

Planning  
Application  
to South  
Dublin County  
Council

Environmental  
Impact  
Assessment  
Screening  
Report


Proposed Residential  
Development and All  
Associated and  
Ancillary Works

In the townland of  
Adamstown,  
Clonburris Strategic  
Development Zone  
(Adamstown  
Extension -  
Development Areas  
AE-S1 and AE-S2)

For Clear Real Estate  
Holdings Limited

**FEBURARY 2023**

## Document Control: -

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## 1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2 D02 X361, are instructed by our Client (the Applicant), Clear Real Estate Holdings Limited, Fitzwilliam Court, Leeson Close, Dublin 2, D02 YW24, to prepare this Environmental Impact Assessment (EIA) Screening Report to accompany this planning application.

The proposal seeks permission for a period of 7 years for development comprising of 385no. residential units, ancillary tenant amenity building and public open space on land zoned for residential and open space uses. We are satisfied that the steps that have been taken in the application process to date, which address the significant number of objectives in the Clonburris Strategic Development Zone Planning Scheme (2019) ("the Planning Scheme") which in turn went through an exhaustive Strategic Environmental Assessment and Appropriate Assessment process, result in a development that will not result in likely significant effects on the environment. Therefore, it is our professional opinion that there is no requirement for an Environmental Impact Assessment Report (EIAR) in this case.

The purpose of this EIA Screening Report is to provide the necessary information to enable the South Dublin County Council (SDCC) to determine whether the proposed development requires the submission of an EIAR.

There are four questions in determining the need for an Environmental Impact Assessment (EIA) for the current project which are set out in Section 5.1 below. Should any of the answers to these four questions be positive, an EIA is required for the project and an EIAR should be prepared.

## 2 QUALIFICATIONS AND COMPETENCE OF THE AUTHORS OF THIS REPORT

Stephen Little & Associates Chartered Town Planners and Development Consultants was established in 2003 by Stephen Little, Managing Director.

Stephen Little & Associates has extensive experience of providing planning consultancy advice on a range of commercial and residential developments. This includes the preparation and co-ordination of Strategic Housing Development planning applications and Environmental Impact Assessment Reports, in the context of the Planning & Development (Amendment) Act 2000 (as amended) and associated Planning Regulations and Guidelines for Planning Authorities.

This document has been prepared by Stephen Little, Michael O'Sullivan and Naoise O'Connor from Stephen Little & Associates.

Stephen Little, Dip. Env. Mgmt. (Dublin Institute of Technology), BA(Hons) Planning Studies, and Diploma in Town Planning (Oxford Brookes University), Diploma in EIA Management (UCD) is the Managing Director of Stephen Little & Associates, with ultimate responsibility for the planning inputs for this project. Stephen has over 30 years' experience in the management and delivery of complex multidisciplinary projects, with particular experience in Town Planning and EIA. Stephen is a Corporate Member of the Irish Planning Institute and a Chartered Member of the Royal Town Planning Institute.

Michael O'Sullivan, BSc(Hons) Arch. Tech., MPlan, is employed as a Senior Planner at Stephen Little & Associates. Michael has 9 years' professional experience in town planning in both the public sector and private consultancy in Ireland. He has qualifications in MPlan – Master in Planning & Sustainable Development at University College Cork and Advanced Diploma in Planning & Environmental Law at Kings Inn and is a Corporate Member of the Irish Planning Institute.

Naoise O'Connor, BA, MA, University College Dublin, is an Assistant Planner at Stephen Little & Associates. Naoise has 2 years post-graduate professional experience of town planning in Ireland.

### 3 LEGISLATION & GUIDANCE

This EIA Screening exercise has been carried out in accordance with the following guidance documents: -

- Environmental Impact Assessment of Projects – Guidance on Screening (EU Commission, 2017).
- Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licensing Systems – Key Issues Consultation Paper (Department of Housing, Planning, Community and Local Government (DoHPCLG), 2017).
- Guidelines on the information to be contained in Environmental Impact Assessment Reports (Environmental Protection Agency (EPA), 2022).
- Environmental Impact Assessment – Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning & Local Government (DoHPLG), 2018).
- Preparation of Guidance Documents for the Implementation of EIA Directive (Directive 2011/92/EU as amended by 2014/52/EU) – Annex I to the Final Report (COWI, Milieu, 2017).
- Guidance for Consent Authorities regarding Sub-threshold Development (Department of the Environment, Heritage and Local Government (DoEHLG), 2003).
- Judgement of Owens A, High Court, (2020 No. 761 JR)

Directive 2014/52/EU has been transposed into Irish Legislation by the Planning & Development Act 2000, as amended (“the Act”), and the Planning & Development Regulations 2001, as amended (“the Regulations”). The methodology employed in this screening exercise is in accordance with the EIA Guidelines published in August 2018 by the DoHPLG and addresses the contents of both Schedule 7 and 7A of the Regulations.

Mitigation measures for the proposed development during the Construction and Operational Phase are set out in various Reports accompanying the application including but not limited to, the Construction Environmental Management Plan, Engineering Assessment Report, Flood Risk Assessment, Ecological Impact Assessment (including Habitat Management Plan), Resource Waste Management Plan and the Operational Waste Management Plan. For ease of reference, it is suggested that these mitigation measures can be described or referred to in the SDCC decision as the mitigation measures set out in this EIA Screening Report.

## 4 THE PROJECT – DESCRIPTION OF DEVELOPMENT

The planning application site (c. 8.94 Ha) is located in the westernmost portion of the Planning Scheme in the Adamstown Extension Development Area (AE-S1 and AE-S2). The Adamstown Extension lands is bisected from east to west by the permitted Clonburris Southern Link Street (permitted under SDCC Reg. Ref. SDZ20A/0021) and is generally bounded to the east by Hayden's Lane and Griffeen River, to the south by Lucan Pitch & Putt, to the west by R120 (which accesses Adamstown SDZ from the south), and the Kildare-Cork rail line to the north. The Adamstown SDZ is located to the north-west of the subject site on the northern side of the Kildare-Cork rail line. The application site is mainly undeveloped with large areas of scrub and green vegetated areas along the proposed road alignment.

