proposed, including the erection of bat and bird boxes, the set aside of an area of land to be managed for wildlife and the compensatory planting of native hedgerows and trees, compensation or enhancement in combination through the planned SuDS design, is encouraged. No residual adverse effects are deemed likely on any designated sites after mitigation.

#### AA Screening

There are no designated areas in the Site itself nor in the immediate area around the Site. However, the Site is part of a watershed area that feeds into several Natura 2000 sites.

It can be concluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have no likely significant effect on any European site. Consequently, it is concluded that Stage 2 Appropriate Assessment is not required.

The screening assessment has taken no account of the fact that the construction site will operate under standard pollution prevention and control measures set out in a construction



<p>- <i>The production of waste,</i></p>	<p>environmental management plan (CEMP), or that the project design will incorporate various mitigatory features through SuDS design etc.,</p> <p><i>Construction and Demolition Waste Management Plan (C&amp;DWMP)</i></p> <p>A C&amp;DWMP has been prepared to ensure that waste arisings during the construction phase of the project will be managed and disposed of in an appropriate way and compliant with current legal land industry standards.</p> <p>During the construction phase there will be a surplus of materials, such as off-cuts from timber, concrete blocks, tiles and bricks. Waste from packaging and oversupply of materials will also be generated. The contractor(s) will be required to ensure that oversupply of materials is kept to a minimum and opportunities for reuse of suitable materials is maximized.</p> <p>It is expected that the majority of the surplus soil waste generated from the excavation works will be clean, inert material and should be re-used, recycled, or sent for recovery if possible. It is unlikely soil will be reused on site as there are minimal locations where it would be beneficial and there will be a large amount removed from site for the basement structure.</p> <p>Soil investigations are set to be carried out prior to the excavation works to determine the classification of the soil to be excavated in accordance with the European Communities (EC) Council Decision 2003/33/EC 11 which establishes the criteria for disposal of waste at landfill. It is recommended that soil samples are taken during the site investigations for analysis against Waste Acceptance Criteria (WAC).</p> <p>Where this material is removed off-site for reuse as a by-product (and not as a waste), it will be done in accordance with Article 27 of the European Communities (Waste Directive) Regulations 2011. Article 27 requires that certain conditions are met and that by-product decisions are made to the EPA via their online notification form.</p> <p>All waste arisings will be handled by an approved waste contractor holding a current waste collection permit. All waste arisings requiring disposal off-site will be disposed of at a facility holding the appropriate COR, licence or permit, as required.</p> <p><i>Operational Waste Management Plan (OWMP)</i></p> <p>An OWMP has been prepared to provide an assessment of the impacts arising from the generation of waste materials during the operational phase of the proposed development.</p> <p>The operational phase of the project will result in long-term waste generation. The OWMP outlines a management strategy to ensure that there are no significant impacts from the waste generated. Factors such as correct waste storage and segregation, the use of permitted waste contractors and authorised facilities will give rise to appropriate management</p>
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	<p>of waste and environmental impacts. The potential impact of operational waste generation from the development is expected to be negative, long term and not significant.</p> <p>The implementation of the mitigation measures outlined in the waste management plan will ensure that a high rate of reuse, recovery and recycling is achieved throughout the entire development.</p> <p>Waste generated on site will be managed in an appropriate manner and in a sustainable way. The principles of the waste hierarchy will be complied with to ensure the environmental risks are minimised and the policies of SDCC are adhered to. Given that the proposed development will be residential housing; bin storage requirements for non-recyclable waste, organic and dry recyclables will be efficiently met by external storage arrangements.</p> <p>In addition, the final design of the residential element of the development will comply with SDCC /BS 5906 guidance requiring adequate access for refuse vehicles and refuse collectors. The residential properties will, as a minimum, incorporate adequately sized internal and external waste and recycling storage areas for dry recyclable, non-recyclable, organic and glass waste containers. The Waste Management Plan is an outline strategy only at this stage of the development. As each phase of the development progresses, the Waste Management Plans can be developed and/or amended as necessary.</p>
<p>- <i>Pollution and nuisances</i></p>	<p>The only potential sources of pollution from the proposed development will be short term disturbance to local receptors emissions to air, water and noise during the construction phase but are not considered unusual for a development of this nature and scale and the site is zoned for this type of development. A Construction and Demolition Management Plan will ensure that construction activities are properly controlled and mitigated.</p> <p><i>Air &amp; Noise</i></p> <p>Noise emissions during construction to adhere to relevant standards. There will be no significant noise sources during operational stage.</p> <p>The building will be designed to ensure appropriate insulation and glazing treatment to mitigate any noise impact from the adjacent road and railway.</p> <p><i>Water</i></p> <p>Under the proposal all surface water will be attenuated on-site to a previously agreed 3.1l/s/ha, which formed part of the granted planning application, SDZ20A/0021 (Clonburris Infrastructure Ltd.) and these attenuation features, as granted, will be constructed by others. The surface water ultimately outfalls to the Camac River.</p> <p>The foul sewer will drain into a new on-site pumping station. The pumping station which is to be constructed by others and forms part of the granted permission SDZ21A/0006 (Irish</p>