The proposal seeks permission for a period of 7 years for development comprising of 385no. units (139no. houses, 70no. 'Build-to-Rent' duplex / apartments, 72no. duplex / apartments and 104no. apartments), ranging between 2 – 6 storeys in height comprising the following: -

- Total of 139no. houses consisting of: -
  - 102no. 3-bedroom 2 storey terraced houses (House Type: D, E & F).
  - 11no. 4-bedroom 2 storey terraced houses (House Type: C).
  - 26no. 4-bedroom 3 storey terraced houses (House Type: A & B).
- Total of 70no. 'Build-to-Rent' duplex / apartments units consisting of: -
  - 35no. 2-bedroom units (House Type: J, L & O).
  - 35no. 3-bedroom units (House Type: K, M & P).
- Total of 72no. duplex / apartment units arranged in 5no. 3 storeys terraces consisting of: -
  - 36no. 2-bedroom units (House Type: J, L & O).
  - 36no. 3-bedroom units (House Type: K, M & P).
- Total of 104no. apartment units consisting of: -
  - 48 no. 1-bedroom units (House Type: A1 & A2).
  - 56 no. 2-bedroom units (House Type: B1 & B2).

Private rear gardens are provided for all houses. Private patios / terraces and balconies are provided for all duplexes and apartments.

Vehicular access to serve the development is provided off the Clonburris Southern Link Street permitted under SDCC Reg. Ref. SDZ20A/0021 and currently under construction. Pedestrian and cycle access is also provided to the Newcastle Road (R120) and to the Clonburris Southern Link Street.

All associated and ancillary site development, infrastructural, hard and soft landscaping and boundary treatment works, including: - A single storey tenant amenity building (c. 170 sq. m); Areas of public open space (1.45Ha); 538no. car parking spaces and 878no. bicycle parking spaces (660no. long-term spaces and 218no. visitor spaces); Bin and bicycle stores; Plant provided at undercroft level and additional plant provided at roof level (including solar panels) of the proposed apartment blocks; 3no. ESB Sub-stations; Demolition of remaining walls and hardstanding associated with a former agricultural building.

The development proposed includes minor revisions to an attenuation, connections to water services (wastewater, surfacewater and water supply) and connections to permitted cycle / pedestrian paths permitted under SDCC Reg. Ref. SDZ20A/0021.



**Figure 1:** Computer Generated Image, prepared by 3D Design Bureau showing the proposed development with the permitted road and infrastructure works shown (permitted under SDCC Reg. Ref. SDZ20A/0021).

**Phasing**

The construction programme is intended to commence in the Q4 2023, with a 48-month programme anticipated. The development will be carried out sequentially in 6 phases. The proposed phasing breakdown is illustrated in Figure 2 below.



**Figure 2:** Proposed indicative construction phasing of the development.

### Demolition Phase

The development will include the demolition remaining walls and hardstanding associated with a former agricultural building.

The demolition will commence with the removal of any hazardous materials by an appropriately qualified contractor for disposal at an appropriate licensed waste collection facility. All non-structural items will then be removed and segregated for re-use or re-cycling where possible.

### Excavation & Construction Phase

The proposed development involves excavations for new foundations, site levelling and excavations for roads and services.

The works involved with the construction of the 385no. residential units, tenant amenity building and associated site works broadly include: -

- Site set up, welfare facilities and compound establishment, decommissioning and movement of site compound and facilities as needed.
- Set up of hoarding around compound and the site boundary.
- Erection of safety signage to all areas and implementation of traffic / pedestrian management plan.

Subject to detailed planning at the construction stage, it is currently envisaged that the construction compound, offices, staff parking and storage areas will be located at one of the two locations designated in Figure 2.

Further details are set out in the Construction Environmental Management Plan and Resource Waste Management Plan, prepared by AWN Consulting.

## **4.1 Cumulative Development**

### **4.2 Clear Real Estate Holdings Ltd**

There are no other lands in the control of the Applicant within the Clonburris SDZ that are identified for development and as such there is no cumulative impact arising between the development proposed and any other development committed or proposed on our client's landholding. As such, there is no 'project splitting' arising in respect of our clients lands or proposals.

The current proposal is the first proposal at the Newcastle Road side of the SDZ.

### **4.3 Committed Developments elsewhere in Clonburris**

We have also considered other more recent development proposals within the Cherrywood SDZ on lands controlled by others located within 500m of the Application Site. The Clonburris lands are largely undeveloped, broadly flat greenfield in the townlands of Clonburris Little, Cappagh, Kishoge and Adamstown. In that regard, there has been just one such committed development, as follows: -

#### **SDCC Reg. Ref. SDZ20A/0021**

Clonburris Infrastructure Limited sought a 10 year permission for roads and drainage infrastructure works under the Clonburris Strategic Development Zone Planning Scheme (2019) to form part of the public roads and drainage networks providing access and services for the future development of the southern half of the overall SDZ lands; the roads infrastructure works are for the construction of c. 4.0 km of a new road, known as Clonburris Southern Link Street.

This application was accompanied by an EIAR.

The Planning Authority issued a Grant of Permission on 22 June 2021.



The Clonburris Southern Link Street transects the application site where that connects with the Newcastle Road (R120). The Clonburris Southern Link Street permitted under SDZ20A/0021 and now under construction was designed to cater for the development at lands located south of the railway line in the Clonburris SDZ as envisaged under the Planning Scheme, including the application site in this case.

Works on the roads and drainage infrastructure are due to commence in 2023.

There has however been a number of other more recent development proposals within the wider Clonburris SDZ on lands controlled by others. These are predominantly c. 3-4km away and can be discounted for cumulative impact purposes as a result. These have been included here for completeness:

These other planning permissions within the surrounding SDZ lands are identified below as the cumulative development of the area: -

#### **SDCC Reg. Ref. SDZ21A/0022**

Cairn Homes Properties Ltd. lodged an application for the construction of a 569no. unit residential development with an accompanying creche, innovation hub, public open space and ancillary works and landscaping. In this case, the subject site lies to the east of the application site within the Clonburris southwest Development Area in the Clonburris SDZ lands.

This application was accompanied by an EIAR.

The Planning Authority issued a Grant of Permission for the development subject to 38no. conditions on the 23 August 2022. This scheme is located approximately 1.5km to East of the site. Works have commenced on site as of the 30<sup>th</sup> January 2023.

#### **SDCC Reg. Ref. SDZ228/0001**

SDCC made a Part 8 Planning Application pursuant to the Planning & Development Regulations 2001, as amended for a 118no. unit social housing complex on a total site area of 2.5 Ha within the Canal Extension Area of the Clonburris SDZ. Included in the permitted development is 112no. car parking spaces and 24no. bicycle parking spaces, as well as all ancillary works and landscaping.

This application was accompanied by an EIAR and Appropriate Assessment Screening.

This scheme is located approximately 2.5km South/East of the application site. Upon review of the Building Control Management Systems there is no evidence of this development being commenced at the time of this application.

#### **SDCC Reg. Ref. SDZ228/0003**

SDCC submitted a Part 8 Planning Application pursuant to the Planning & Development Regulations 2001, as amended for 263no. residential units, community facilities and open space in the Kishogue South West sub-sector of the Clonburris SDZ lands.

This application was accompanied by an EIAR and Appropriate Assessment Screening.