<p>- <i>The risk of major accidents and/or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge,</i></p>	<p>Water), is located adjacent to the Fonthill Road to the south west of the proposed development of on SDCC land.</p> <p>The rising main from the pumping station, will also be constructed by others, runs in a northerly direction and crosses below the railway line, to the east of the Clondalkin / Fonthill station, prior to connecting into the 1050mm Ø trunk sewer (9B Sewer). The 9B sewer ultimately connects into the Ringsend WWTP.</p> <p>The proposed construction works does not have an elevated risk of accidents or emergencies. It will employ best practice methodologies and be subject to the contractor's safety statements and risk assessments. The project works will be designed, built and operate in line with best practice and as such major accidents will be unlikely.</p> <p>The subject site is not located within or adjacent to a flood risk area therefore risk of flooding is unlikely.</p> <p>A Traffic Management Plan is to be developed by the successful contractor prior to commencement of the works and submitted to SDCC for approval.</p> <p>The risks associated with the safe management of construction work would be managed in accordance with standard construction techniques and comply with the current Construction, Design, Management (CDM) Regulations. An Emergency Response Procedure would be prepared to detail the protocol to be followed in the case of an incident to avoid the spread of contamination.</p> <p>Irish Distillers Ltd, classed as a Lower-Tier COMAH industry is situated at Robinhood Road, Fox &amp; Geese, Clondalkin, Dublin 22, c. 5.5 km south east of the proposed development.</p> <p>Emergency responses to potential contamination incidents will be established and form part of the CEMP before construction works initiate.</p>
<p>- <i>The risks to human health (for example due to water contamination or air pollution).</i></p>	<p>Temporary negative impacts to human health can occur during the construction phase due to impacts on air quality, noise, dust visual and traffic. However, these will be appropriately mitigated, short term in nature and not considered to be significant.</p> <p>Best construction site practices will be adhered to and agreed Construction and Demolition Management Plan will ensure that construction activities are property controlled and mitigated.</p> <p>Risk to human health from contaminated soil, water, dust and noise are unlikely during operational phase.</p>
<p><b>2: Location of the proposed development</b></p>	<p>The proposed development measuring ca. 6.3 ha is located at the eastern end of the SDZ between the R113 (Fonthill Road) to the west and the Ninth Lock Road to the east. The Clondalkin Fonthill railway line bounds the site to the north and the train station occupies and</p>



<p><i>The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regards to-</i></p> <ul style="list-style-type: none"><li>- <i>The existing and approved landuse,</i></li></ul>	<p>area adjacent to the north western boundary. The majority of the site is undeveloped with the ruin of Cappagh House situated to the south eastern portion of the development site. Planning permission has been granted to demolish this building under (SDZ20A/0021) and therefore has been this has been excluded from this report.</p> <p>The surrounding area includes a mixture of main roads, traditional outer-city residential areas. The south and east of the development the site is adjoined by similar residential properties. The area beyond the R113 adjacent the site to the west is within SDZ lands. Residential and commercial land uses occupy the east and south of the site.</p>
<ul style="list-style-type: none"><li>- <i>The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground</i></li></ul>	<p>The proposed development is part of the Clonburris Strategic Development Zone Planning Scheme developed by South Dublin County Council. The 6.3 ha site is to contain a housing estate with 294 residential units. Its proximity to the Grand Canal pNHA and the undeveloped lands of the SDZ which extends to the west across the R113 should be considered when assessing the ecological impacts of the project. Undeveloped lands are becoming increasingly scarce in the greater Dublin area as the city expands and regional policies must ensure that there is no overall loss of biodiversity.</p> <p>No residual effects are envisaged on any EU designated sites; the closest that has a pathway of connection to the proposed development is 10.5 km away. The hydrological connection of the Site to Dublin Bay is weak and the proposed development is unlikely to have any effect on its water quality. However, bird species from coastal SPAs spend time foraging inland and they utilize the open fields that are subject to regular flooding in winter</p> <p>The Site is poorly connected with the wider landscape but does contain a number of internally connecting hedgerows and there is access to the Canal to the south. This means the Site provides good foraging ground but is unlikely to be used extensively by larger mammals such as badger. It provides nesting and foraging habitat to a range of bird species. A feature of the Site is an old stone building which provides nesting space for birds and potentially roosting space for bats and barn owl (this will be dealt with correctly and demolished under the SDZ20/021). There are a number of non-regulated invasive plant species present on the Site, removal of which could be considered a Site enhancement. A number of pools of standing water in ditches form potential habitat for amphibians.</p> <p>After assessment of the key ecological receptors on the Site and the likely impact of the proposed development, it was found that the proposed mitigation measures cannot fully prevent residual adverse impacts. A number of compensation measures are proposed, including the erection of bat and bird boxes, the set aside of an area of land to be managed for wildlife and the compensatory planting of native hedgerows and trees. The creation of</p>