This permission was granted at a Council Meeting held on the 11 July 2022.

This scheme is located 2km East of the application site. Upon review of the Building Control Management Systems there is no evidence of this development being commenced at the time of this application.

What is of most relevance to this EIA Screening is to note that each of the above projects identified have been subject of their own Environmental Impact Assessment Report and as a result, each have

been subject of an EIA by the Planning Authority such that their environmental effects have already been considered.

#### **4.4 Proposed Developments (Not Yet Committed) Elsewhere in Clonburris**

Despite these developments not yet considered to be committed, it is considered prudent to identify those current planning applications in Clonburris SDZ that may have a bearing on the cumulative effect of the current proposals by Clear Real Estate Holdings Ltd.

##### **SDCC Reg Ref. SDZ22A/0018**

On the 15 December 2022 Cairn Homes Properties Ltd. applied for permission for a mixed-use development within the Development Areas CUCS3 & CSWS3 of the Clonburris SDZ Planning Scheme. The development in summary comprises of 594no. apartments, office floorspace, 4no. retail units, a creche and an Urban Square.

We note this application was accompanied by an EIAR.

A decision is due from the Planning Authority on the 17 February 2023.

##### **SDCC Reg. Ref. SDZ22A/0017**

On the 2 December 2022 Cairn Homes Properties Ltd. applied for permission for 157 dwellings, comprising 81no. houses and 79no. apartments within the South-West Development Area of the Clonburris SDZ.

A decision is due from the Planning Authority on the 6 February 2023.

##### **SDCC Reg. Ref. SDZ22A/0010**

Kelland Homes Ltd. lodged an application for 294no. dwellings, creche and retail / commercial unit within the South East Development Area (CSE-S1 and CSE-S2) and part of Clonburris Urban Centre (CUC-54) as identified in the Clonburris SDZ Planning Scheme.

No decision has been made on this application. The Planning Authority sought Clarification of Additional Information on the 4 January 2023.

At the time of making this planning application, there has been no response to the request for Clarification of Further Information.

The Clonburris Southern Link Street and infrastructure permitted under SDCC Reg. Ref. SDZ20A/0021 now under construction was designed to cater for the development at lands located south of the railway line in the Clonburris SDZ as envisaged under the Planning Scheme, including the application site in this case.

## 5 SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development was screened early in the planning design phase to establish the requirement for an EIA. In accordance with the EIA Directive, EU Guidelines (2017), EPA Guidelines (2022) and applicable legislation, the project was examined in the context of 'type of development' and 'thresholds'.

Article 4(1) and Annex I of the EIA Directive (2014/52/EU) lists projects for which an EIA is mandatory, whereas Article 4(2) and Annex II lists project types for which an EIA may be required.

The requirement for Environmental Impact Assessment of certain projects under the EIA Directive is transposed into Irish legislation by Part X of the Act. The specified categories of development in respect of which EIA is required are set out under the Fifth Schedule of the Regulations.

The Fifth Schedule of the Regulations lists classes of development where an EIA is mandatory under Part 1 or Part 2, where the project exceeds the relevant threshold, and where an EIA may be required where the proposed development falls short of the relevant threshold but is likely to have significant effects on the environment.

There are four steps in determining need for EIA for a project which are set out below. Should any of the answers to these four questions be positive, then an EIA is required for the project and an EIAR should be prepared.

### 5.1 EIA screening Exercise

#### 5.1.1 Q1A) Is the Project an Annex I or Annex II Project as prescribed in the Directive 97/11/EC (after 85/337/EC) as amended in 2003, 2009 or 2014)?

The proposed development broadly comprises a residential scheme of 385no. residential units and ancillary site development works all within an overall site measuring 8.94 Ha (extent of the red line). The area of proposed residential development amounts to just 7.43 Ha, with the balance generally being public open space areas.

As such, we consider that the relevant categories of development to be considered, are those contained in Schedule 5, Part 2 of the Regulations.

Specifically, Class 10 (b) – Infrastructure Projects, includes: -

*“(i) Construction of more than 500 dwelling units...*

*(iv) Urban development which would involve an area 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 a district within a city or town in which the predominant land use is retail or commercial use.)”*

Class 15 in Part 2 of Schedule 5 is also relevant in so far as it refers to: -

*“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.”*

We will consider each one in turn as follows: -

- **Construction of more than 500 dwelling units.**

The threshold at which a mandatory EIAR is required to be prepared is 500no. dwellings.

The proposed development is for 385no. dwellings, or just 77% of the specified threshold. This is substantially below the threshold where a mandatory EIAR would be required.

- **Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of a development**

The proposed development is residential, as opposed to a car park. Any parking proposed as part of the development is incidental to the primary residential purposes of the development. As a result, this criterion is not considered relevant to the proposed development and an EIAR is not required on this basis.

- **Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.**

The proposed development is solely for residential uses. It does not include a shopping centre or any commercial/retail elements. Therefore, these criteria are not considered relevant to the proposed development and an EIAR is not required on this basis.

- **Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area.**

The application site comprises approximately 8.94 Ha (extent of the red line).

The area of proposed residential development amounts to just 7.43Ha. The site in question is not within a 'business district' as defined by the Regulations. Given the context of application site in a greenfield setting within the Clonburris SDZ it is unclear whether a threshold of 10Ha, or 20Ha is the more appropriate one to apply. In any event, the development site is significantly below even the lowest of those thresholds that could trigger a mandatory requirement for an EIAR.

Having regard to the nature and quantum of development at the present application site, where the 'new' element relates to just under 7.43 Ha (or even the site area of 8.94Ha) and where the remainder has been considered under various EIAR it is therefore our considered opinion that **the proposed development now being proposed does not meet or exceed the relevant thresholds for mandatory EIA**, identified above.

Therefore, it can be concluded that a mandatory EIAR is not required in this case.

### 5.1.2 Q1B) Is the project likely to have a significant effect on a Natura 2000 site?

We refer the Planning Authority to the Appropriate Assessment Screening Report, prepared by Brady Shipman Martin Built Environment Consultants. The Report generally concludes: -

*"In view of best scientific knowledge this report concludes that the proposed development at Adamstown Extension, individually or in combination with another plan or project, **will not have a significant effect on any European sites. This conclusion was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.**"*

*It is considered that this report provides sufficient relevant information to allow the Competent Authority (South Dublin County Council) to carry out an Appropriate Assessment Screening under Section 177U of the Planning Acts, and reach a determination that the proposed development will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives."*

[Emphasis added by SLA]

### 5.1.3 Q2) Is the project on a mandatory list for which EIA is always required?

Already addressed under Q1 above (section 5.1.1). The project is not on a mandatory list for which EIA is always required.