<p>- <i>The absorption capacity of the natural environment, paying particular attention to the following areas:</i></p> <ul style="list-style-type: none"> <li><i>i. Wetland, riparian areas, river mouths;</i></li> <li><i>ii. Coastal zones and the marine environment;</i></li> <li><i>iii. Mountain and forest areas;</i></li> <li><i>iv. Nature reserves and parks;</i></li> <li><i>v. European sites and other areas classified or protected under national legislation;</i></li> <li><i>vi. Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which there is such a failure.</i></li> <li><i>vii. Densely populated areas;</i></li> <li><i>viii. Landscapes and sites of historical, culture or archaeological significance</i></li> </ul>	<p>habitat suitable for amphibians can be done as a compensation or enhancement through the planned SuDS design.</p> <p>Further surveys for bats, newts, breeding birds and barn owl are recommended prior to commencement of further works. These will inform the need for certain compensatory measures. Monitoring surveys are recommended after construction to assess the effectiveness of certain measures.</p> <p>The provision of native planting and use of nature based SuDs, tree pits and swales will be positive for the biodiversity of the area.</p>
	<p><i>Habitat</i></p> <p>The site is not located within a wetland, river mouth, coastal zone, marine environment, mountain, forest, nature reserve.</p> <p>The site is not within, adjacent to, or near any Natura 2000 sites, so there is no risk of loss, fragmentation, direct damage or direct disturbance to qualifying habitat types within any Natura 2000 sites, nor to any qualifying species populations.</p> <p>The Appropriate Assessment Screening prepared by RSK concludes that the proposed developments will have no likely significant effect on any European site.</p> <p>All potential significant effects were ruled out based on either a lack of connection, the small magnitude or low likelihood of effects based primarily on the substantial distances separating the source and receptor. It is therefore advised that the Appropriate Assessment process need not proceed any further and can be concluded with this Stage One screening report.</p> <p>Further surveys for bats, newts, breeding birds and barn owl are recommended in the EciA prior to commencement of further works. These are in progress at that the time of writing this report and therefore the findings are not yet available. an assessment was done of key ecological receptors on the site and the likely impact of the proposed development, and it was found that the proposed mitigation measures cannot fully prevent residual adverse impacts.</p> <p>A number of compensation measures are proposed, including the erection of bat and bird boxes, the set aside of an area of land to be managed for wildlife and the compensatory planting of native hedgerows and trees. The creation of habitat suitable for amphibians can be done as a compensation or enhancement through the planned SuDS design.</p> <p>No residual adverse effects are deemed likely on any designated sites after mitigation.</p> <p>The site is not directly connected to the receiving surface water network. The site is likely connected to the receiving surface water network via the storm water sewer network in the</p>



area, the site is not situated within, adjacent to or immediately upgradient of any designated area.

#### *Archaeology*

Archaeological testing was carried out over the course of one day on 22 March 2021. This program of archaeological testing focused on a smaller development area which will represent the first phase of a future planning application. One trench, trench 7 was not excavated as it was within the exclusion zone of an ESB Powerline crossed the site. Archaeological testing revealed no features or deposits of archaeological significance.

Archaeological testing was carried out over the course of one day on 22 March 2021 using a mechanical excavator fitted with a flat grading bucket. A total of 6 trenches (426 linear metres) were excavated which targeted the remaining greenfield areas that were not subject to an earlier program of archaeological testing (that was applied to a larger development zone). This program of archaeological testing focused on a smaller development area which will represent the first phase of a future planning application. One trench, trench 7 was not excavated as it was within the exclusion zone of an ESB Powerline crossed the site. Archaeological testing revealed no features or deposits of archaeological significance. This current program of archaeological testing follows a previous programme of archaeological testing and metal detection which was carried out by John O'Neill of IAC Archaeology under licences 20E0390 and 20R0168. The 2020 testing program covered a much larger greenfield area but was focused along the route of the proposed roads infrastructure within the proposed wider development (O'Neill, 2020). This initial program identified three archaeological areas, one of which, AA3, is situated within the smaller area of this current proposed development area (Figure 3). AA3 consists of a single large pit identified in Trench 68 which contains charcoal and may represent a charcoal production pit. A similar charcoal production pit was also identified in AA2, located c. 290m to the west. AA1, located c. 325m to the west, is comprised of three undated pits with evidence of burning. It is recommended that the feature identified as AA3 in 2020 testing (Licence Ref 20E0390) be preserved by record by means of archaeological excavation under licence to the NMS. An area measuring 10m x 10m should be opened around the potential charcoal production pit feature that was identified in order to facilitate its preservation by record.

There are no archaeological sites within the area of this phase of the development; however, there are three recorded monuments within 500m. These consist of an unclassified castle and three/four 16th/17th century cottages (DU017-032001-002) located c. 320m to the north in the grounds of the former Neillstown House, and a cropmark of an enclosure (DU017-036) located c. 400m to the west. Within the larger zoned area of the Clonburris SDZ, a third recorded monument; an enclosure DU017-035 is located c. 730m to the west-southwest of



	<p>this development site. John O'Neill notes in his report for 20E0390, that there is potentially a fourth archaeological feature within the Clonburris SDZ area to the south-eastern section of the SDZ, adjacent to the canal. This is only visible as a cropmark on the 2008 Google Earth Imagery and consists of a possible double ditched enclosure, with a diameter of c. 28m. Permission for the demolition of Cappagh House granted under SDZ20A/002 and not dealt with under this application.</p>
<p><b>3: Type and characteristics of the potential impact</b>  <i>The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in paragraph (b) (i) to (v), of the definition of 'environmental impact assessment report' taking into account –</i></p> <ul style="list-style-type: none"> <li>- <i>The magnitude and spatial extent of the impact (for example geographical area and the size of the population likely to be affected);</i></li> <li>- <i>The nature of the impact;</i></li> <li>- <i>The transboundary nature of the impact</i></li> <li>- <i>The intensity and complexity of the impact;</i></li> <li>- <i>The probability of the impact;</i></li> <li>- <i>The expected onset, duration, frequency and reversibility of the impact;</i></li> <li>- <i>The cumulation of the impact with the impact of other existing and/or approved development;</i></li> </ul>	<p>No significant effects have been identified in the above sections of this screening report. During the construction phase there will be limited short term local effects but these will not be significant or permanent. The Construction Management Plan will include a range of measures including that for, transport, waste, landscape / visual, dust and noise / acoustics.</p>
	<p>The minor impacts (noise, dust and traffic) associated with the construction phase will be temporary and will have no residual impacts. There are no significant negative impacts considered likely to occur during the operation phase of the development.</p>
	<p>There are no transboundary impacts associated with the construction of operation of the proposed development as impacts are likely to be localised.</p>
	<p>The proposed development is not of any significant complexity that would be likely to cause significant effects on the environment.</p>
	<p>There is a probability for minor impact noise pollution during the construction phase of the development. Although given that the proposed development site is within the exiting urban area and is consistent with the land use pattern in the general area it is not expected this will be significant. Also working hours will comply with those set by planning conditions.</p>
	<p>The works will be over a period of approximately 36 months. The project will have long-term positive impact on human beings with regard to the provision of additional housing stock in the area.</p>
	<p>Clonburris Strategic Development Zone falls under South Dublin County Council and development for the zone was planned for in the South Dublin County Council Development</p>





Plans 2010-2016 and 2016-2022. The population at the time of the last census in 2016 was 278,767. Population growth is projected to continue to rise to 325,285 in 2028, as stated in the draft South Dublin County Council Development Plan 2022-2028. South Dublin County Council have published a Planning Scheme specifically for Clonburris SDZ (2019) which aims to deliver 9,416 homes for 23,000 people, with 8 schools, 22,520 m<sup>2</sup> of retail floorspace, 12.5 km of cycle paths and walkways while maintaining 90 ha of parks and open space.

There are three (3) permitted or pending developments within the vicinity of the proposed development and within the SDZ lands considered at the time of writing this report.

1. The infrastructural & road works permitted under Ref. SDZ20A/0021 and
2. Cairn's current application (not yet granted) Ref. SDZ21A/0022 to the east of the proposed development that includes the construction of 569 dwellings, a creche, innovation hub and open space in the Clonburris South West Development Area of the Clonburris SDZ Planning Scheme 2019.
3. SDCCs Part 8 scheme in Kishogue

All other phases of the development of the SDZ lands will be post construction of the proposed and will have undergone their own EIA Screening.

Applications above have not yet commenced construction. Where developments will involve removal of hedgerows and treelines, compensatory habitat will be provided, so there is no risk of in-combination effects on these habitats. Both projects include measures for the protection of nesting birds and protected mammals, so there is no risk of in-combination effects on either taxon. Therefore, there is no risk of in-combination effects on any ecological features. Therefore, other projects overlapping with the proposed developed are not considered likely.

Appropriate mitigation measures based on standard best practice policies and guidance will be implemented during the construction phase in order to avoid any significant effects on the environment.

- *The possibility of effectively reducing the impact.*

**Table 2: Assessment of proposed development against potential impacts by EIA Topic**

EIA Topic	Comment on Potential Impacts
Population & Human Health	There may be short-term nuisance to neighbouring properties from noise and dust during the construction phase of the development. Standard best practice construction methodologies will be adopted at all times and mitigation in accordance with an agreed Construction



	<p>Environmental Management Plan (CEMP). Any potential impacts during the construction phase are not considered to be significant.</p> <p>Noise impact on the residents from the railway and roads adjacent will be considered in the design and layout of the residential units.</p> <p>Inward noise impacts can be addressed by way of detailed design of building insulation and glazing treatments. Existing trees along road boundary also provide some screening properties. The construction stage will be subject of mitigation measures and controls to protect amenity of surrounding area.</p>
<p>Biodiversity / Species and Habitat</p>	<p>An Appropriate Assessment Screening Report and Ecological Impact Assessment (EciA) have been prepared by RSK concluded that the proposed development, individually or in combination with other plans or projects, is not likely to have a significant effect on any European designated site in view of the site's conservation objectives. An appropriate assessment is, therefore, not required.</p> <p>An assessment was done of key ecological receptors on the Site and the likely impact of the proposed development, and it was found that the proposed mitigation measures cannot fully prevent residual adverse impacts. A number of compensation measures are proposed, including the erection of bat and bird boxes, the set aside of an area of land to be managed for wildlife and the compensatory planting of native hedgerows and trees. The creation of habitat suitable for amphibians can be done as a compensation or enhancement through the planned SuDS design.</p> <p>No residual adverse effects are deemed likely on any designated sites after mitigation.</p>
<p>Land &amp; Soils</p>	<p>No significant impact is anticipated.</p> <p>The subject site is on SDZ land and adjacent already urban setting. The construction or operation of the development would not use such a quality of water or soil to result in significant effects on the environment.</p> <p>Where this material is removed off-site for reuse as a by-product (and not as a waste), it will be done in accordance with Article 27 of the European Communities (Waste Directive) Regulations 2011.</p> <p>The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the immediate attention of the Principal Contractor and where necessary the appropriate statutory authority and works in connection with the unsuspected contamination shall cease until such time as a remediation scheme has been submitted to and approved in writing. The agreed remediation measures shall then be implemented in their entirety and appropriately verified in accordance with the planning consent for the site.</p>