### 5.1.4 Q3) Is the project on an exclusion list of projects for which EIA is not required?

The proposed development is not exempted from the requirement for EIA.

Please refer to responses to Q1 above and Q4 below, relevant to EIA screening for this project.

#### **5.1.5 Q4) Is the Project likely to have significant effects on the environment?**

On the basis of the information above, the proposed development is considered to be outside the mandatory requirements for EIA.

The next step in the screening process is then to determine whether there is a requirement for an EIA, where the proposed development is sub-threshold but falls within the scope of one of the categories of specified development under Schedule 5 Part 2 of the Regulations. Where the likelihood of significant effects cannot be readily excluded, further information should be provided to facilitate the Competent Authority in determining whether sub-threshold EIA is required.

Article 4(4) of Directive 2011/92/EU, as amended by 2014/52/EU requires the developer to provide information on the characteristics of the project and its likely significant effects on the environment (which information is specified in Annex IIA), to allow the Competent Authorities to make a determination on the requirement for sub-threshold EIA. The relevant criteria to which the competent authority must have regard in determining whether an EIA is required is set out at Annex III of the Directive.

Under Irish law, Schedule 7A of the Regulations identifies the information required to be submitted to allow the Competent Authority to assess whether an EIA is required for subthreshold projects. The relevant criteria to which the Competent Authority is required to have regard are set out in Schedule 7 of the Regulations under the following headings: -

- Characteristics of Proposed Development.
- Location of the Proposed Development.
- Types and Characteristics of Potential Impacts.

The following sections of this report address these requirements and provide the necessary information to enable South Dublin County Council, as the Competent Authority, to assess whether the proposed development is likely to give rise to significant environmental effects, and thereby to conclude whether a sub-threshold EIAR is required in this case.

## **5.2 Sub-Threshold EIA Considerations**

This section examines the need for an EIA on a discretionary basis under the Regulations.

The proposed development and the likely potential requirement for sub-threshold EIA, is assessed below in the context of the criteria noted above.

An EIAR is required to accompany an application for permission for a residential development of a class set out in Schedule 5 of the Regulations which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. As seen above, the relevant thresholds for mandatory EIA have not been exceeded in the present case.

An EIAR will nonetheless be required in respect of sub-threshold residential development where the Planning Authority (in this case South Dublin County Council) considers that the proposed development would be likely to have significant effects on the environment.<sup>1</sup>

Sub-threshold development means “*development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development*”.

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<sup>1</sup> See Section 172(1)(b) of the Planning & Development Act 2000, as amended.

Schedule 7A of the Regulations outlines the information to be provided by the Applicant or Developer for the purposes of screening sub-threshold development for environmental impact assessment, as set out below: -

*“1. A description of the proposed development, including in particular—*

*(a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and*

*(b) a description of the location of the proposed development, 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—*

*(a) the expected residues and emissions and the production of waste, where relevant, and*

*(b) the use of natural resources, in particular soil, land, water and biodiversity.*

*4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.”*

Schedule 7A paragraph (4) refers to Schedule 7 of the Regulations which, as already discussed above, provides a list of criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA.

Schedule 7 of the Regulations sets out the criteria that must be considered by the Competent Authority to screen sub-threshold development for EIA, under the following main headings: -

- The physical characteristics of the full extent of the proposed development (See Section 5.2.1 below).
- The location, in particular its environmental sensitivity, likely to be affected by the Proposed Development (See Section 5.2.2 below).
- Types and characteristics of the likely significant impacts on the environment, arising from waste, emissions, use of natural resources, etc. (See Section 5.2.3 below).

As the information to be provided for the purposes of Schedule 7 of the Regulations is more detailed and necessarily includes all information to be furnished under Schedule 7A, the headings under Schedule 7 will be used below.

The Regulations provide for preliminary screening for EIA. The Departmental Guidelines (August 2018) state as follows in relation to such a preliminary screening: -

*“3.4. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This is initiated by the competent authority following the receipt of a planning application or appeal.*

*3.5. A preliminary examination is undertaken, based on professional expertise and experience, and having regard to the ‘Source – Pathway – Target’ model, where appropriate. The examination should have regard to the criteria set out in Schedule 7 to the 2001 Regulations.”*

The proposal in this case is for 385no. residential units ranging in height from 2 – 6 storeys comprising a mix of 139no. houses, 142no. duplexes and 104no. apartments in 2no. blocks. The development also includes a single storey tenant amenity building, public open space, car and bicycle parking, bin and bicycle stores, ESB substation and all associated and ancillary site development works. The development proposed includes minor revisions to an attenuation, connections to water services (wastewater, surfacewater and water supply) and connections to permitted cycle / pedestrian paths permitted under SDCC Reg. Ref. SDZ20A/0021. The proposed development is located within the Adamstown Extension Development Area of the Clonburris Planning Scheme.

A variety of environmental assessments have been undertaken in respect of the proposed development and accompany this planning application. These address a range of issues and not only relating to adherence to the EU EIA, Birds or Habitats Directives. The proposed development is sub-threshold for EIA, and an Appropriate Assessment Screening Report and an Ecological Impact Assessment (including a Habitat Management Plan), prepared by Brady Shipman Martin Landscape & Built Environment Consultants is enclosed within this application.

The EPA Guidelines on the information to be contained in EIAR (2022) requires that the direct, indirect, cumulative and residual impacts of the proposed development for both the construction and operational stages are described.

The terminology for categorising the significance of effects is found in *Table 3.4: Descriptions of Effects* contained in the *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (EPA 2022), as shown below: -

**Table 3.4 Descriptions of Effects**

<p><b>Quality of Effects</b></p> <p>It is important to inform the non-specialist reader whether an effect is positive, negative or neutral.</p>	<p><b>Positive Effects</b></p> <p>A change which improves the quality of the environment (for example, by increasing species diversity, or improving the reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).</p>
	<p><b>Neutral Effects</b></p> <p>No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.</p>
	<p><b>Negative/Adverse Effects</b></p> <p>A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem, or damaging health or property or by causing nuisance).</p>
<p><b>Describing the Significance of Effects</b></p> <p>'Significance' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i>).</p>	<p><b>Imperceptible</b></p> <p>An effect capable of measurement but without significant consequences.</p>
	<p><b>Not Significant</b></p> <p>An effect which causes noticeable changes in the character of the environment but without significant consequences.</p>
	<p><b>Slight Effects</b></p> <p>An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.</p>
	<p><b>Moderate Effects</b></p> <p>An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.</p>
	<p><b>Significant Effects</b></p> <p>An effect which, by its character, magnitude, duration or intensity, alters a sensitive aspect of the environment.</p>
	<p><b>Very Significant</b></p> <p>An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment.</p>
	<p><b>Profound Effects</b></p> <p>An effect which obliterates sensitive characteristics.</p>
<p><b>Describing the Extent and Context of Effects</b></p> <p>Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.</p>	<p><b>Extent</b></p> <p>Describe the size of the area, the number of sites and the proportion of a population affected by an effect.</p>
	<p><b>Context</b></p> <p>Describe whether the extent, duration or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)</p>