<p>Water</p>	<p>The surface water on Site drains to the south-east to existing stormwater networks on Ninth Lock Road. The drainage run continues south on Ninth Lock Road where it splits into parallel runs along Station Road which later merge and discharge to an open watercourse within the industrial estate. The watercourse discharges into the Camac River which joins the River Liffey ca. 8.1 km downstream before entering Dublin Bay another ~7.6 km further downstream.</p> <p>An overflow channel runs beside the Grand Canal to the south of the Site. Surface water from the Site does not however appear to drain into this channel, though some mixing may occur during flood events.</p> <p>The proposed development will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station granted under SDZ21A/0006).</p> <p>Drainage layout and specification details and construction methodologies will be included in the development CEMP and SWMP and subject to review and approval relevant authorities (Irish Water, Local Authority) prior to construction commencing.</p>
<p>Air &amp; Climate</p>	<p>There is no significant impact to air quality and climate envisaged from the development other than short term impact in relation to dust and during the construction phase. This however will be short term in duration and limited to the works area.</p> <p>Standard mitigation will be employed as part of the CEMP and Construction and Demolition Waste Management Plan to minimise the dust arising from construction activities.</p>
<p>Noise &amp; Vibration</p>	<p>There are no significant impacts anticipated other than noise arising for construction and operational traffic associated with the development. Mitigation measures included in the CEMP and Construction and Demolition Waste Management Plan will manage the noise and vibration impact on the surrounding residential areas as required.</p>



<p>Material Assets: Built environment &amp; transportation</p>	<p>Measures will be implemented to address the procurement of materials, the environmental impact of materials and the sourcing of materials.</p> <p>The proposed development will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station granted under SDZ21A/0006).</p> <p>During the construction phase appropriate traffic management and signage will be in place to ensure safe access and egress from the site and the safety of other road users.</p>
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## 4 STATEMENT ON THE RESULT OF OTHER ENVIRONMENTAL ASSESSMENTS

### 4.1 EU Legislation

As per Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations the following sections detail EU Legislation governing environmental and project planning.

It summarises the outcomes of individual assessments prepared for the proposed scheme and measures being implemented in compliance with relevant European Union Legislation other than the Environmental Impact Assessment Directive (Directive 2014/52/EU).

#### 4.1.1 Directive 92/43/EEC, the Habitats Directive

<b>Directive:</b>
Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
<b>Summary of Relevance:</b>
<p>The European Council (EC) Directive on the conservation of natural habitats and of wild fauna and flora 1992 (the "Habitats Directive") along with the Birds Directives (Directive 2009/147/EC), aim to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the EU Members States. It requires member states to designate areas of their territory containing a representative sample of important habitats and species.</p> <p>Special Areas of Conservation (SAC) are designated under the Conservation of Natural Habitats and of Wild Fauna and Flora Directive 92/43/EEC (Habitats Directive) which is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 to 2015.</p> <p>Special Protection Areas (SPA) are legislated for under the Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds). Collectively, SACs and SPAs are referred to as Natura 2000 network, supporting species and/or habitats that should be maintained or restored at favourable conservation status according to the terms of the Directives.</p> <p>Article 6(3) and (4) of the Directive require that an 'Appropriate Assessment' be carried out for these sites where projects, plans or proposals are likely to have an effect on a designated sites conservation objectives. Sites designated under the Ramsar Convention (Ramsar sites) are afforded the same consideration.</p> <p>The requirements of Articles 6(3) and 6(4) of the Habitats Directive have been transposed into Irish legislation by means of the Habitats Regulations, 1997 (S.I. No. 94 of 1997) and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 / 2011).</p>



**Assessments carried out as part of this SHD Planning Application:**

RSK (Ireland) Limited, AA Screening Report, March 2022  
RSK (Ireland) Limited, Ecological Impact Assessment, March 2022  
RSK (Ireland) Limited, Bat Report 2022, Ongoing  
RSK (Ireland) Limited, Breeding Bird Report 2022, Ongoing  
Arborist Associates Limited, Arboricultural Assessment, April 2022  
Ronan Mac Diarmada & Associates, Landscape Rational, November 2020

**Statement:**

*AA screening*

It is concluded that the proposed development, individually or in-combination with other plans or projects, is not likely to have a significant effect on any European designated site in view of the site's conservation objectives. An appropriate assessment is, therefore, not required.

The site is not located within or adjacent to any Natura 2000 sites, so there is no risk of habitat loss, fragmentation or any other direct impacts.

It is concluded that the master plan will not lead to direct or indirect impacts on any Natura 2000 sites, either alone or in combination with other plans or projects, so progression to a stage 2 Appropriate Assessment is not required.

The Appropriate Assessment Screening Report concluded that, there will be no possibility of significant effects on any of the qualifying interests of the identified Natura 2000 Sites.

*Ecological Impact Assessment*

For the majority of the site features, the zone of influence was set to include the areas within the red line boundary, and up to 1 km from this boundary, which includes a segment of the Grand Canal pNHA. Using the AA Screening Report as a reference, the second zone of influence for this project was determined to include Dublin Bay North SAC and pNHA, Dublin Bay South SAC and pNHA, South Dublin Bay and River Tolka Estuary SPA and out to Howth Head SAC, SPA and pNHA, Dalkey Island SPA and Dalkey Coastal Zone and Killiney Hill pNHA. The zone of influence for this project therefore extends ca. 24 km.

It is concluded that the proposed development, individually or in-combination with other plans or projects, is not likely to have a significant effect on any European designated sites in view of the site's conservation objectives.

No evidence of smooth newt was found on site and there was no suitable habitat present within the development area. Therefore, smooth newts are not considered to be a constraint to the proposed development.

No evidence of the common lizard was found on site. Therefore, common lizard are not considered to be a constraint to the proposed development.