<p><b>Describing the Probability of Effects</b></p> <p>Descriptions of effects should establish how likely it is that the predicted effects will occur so that the CA can take a view of the balance of risk over advantage when making a decision.</p>	<p><b>Likely Effects</b></p> <p>The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.</p> <p><b>Unlikely Effects</b></p> <p>The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.</p>
<p><b>Describing the Duration and Frequency of Effects</b></p> <p>'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.</p>	<p><b>Momentary Effects</b></p> <p>Effects lasting from seconds to minutes.</p> <p><b>Brief Effects</b></p> <p>Effects lasting less than a day.</p> <p><b>Temporary Effects</b></p> <p>Effects lasting less than a year.</p> <p><b>Short-term Effects</b></p> <p>Effects lasting one to seven years.</p> <p><b>Medium-term Effects</b></p> <p>Effects lasting seven to fifteen years.</p> <p><b>Long-term Effects</b></p> <p>Effects lasting fifteen to sixty years.</p> <p><b>Permanent Effects</b></p> <p>Effects lasting over sixty years.</p> <p><b>Reversible Effects</b></p> <p>Effects that can be undone, for example through remediation or restoration.</p> <p><b>Frequency of Effects</b></p> <p>Describe how often the effect will occur (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually).</p>
<p><b>Describing the Types of Effects</b></p>	<p><b>Indirect Effects (a.k.a. Secondary or Off-site Effects)</b></p> <p>Effects on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.</p> <p><b>Cumulative Effects</b></p> <p>The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects.</p> <p><b>'Do-nothing Effects'</b></p> <p>The environment as it would be in the future should the subject project not be carried out.</p> <p><b>'Worst-case' Effects</b></p> <p>The effects arising from a project in the case where mitigation measures substantially fail.</p> <p><b>Indeterminable Effects</b></p> <p>When the full consequences of a change in the environment cannot be described.</p> <p><b>Irreversible Effects</b></p> <p>When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.</p> <p><b>Residual Effects</b></p> <p>The degree of environmental change that will occur after the proposed mitigation measures have taken effect.</p> <p><b>Synergistic Effects</b></p> <p>Where the resultant effect is of greater significance than the sum of its constituents (e.g. combination of SO<sub>x</sub> and NO<sub>x</sub> to produce smog).</p>



## 5.2.1 Characteristics of the Development <sup>2</sup>

Under the heading of characteristics of the proposed development, there are a number of relevant matters to be addressed with reference to Schedule 7, as set out below.

### 5.2.1.1 Size and design of the whole of the Proposed Development

We refer also to Section 4 above for the description of the proposed development.

The overall site area for this development is 8.94 Ha, the net development area is 7.43 Ha on lands zoned for residential and open space uses located within the Clonburris SDZ, and more specifically within the Adamstown Extension Development Area.

385no. residential units are proposed. This falls significantly below the 500no. unit threshold for EIA under Class 10(b)(i), Part 2 of Schedule 5 of the Regulations.

#### Built Form

The proposed development comprises 385no. residential units accommodated in a mix of houses, duplexes and apartments, ranging from 2 to 6 storeys in height. The site is currently greenfield in nature and is zoned for primarily residential development in the Planning Scheme which was subject of a rigorous Strategic Environmental Assessment, a Natura Impact Report and a Strategic Flood Risk Assessment.

#### Site Works

The proposed development of 385no. dwellings includes all associated and ancillary site development works, hard and soft landscaping, external lighting and boundary treatment works, including: -

- A single storey tenant amenity building (c. 170 sq. m).
- Areas of public open space (1.45Ha).
- 538no. car parking spaces and 878no. bicycle parking spaces (660no. long-term spaces and 218no. visitor spaces).
- Bin and bicycle stores.
- Plant provided at undercroft level and additional plant provided at roof level (including solar panels) of the proposed apartment blocks.
- 3no. ESB Sub-stations.
- Demolition of remaining walls and hardstanding associated with a former agricultural building.
- The development proposed includes minor revisions to an attenuation, connections to water services (wastewater, surfacewater and water supply) and connections to permitted cycle / pedestrian paths permitted under SDCC Reg. Ref. SDZ20A/0021.

Vehicular access to serve the development is provided off the Clonburris Southern Link Street permitted under SDCC Reg. Ref. SDZ20A/0021 and currently under construction. Pedestrian and cycle access is also provided to the Newcastle Road (R120) and to the Clonburris Southern Link Street.

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<sup>2</sup> This section addresses the information required under paragraph 1(a) of Schedule 7A of the Planning & Development Regulations 2001, as amended, as well as considering the criteria under paragraph 1 of Schedule 7.

For further detail on the physical characteristics and design of the proposed development we refer the Board to the following plans and particulars that accompany the application: -

- Planning Application Drawings, prepared by Burke Kennedy Doyle Architects.
- Schedule of Accommodation, prepared by Burke Kennedy Doyle Architects.
- Housing Quality Assessment, prepared by Burke Kennedy Doyle Architects.
- Architectural Design Statement, prepared by Burke Kennedy Doyle Architects.
- Engineering Assessment Report and Drawings, prepared by Waterman Moylan Consulting Engineers.
- Flood Risk Assessment, prepared by Waterman Moylan Consulting Engineers.
- Traffic & Transport Assessment, prepared by Waterman Moylan Consulting Engineers.
- Landscape Design Report and Drawings, prepared by Brady Shipman Martin Built Environment Consultants.
- Tree Survey and Planning Report and Arborist Drawings, prepared by Independent Tree Surveys Ltd.
- Landscape & Visual Impact Assessment, prepared by Brady Shipman Martin Built Environment Consultants.
- External Lighting Report, prepared by Sabre Electrical Services.
- Energy Efficiency and Climate Change Adaptation Design Statement, Waterman Moylan Consulting Engineers.
- Daylight & Sunlight Assessment, IN2 Design Partnership.
- Resource Waste Management Plan, prepared by AWN Consulting.
- Operational Waste management Plan, prepared by AWN Consulting.
- Construction Environmental Management Plan, prepared by AWN Consulting.
- Construction Traffic Management Plan, prepared by Waterman Moylan Consulting Engineers.
- Construction Surface Water Management Plan, prepared by Waterman Moylan Consulting Engineers.
- Noise Impact Assessment, prepared by RSK Ireland Limited.

#### **5.2.1.2 Nature of any associated demolition works**

The proposal includes demolition of remaining walls and hardstanding associated with a former agricultural building. All waste material will be disposed of to a licenced facility in line with the **Resource Waste Management Plan (RWMP)**, prepared by AWN Consulting.

#### **5.2.1.3 Use of Natural Resources (Soil, Land, Water, Biodiversity)**

Due to the nature of the proposed development, there will be excavation required on site. Spoil generated during excavation will be tested for reuse or disposed of in accordance with the Waste Management Act 1996, as amended. It is estimated that approximately 80% of material found to be suitable will be reused on site.

We refer the Planning Authority to the **Construction Environmental Management Plan (CEMP)** prepared by AWN Consulting, which accompanies this planning application. This identifies a preliminary methodology for addressing the process of excavation, re-use and transportation of spoil as necessary.

We refer the Planning Authority to the **RWMP**, prepared by AWN Consulting. The purpose of this plan is to provide information necessary to ensure that the management of construction and demolition (C&D) waste at the site is undertaken in accordance with the current legal and industry standards. In particular, this Plan aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and/or water). This RWMP includes information on the legal and policy framework for C&D waste management in Ireland, estimates of the type and quantity of C&D waste to be generated by the proposed development and makes recommendations for management of different waste streams.

Ecological assessments of the subject site have been prepared to determine the likely presence of flora, fauna and habitats that would require protection. We refer the Planning Authority to the accompanying **Appropriate Assessment Screening Report** and **Ecological Impact Assessment Report**, prepared by Brady Shipman Martin Built Environment Consultants and to the **Tree Survey and Planning Report**, prepared by Independent Tree Surveys Ltd. Given the greenfield nature of the development site, there will be a temporary loss of habitat. However, mitigation measures are proposed, and the successful implementation of these mitigation measures will lead to no long-term significant impact as a result of the proposed development.

Operationally the proposed development requires water resources which will be met via a connection to existing mains and the necessary water connections. We refer the Planning Authority to the **Engineering Assessment Report**, prepared by Waterman Moylan Consulting Engineers.

In our opinion, the proposed development is representative of the sustainable redevelopment of well serviced, zoned development lands.

#### 5.2.1.4 Production of Waste

The proposed residential development, at this scale, is considered likely to generate normal quantities of household waste when operational.

A **RWMP** and **Operational Waste Management Plan (OWMP)**, prepared by AWN Consulting are enclosed with this planning application, which outline the strategy for management of waste from the proposed development during Construction and Operational stages of the proposed development.

No significant impacts are expected from the production of waste from the proposed development.

#### 5.2.1.5 Pollution & Nuisance

Potential short-term nuisances (such as dust and noise etc.) associated with construction of the proposed development and proposed mitigation measures to address them are detailed in the **CEMP**, prepared by AWN Consulting with significant inputs from Brady Shipman Martin Built Environment Consultants.

The potential for soil / and or water pollution during the operation phase is also addressed in the **CEMP** (prepared by AWN Consulting with significant inputs from Brady Shipman Martin Built Environment Consultants) and mitigation measures are proposed to ensure that the impact is insignificant. Therefore, it is considered highly unlikely that the development will result in significant pollution or nuisances.

We also refer the Planning Authority to the **Noise Impact Assessment**, prepared by RSK Ireland Limited, which is enclosed with this planning application.

#### 5.2.1.6 Risk of Major Accidents and / or Disaster

The proposed development would not involve the use of technologies or substances that would present a significant risk of major accident or environmental disaster at this location.

The application site is not proximate to any Seveso / COMAH designated sites. The nearest appearing to be the Intel Ireland Ltd. Site in Collinstown Industrial Park, Co. Kildare and the British Oxygen Company (BOC) facilities in Bluebell, Dublin 12. The application site is outside the 300m consultation distance of these establishments.

#### 5.2.1.7 Risk to Human Health

Similar to all construction sites, construction works giving rise to air and noise emissions that have the potential to impact human health. Appropriate mitigation measures are identified in the **CEMP** and **OWMP** as submitted with this planning application.

No development is allowed to occur within a distance defined by the Planning Scheme to the existing ESB Pylons until such time as those pylons are dismantled by the ESB. In that way there will be no risk to human health arising from those works.

In terms of water integrity, the subject site is servicable via infrastructure permitted under SDCC Reg. Ref. SDZ20A/0021. Therefore the development can be connected to public foul and surface water systems and will not result in the diminution of water quality as a result.

The Certificate of Feasibility received from Irish Water confirms that there is sufficient capacity for water supply.

The Certificate of Feasibility received from Irish Water confirms that there is sufficient capacity for wastewater connection subject to certain upgrade works. The required upgrade works for part of the permitted roads and drainage infrastructure works (SDCC Reg. Ref. SDZ20A/0021 refers). Works on the roads and drainage infrastructure are due to commence in 2023.

### 5.2.2 Location of Proposed Development <sup>3</sup>

#### 5.2.2.1 Existing Land Use

The proposed development is located on a greenfield site within the Clonburris SDZ, zoned for residential development. It is considered that the proposed development is consistent with the existing land use zoning and the wider land uses in the surrounding area.

The applicant has engaged a qualified ecological consultant (Brady Shipman Martin Built Environment Consultants) to assess whether proposed development is likely to have a significant environmental impact on any European sites. We refer the Planning Authority to the **Appropriate Assessment Screening Report** and the **Ecological Impact Assessment Report** (both of which accompany this planning application) which conclude that significant effects are not likely to arise, either alone or in combination with any other plans or projects resulting in significant effects on the integrity of the Natura 2000 network.

#### 5.2.2.2 Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area

The proposed development is compliant with the implementation of the Planning Scheme and development frameworks set out therein for Adamstown Extension Development Area (AE-S1 and AE-S2). The application site is zoned for the type of development proposed.

The Planning Scheme has been the subject of Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) as part of the statutory Plan preparation.

Adequate water and power are available for the needs of the proposed development.

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<sup>3</sup> This section addresses the information required under paragraph 1(b) of Schedule 7A of the of the Planning & Development Regulations 2001, as amended.

### 5.2.2.3 Absorption Capacity of the Natural Environment

The proposed development is not within or directly connected to any of the following environmentally sensitive geographical areas: -

- Wetlands.
- Coastal zones.
- Mountain and forest areas.
- Nature reserves and parks.
- Areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.
- Areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded.
- Landscapes of historical, cultural or archaeological significance.

The lands have been deemed capable of absorbing the nature and extent of development proposed through the exhaustive Planning Scheme making process, including a process of SEA and AA.

The various reports that have accompany this planning application in relation to ecology, transportation, lighting, flood risk, noise and daylight/sunlight set out that the development is capable of being absorbed into the existing natural environment.