All areas of trees and scrub are considered optimal locations for breeding birds. A dedicated survey for breeding birds is underway.

A programme of bat monitoring surveys is in progress.

No signs of badger were found within the development site, or within a 25m radius of the site.

#### *Landscape*

Ronan Mac Diarmada & Associates have completed a Landscape Rational which accompanies this submission. As detailed in the report, the follow will apply:

Proposed new integrated SUDS using the landscape network.

The creation of Habitat spaces along the retained hedgerows for birds, insects, badgers & bats is a vital element to the Green Infrastructure. These areas will not be mown or sprayed so that wildlife can thrive uninterrupted by humans and create a stronger biodiversity within the development.

Retention and enhancement of biodiversity ensures that the natural, cultural, and health requirements of communities are integrated into, and not compromised by, the new development.

- Where possible, existing natural and landscape heritage elements to be protected while enhancing biodiversity – key hedgerows and field drainage features.
- Cycle paths are an integral part of the development connectivity, increasing movement within the site and creating connection points to surrounding opportunities.
- This green infrastructure strategy follows an overarching strategy of protecting, creating, enhancing, and connecting the natural heritage and biodiversity value of the lands.
- The provision of c. 387 trees, along with shrub, wildflower, and bulb planting, thread through and surround the built environment and connect to one another, maximising the environmental benefits and habitat creation.
- Planting species and sizes were selected for their visual interest, robust and hardiness, habitat, and quality they will bring to spaces.
- Natural playgrounds stimulate a child's imagination and creativity, and integrate into level changes and the natural environment.

On this basis, it is anticipated that the presence of a sensitively designed, high-quality, mixed-use development in combination with the landscape proposals within and around the boundaries of the scheme, will reduce the visual impacts to slight and positive in the long term once all landscape works have been implemented and trees and planting have established.



#### 4.1.2 Directive 2007/60/EC, The Floods Directive

<b>Directive:</b>
Directive 2007/60/EC, the Floods Directive
<b>Summary of Relevance:</b>
<p>The Directive was transported into Irish legislation by the European Communities (Assessment and Management of Flood Risk) Regulations 2010.</p> <p>The Floods Directive requires Member States to assess if all watercourses and coastlines 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 by collecting historical data and defining the physical and natural environment.</p> <p>The Directive also reinforces the rights of the public to access this information and to participate in the planning process.</p>
<b>Assessments carried out as part of this Planning Application:</b>
No reports have been prepared.
<b>Statement:</b>
<p>The proposed development will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station granted under SDZ21A/0006).</p>

#### 4.1.3 Directive 2002/49/EC, the Environmental Noise Directive

<b>Directive:</b>
Directive 2002/49/EC, the Environmental Noise Directive
<b>Summary of Relevance:</b>
<p>The Environmental Noise Directive relates to the assessment and management of environmental noise. The Directive has been transposed into Irish law through the Environmental Noise Regulations 2006, as amended, which came into effect on 3rd April 2006.</p>



The Regulations apply to environmental noise to which people are exposed, in particular in built up areas, in public parks or other quiet areas in an agglomeration, near hospitals and schools, in quiet areas in open country, and near other noise-sensitive areas and buildings. They are intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.

The following key areas of focus for this Directive are set out below:

- The determination of exposure to environmental noise;
- Ensuring that information on environmental noise and its effects is made available to the public;
- Preventing and reducing environmental noise where necessary and
- Preserving environmental noise quality where it is good.

**Assessments carried out as part of this SHD Planning Application:**

No reports have been prepared.

**Statement:**

During the construction phase of the project there will be some negative impact on nearby noise sensitive locations due to noise/vibration emissions from construction activity. The implementation of suitable control measures will ensure that the impact is minimised. The residual impact from construction noise/vibration is Negative, Moderate and Short-Term.

Operational phase outward noise impacts will typically consist of:

- noise from new building services plant;
- increased noise due to additional vehicular traffic on public roads, and;
- car parking on site.

The implementation of suitable control measures will ensure that the impact is minimised. The anticipated residual impact from the operational phase of the development is Slight, Negative and Permanent.

4.1.4 Directive (2000/14/EC) noise emissions in the environment by equipment used outdoors

**Directive:**

Directive (2000/14/EC) noise emissions in the environment by equipment used outdoors

**Summary of Relevance:**

The European Communities (Noise Emissions by equipment for use outdoors) Regulations (S.I.no. 632 of 2001) transposed the Directive into Irish Legislation.

The Directive intends to improve the health and wellbeing of citizens by reduction in noise produced by outdoor plant and equipment which is typically used on construction



sites. These involve heavy plant and machinery, saws, compressors, cement mixers, jack hammers, etc.

**Assessments carried out as part of this Planning Application:**

No reports have been prepared.

**Statement:**

The main contractor will deal with the immediate dangers to hearing etc. associated with high noise levels and the impact of same on construction operatives, using risk assessment and mitigation/precautionary measures and equipment, all pursuant to the current health and safety legislation.

Appropriate mitigation measures based on standard best practice policies and guidance will be implemented during the construction phase in order to avoid any significant effects on the environment.

Working hours will in conducted in compliance with BS 5228 covering Noise Control on Construction and Open Sites.

4.1.5 Directive 2000/60/EC, the Water Framework Directive

**Directive:**

Directive 2000/60/EC, the Water Framework Directive

**Summary of Relevance:**

These Directive sets a framework for comprehensive management of water resources in the European Community.