In the case of EIA screening for sub-threshold, we note that the EIAR Guidelines (Section 3, pg. 22) provide that in a case where an applicant identifies that: -

*“If the authority identifies that effects are likely under some factors but that, having regard to the prescribed screening criteria, these effects are insufficient to require an EIA, then they may suggest providing a separate report (or reports) on the affected factors.”*

In respect of the potentially environmentally sensitive aspects of the site and surrounds identified above, we refer the Planning Authority further to Section 5.2.3 below. A range of expert reports accompany the planning application, which addresses the likely significant effects on the environment of the proposed development in relation to the criteria set out in Schedule 7 and 7A of the Regulations, having regard to any recommended mitigation measures.

**The third section of Schedule 7**, refers to *“the likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i) (I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account”* the characteristics of the impacts, which are addressed further below.

### 5.2.3 Aspects of the Environment Likely to be Affected by the Proposed Development <sup>4</sup>

As indicated above, a range of expert reports have addressed a number of different aspects of the environment that could potentially be affected by the proposed development. These reports describe the aspects of the environment likely to be affected in so far as these are relevant to the particular circumstances of the proposed development.

A summary of these reports is set out below: -

<sup>4</sup> This section addresses the information required under paragraph 2 of Schedule 7A of the of the Planning & Development Regulations 2001, as amended.

### 5.2.3.1 Housing Quality Assessment

A **Housing Quality Assessment (HQA)**, prepared by Burke Kennedy Doyle Architects is enclosed. The HQA identifies that each of the proposed dwellings meets or exceeds the minimum residential amenity standards houses prescribed by the Quality Housing for Sustainable Communities (2007) and for duplexes / apartments prescribed by the Design Standards for New Apartments – Guidelines for Planning Authorities (2022).

### 5.2.3.2 Construction & Environmental Management Plan

We refer the Planning Authority to the **CEMP**, prepared by AWN Consulting, which accompanies this planning application. This Report explains the construction techniques and methodologies which will be implemented during construction. The report also outlines mitigation measures will be implemented to ensure that pollution and nuisances arising from site clearance and construction activities is prevented where possible and managed in accordance with best practice environmental protection. Brady Shipman Martin Built Environment Consultants have inputted to the Environmental strategy of this document.

The final Construction Environmental Management Plan and strategy will be prepared by the appointed contractor in accordance with the measures detailed in this report.

### 5.2.3.3 Resource Waste Management Plan

We refer the Planning Authority to the **RWMP**, prepared by AWN Consulting, which accompanies this planning application. The purpose of this plan is to provide information necessary to ensure that the management of construction and demolition (C&D) waste at the site is undertaken in accordance with the current legal and industry standards. In particular, this Plan aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and / or water). This RWMP includes information on the legal and policy framework for Construction & Demolition waste management in Ireland, estimates of the type and quantity of Construction & Demolition waste to be generated by the proposed development and makes recommendations for management of different waste streams.

This report will be viewed as a live document and will be regularly revisited throughout the project life cycle.

### 5.2.3.4 Site Specific Flood Risk Assessment

We refer the Planning Authority to the **Flood Risk Assessment**, prepared by Waterman Moylan Consulting Engineers. The report reviewed various sources of flooding and assessed the flood risk of each source. Where necessary, mitigation measures have been proposed. As a result of the proposed mitigation measures, the residual risk of flooding from any source is low.

### 5.2.3.5 Appropriate Assessment Screening

We refer the Planning Authority to the **Appropriate Assessment Screening Report**, prepared by Brady Shipman Martin Built Environment Consultants, enclosed with this planning application.

This report concludes that the proposed development individually or in combination with another plan or project, will not have a significant effect on any European sites.

### 5.2.3.6 Ecological Impact Assessment

We refer the Planning Authority to the **Ecological Impact Assessment Report**, prepared by Brady Shipman Martin Built Environment Consultants, enclosed with this planning application. The EclA was prepared in order to: establish the baseline ecological data for the proposed development site; determine the ecological value of the identified ecological features; assess the impact of the proposed development on ecological features of value (flora and fauna); and, identify any necessary mitigation measures to avoid, reduce, remedy or compensate impacts.

This report concludes that with the implementation of the required mitigation, including the significant additional hedgerow and treeline planting, and enhancement of retained grassland, there will be no long-term residual impact on any ecological receptors, either within or in the vicinity of the site, or associated with any site designated for nature conservation as a result of the proposed development.

### 5.2.3.7 Arboricultural Assessment

We refer the Planning Authority to the **Tree Survey and Planning Report** and associated drawings which have been prepared by Independent Tree Surveys Ltd. and are enclosed as part of this planning application. It assesses: the present condition of the tree vegetation within this site area; the impact of the proposed development layout on the trees, indicating those for removal and retention; and identifies any necessary tree protection measures to be put in place around the trees to be retained and maintained during the construction stage.

### 5.2.3.8 Landscape & Visual Impact Assessment Report

We refer the Planning Authority to the **Landscape & Visual Impact Assessment Report**, prepared by Brady Shipman Martin Built Environment Consultants which is enclosed with this planning application. The purpose of this study is to assess the likely impact of the proposed development on the existing landscape settings of the site (i.e. change in landscape character and visual impact) and describe any mitigation measures. This assessment should be read in conjunction with the **Photomontages** of the proposed scheme, prepared by Brady Shipman Martin Built Environment Consultants.

The report concludes that there are no significant residual effects expected for landscape or visual receptors on site.

### 5.2.3.9 Transportation Assessment

The **Traffic & Transportation Assessment**, prepared by Waterman Moylan Consulting Engineers has been prepared in accordance with TII's Traffic & Transport Assessment Guidelines. It provides a robust assessment of traffic impact arising from the proposed development on the local road network.

The report provides a comprehensive review of all the potential transport impacts of the developments at the development site including detailed assessment of the existing and future transportation systems and the impact of the proposed development on the surrounding environment and transportation network. It also discusses the accessibility of the site for vehicles, pedestrians, cyclists and local public transportation to achieve sustainable travel targets.

A **Travel Plan**, prepared by Waterman Moylan Consulting Engineers has also been prepared. This will be implemented and developed on an ongoing basis with the triple objectives of promoting sustainability, enhancing public transport and reducing dependency on the use of the private car. The Travel Plan deals with the typical day-to-day operating conditions at the site.

### 5.2.3.10 Daylight & Sunlight Impact Assessment

We refer the Planning Authority to the **Sunlight & Daylight Analysis Report**, prepared by IN2 Design Partnership. This provides an assessment of the likely sunlight and daylight levels within the proposed development as well as analysing the impact of the proposed development on the surrounding area.