The fundamental objective of the Water Framework Directive aims to prevent any deterioration in the existing status of water quality, including the protection of good and high water quality status where it exists. It was given legal effect in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003). It applies to rivers, lakes, groundwater, and transitional coastal waters.

Ireland is required to produce a river basin management plan under the Water Framework Directive (WFD). On 17 April 2018 the Government published the River Basin Management Plan (RBMP) for Ireland 2018-2021 (2022 -2027). Its sets out the actions that Ireland will take to improve water quality and achieve 'good' ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2027.

**Assessments carried out as part of this Planning Application:**

RSK, AA Screening, June 2022

RSK, Ecological Impact Assessment, June 2022

RSK, Construction & Demolition Management Plan, June 2022

**Statement:**

The proposed development will connect into the permitted infrastructural works as approved under the Clonburris Strategic Development Zone Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground storage systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SDZ lands (including future Irish Water pumping station granted under SDZ21A/0006).

4.1.6 Directive 2001/42/EC, the Strategic Environmental Assessment Directive

**Directive:**

Directive 2001/42/EC, the Strategic Environmental Assessment Directive

**Summary of Relevance:**

The process of SEA was introduced under European Directive 2001/42/EC12 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) and came into force in 2001.

SEA is a systematic process for evaluating the environmental consequences of proposed plans or programmes to ensure environmental issues are fully integrated and addressed at the earliest appropriate stage of decision making, with a view to promoting sustainable development.

The SEA Directive pertains to a broad range of public plans and programmes. The public plans and programmes covered by the Strategic Environmental Assessment (SEA) Directive are subject to an environmental assessment during their preparation prior to their adoption.

The SDCC Development Plan 2017-2023 sets out policies and objectives to guide how and where development will take place in the city over the lifetime of the Plan. The Plan has been prepared in accordance with the requirements of the Planning and Development Act, 2000 (as amended), the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended. The content of the core strategy of the Development Plan has been informed by Strategic Environmental Assessment (SEA).

**Assessments carried out as part of this Planning Application:**

South Dublin County Development Plan

The Clonburris Strategic Development Zone Planning Scheme (May 2019)

<b>Statement:</b>
<p>The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within part of the development areas of Clonburris Urban Centre (i.e. CUC-S4) and Clonburris South East (i.e. CSE-S1 &amp; CSE-S2), as identified in the Clonburris SDZ Planning Scheme 2019.</p> <p>AA screening, SEA and EIAR reports have been completed for the SZD lands.</p> <p>The proposed development is consistent with the relevant planning policies at national, regional and local levels.</p>

4.1.7 Directive 2008/50/EC, the Clean Air for Europe Directive

<b>Directive:</b>
Directive 2008/50/EC, the Clean Air for Europe Directive
<b>Summary of Relevance:</b>
<p>The ambient air quality and CAFÉ Directive defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole.</p> <p>It sets out measures for the assessment of ambient air quality in Member States as well as for obtaining information on ambient air quality in order to help combat air pollution and nuisance.</p> <p>The Directive aims at increasing cooperation between the Member States in reducing air pollution. The Directive was transposed into Irish legislation by the Air Quality Standards Regulations (S.I. No. 180 of 2011).</p>
<b>Assessments carried out as part of this Planning Application:</b>
No reports have been prepared.
<b>Statement:</b>
<p>Environmental policies at national, regional and local level including but not limited to the National Planning Framework, Regional Spatial Economic Strategy and the South Dublin County Development Plan, have been prepared in accordance with the Directive and include objectives to encourage a shift towards more sustainable modes of travel.</p> <p>The scheme proposals will provide high frequency public transport connectivity to the City Centre, Dublin airport and Swords and will integrate with existing high frequency public transport routes resulting in a highly accessible residential and employment location.</p> <p>In accordance with the CEMP submitted, dust prevention measures will be put in place for any particulate pollution. The CMP will include a range of measures to control</p>



construction related impacts including transport, waste, landscape / visual, dust and noise / acoustics.

Construction dust can be generated from many on-site activities such as excavation and backfilling. The extent of dust generation will depend on the type of activity undertaken, the location, the nature of the dust, i.e. soil, sand, etc and the weather. In addition, dust dispersion is influenced by external factors such as wind speed and direction and/or, periods of dry weather.

Construction traffic movements also have the potential to generate dust as they travel along the haul route. The measures below will also prevent construction debris arising on the public road network.

Best construction site practices will be adhered to and agreed Construction and Demolition Management Plan will ensure that construction activities are properly controlled and mitigated.

#### 4.1.8 Seveso Directive

<b>Directive:</b>
Seveso-Directive 82/501/EEC, Seveso-II-Directive 96/82/EC, and Seveso-III-Directive 2012/18/EU
<b>Summary of Relevance:</b>
<p>Seveso Sites are defined as Industrial sites that, because of the presence of dangerous substances in sufficient quantities, are regulated under Council Directives 96/82/EC and 2003/105/EC, commonly referred to as the Seveso II Directive.</p> <p>Seveso Sites are categorised as Lower, or Upper, by the type and quantity of hazardous substances stored at the site.</p> <p>The Seveso III Directive (2012/18/EU) aims at the prevention of major accidents involving dangerous substances. However, as accidents may nevertheless occur, it also aims at limiting the consequences of such accidents not only for human health but also for the environment.</p>
<b>Assessments carried out as part of this Planning Application:</b>
<p>Directive is not relevant to Proposed Development.</p> <p>No reports have been prepared.</p>
<b>Statement:</b>
<p>A desk study was carried out to determine the risk based on proximity to identified SEVESO sites (data available from HSA lists and EPA database).</p> <p>Irish Distillers Ltd. Robinhood Road, Fox &amp; Geese, Clondalkin, Dublin 22 (Lower Tier Establishment is located c. 5.5 km south east of the proposed development.</p>



Emergency responses to potential contamination incidents will be established and form part of the CEMP before construction works initiate.

#### 4.1.9 Directive (2018/850/EU) Landfill of Waste

##### **Directive:**

Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste

##### **Summary of Relevance:**

Directive 1999/31/EC has applied since July 1999. Amending Directive (EU) 2018/850 was introduced in 2018 and was transposed into Irish legislation by the European Union (Landfill) Regulations 2020.

This Directive and relevant amendments, aims to prevent, or reduce as much as possible, any negative impact from landfill on surface water, groundwater, soil, air or human health.

This Directive lays down some amendments to Council Directive 1999/31/EC on the landfill of waste. The amendments include; management of waste from land-based extractive industries and waste that has been separately collected for preparing for reuse and recycling among other aspects. A new paragraph in article 5, stipulates that Member States shall endeavour to ensure that as of 2030, all waste suitable for recycling or other recovery, in particular in municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with article 4 of Directive 2008/98/EC.

Further addenda are inserted: which include instruments to promote a shift to a more circular economy, determination of the permeability coefficient for landfills and European Union standard for sampling of waste.

The main features of the Landfill proposal include:

- a ban on the landfilling of separately collected waste;
- reducing the share of municipal waste landfilled to 10% by 2035
- requiring the Commission to consider, by end-2024, setting a quantitative per capita target on landfilling.

##### **Assessments carried out as part of this Planning Application:**

RSK, Construction & Demolition Waste Management Plan (C&D WMP), June 2022  
Pinnacle, Construction and Demolition Waste Management Plan (CDWMP), June 2022

##### **Statement:**

A CDWMP and CMP have been prepared for the Proposed Development. The aim of these plans is to ensure maximum recycling, reuse, and recovery of waste with diversion from landfill, wherever possible. The plans provide further guidance in relation

to the collection and transport of waste to prevent issues associated with litter or environmental pollution (contamination of land or water resources).

4.1.10 Directive (2018/2001/EU) promotion and use of energy from renewable sources

<b>Directive:</b>
Directive (2018/2001/EU) promotion and use of energy from renewable sources
<b>Summary of Relevance:</b>
The Directive promotes the use of energy from renewable sources and establishes a binding energy mix target to be achieved by 2030. It also serves to establish common rules for the use of renewables in heating, cooling electricity, and transport in the EU. Increasing the use of energy from renewable sources is an important part of the measures required to cut the production of greenhouse gasses in order to meet the international agreements on managing climate change and global warming.
<b>Assessments carried out as part of this Planning Application:</b>
BBSC, Energy Statement, June 2022
<b>Statement:</b>
<p>Principle energy targets and objectives shall be nZEB (Near Zero Energy Building As defined by Part L of the building regulations, current edition at time of publication). This report sets out how the building will achieve these objectives, the underpinning Part L compliance are energy demand reduction through passive measures and increased supply from renewable and efficient sources.</p> <p>The proposed design will employ the necessary engineering solutions to follow this principle.</p> <p>The proposed site development will meet or exceed where feasible the requirements of the Part L 2021 building regulations, which stipulates requirements on minimum renewable contribution, minimum fabric and air permeability requirements, maximum energy use and carbon dioxide emissions as calculated using the SEAI published DEAP (Dwellings Energy Assessment Procedure) methodology excel workbook.</p>

## 5 CONCLUSION

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- 5.1.1 The proposed development has been assessed against the screening criteria specified in the EIA Regulations. This has demonstrated that the proposed development is significantly below the thresholds set out in Class 10 (b)(i), (iii) or (iv) Part 2 of Schedule 5 of the Planning and development Regulations, as amended in the provision of a housing development.
- The number of housing units proposed is 294 units and will therefore be significantly below the threshold specified in class 10(b)(i).
  - The site area is c. 6.3 ha with the Clonburris Strategic Development Zone and is situated in a predominately residential setting, therefore be significantly below the area threshold and “urban development” on lands comprising “other parts of a build-up area” other than a business district specified in class 10(b)(iv).
- 5.1.2 Having considered the nature, scale and location of the proposal; having regard to the characteristics and location of the proposed development and having regard to the characteristics of potential impacts it is considered that the project is unlikely to give rise to significant environmental impacts.
- 5.1.3 All recommended mitigation measure and standard best practice methodologies will be employed throughout the construction and operational phase of the development to prevent any risk of pollution and limit and potential disturbance to the surrounding area.
- 5.1.4 This Statement is completed in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, in respect of the proposed application for Clonburris, Dublin 22 on lands located within the Clonburris Strategic Development Zone. It should be read in conjunction with the reports referred and submitted with the planning application.
- 5.1.5 It details how the available results of all relevant assessments of the effects on the environment from the Proposed Development have been carried out pursuant to relevant European Legislation.
- 5.1.6 This Statement, in conjunction with the EIA Screening, has determined that, based on best scientific knowledge, the Proposed Development is unlikely to result in significant effects on the environment and, as such, an Environmental Impact Assessment is not required.