The analysis determined that 98.5% of Kitchen / Living / Dining (KLD) spaces, living rooms and bedrooms would achieve or exceed BRE guidance targets. This provides for an excellent level of amenity value within the development as a whole. It is noted that a total of 12no. units have been determined to be non-compliant, so compensatory measures have been introduced for these units applying the precautionary approach. The compensatory measures are noted as the following: -

1. Daylight Adjacency – In the cases where a room is below target, there are adjacent room/rooms with the apartment which were found to be comfortably compliant. Therefore, these units each have rooms that are well daylit, despite a single room being slightly below target.
2. Sunlight – The KLDs or bedrooms with below target Spatial Daylight Autonomy receive over 3 hours of sunlight. Therefore, whilst the rooms were found to be non-compliant for daylight, their apartment units achieve the requisite sunlight availability for compliance.
3. Aspect – In addition to their private amenity space, a number of units have direct aspect out onto landscaped communal or public open space providing an excellent view from the KLD space.
4. Direct Access to Courtyard – A number of ground floor units have direct access to courtyard connecting with nature. It also provides a good ventilation through the units.
5. Private Amenity Space – All apartments have been designed to allow direct access to a balcony or patio for private amenity space.

Section 6.3 and Appendix A of the Daylight, Sunlight and Overshadowing Study, prepared by Integrated Environmental Solutions Limited identifies the specific compensatory measures applicable to each of the 12 no. units which are non-compliant.

#### 5.2.4 Likely Significant Effects on the Environment <sup>5</sup>

The third section of Schedule 7 of the Regulations, refers to: -

*“... the likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act.”*

Under Section 171A of the Planning and Development Act, 2000, as amended the effects of the proposed development on the following factors needs to be evaluated: -

- i. *population and human health;*
- ii. *biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;*
- iii. *land, soil, water, air and climate;*
- iv. *material assets, cultural heritage and the landscape;*
- v. *the interaction between the factors mentioned in clauses (I) to (IV).”*

Having regard to the brief description of the characteristics and location of the proposed development (Sections 5.2.1 and 5.2.2 above) and relevant aspects of the environment likely to be affected (Section 5.2.3) already identified, we do not consider it necessary to repeat these descriptions again for each of the factors above. Having regard also to the mitigation measures contained in the relevant expert environmental assessments, we proceed then to identify below the likely significant effects on the environment in respect to items I-V above.

<sup>5</sup> This section addresses the information required under paragraph 3 of Schedule 7A of the of the Planning & Development Regulations 2001, as amended as well as considering the criteria under paragraph 3 of Schedule 7.



### 5.2.4.1 (i) Population & Human Health

European Commission guidance relating to the implementation of the 2014 Directive, in reference to Human Health, states: -

*“Human health is a very broad factor that would be highly project dependent. The notion of human health should be considered in the context of other factors in Article 3(1) of the EIA Directive and thus environmentally related health issues (such as health effects caused by the release of toxic substances to the environment, health risks arising from major hazards associated with the project, effects caused by changes in disease vectors caused by the project, changes in living conditions, effects on vulnerable groups, exposure to traffic noise or air pollutants) are obvious aspects to study.”<sup>6</sup>*

The EPA Guidelines on the information to be contained in environmental impact assessment reports states that *“in an EIAR, the assessment of impacts on population and human health should refer to the assessments of those factors under which human health effects might occur, as addressed elsewhere in the EIAR e.g. under the environmental factors of air, water, soil etc.”<sup>7</sup>*

By way of description of this aspect of the environment in the context of the proposed development, the following should be noted.

#### Planning Policy Context

The proposed development is consistent with the other relevant policies and objectives of the Planning Scheme.

We refer the Planning Authority to the Planning Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants which outlines the proposed developments consistency with all of the relevant policies and objectives of the Planning Scheme.

The proposed development is located in a SDZ that is zoned for primarily residential development. The subject site for this planning application is located in the westernmost portion of the SDZ in the Adamstown Extension Development Area.

The proposed development is consistent with the relevant National Policy Objectives of the National Planning Framework (NPF). SDZ's are specifically identified in the NPF as crucial to accommodating growth in Dublin.

The proposed development is similarly consistent with the strategic planning objectives of the Regional Spatial and Economic Strategy for Eastern & Midlands (RSES) and Dublin Metropolitan Area Strategic Plan (DMASP), which seek to implement the growth targets and national policy objectives of the NPF at a regional level. The RSES also promote sustainable development in ‘Dublin and Suburbs’ through the achievement of higher densities and building height to achieve strategic growth and accommodate the population projections of the NPF. The application site is adjacent the South-West Corridor Strategic Development Areas along the Kildare line includes DART upgrades to Celbridge-Hazelhatch.

The proposed development is consistent with the relevant Ministerial Guidelines for planning authorities, which set out Special Planning Policy Requirements aimed at achieving sustainable urban development. The following Guidelines in particular are relevant to the assessment of the proposed development:

- Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009).
- Urban Design Manual – A Best Practice Guide (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022).
- Quality Housing for Sustainable Communities (2007).

<sup>6</sup> Environmental Impact Assessment of Projects: Guidance on the Preparation of the Environmental Impact Assessment Report, European Commission, 2017 <http://ec.europa.eu/environment/eia/ria-support.htm>

<sup>7</sup> Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, EPA, 2022

- The Planning System and Flood Risk Management (2009).
- Design Manual for Urban Roads and Streets (2013).

We refer the Planning Authority to the Planning Application Report enclosed with this Planning Application, prepared by Stephen Little & Associates, which identifies how the proposed development is consistent with strategic planning policy.

### **Housing Quality Assessment**

We refer the Planning Authority to the **Housing Quality Assessment**, prepared by Burke Kennedy Doyle Architects which identifies that each of the proposed dwellings meets or exceeds the minimum residential amenity standards for apartments prescribed by the Design Standards for New Apartments – Guidelines for Planning Authorities (2022).

No significant adverse impact on human health are therefore predicted arising from the design of the proposed dwellings, at the operational phase of the project.

### **Micro-Climatic Effects**

The proposed development was determined not to unduly impact on its neighbouring environment in terms of daylight and sunlight impact on neighbouring dwellings.

We refer the Planning Authority to the **Sunlight and Daylight Analysis**, prepared by IN2 and submitted as part of this planning application.

### **Construction and Construction & Demolition Waste Management**

It is anticipated that any potential construction related nuisance will be appropriately controlled, short-term and not significant with respect to human health.

Assuming that the mitigation measures set out in the **CEMP** and the **RWMP**, prepared by AWN Consulting will be implemented, the proposed development is not likely to give rise to potential for significant adverse impact on the environment that would give rise to risk to human health relating to emissions to air or water.

The construction phase of the proposed development will provide for the temporary employment of construction workers which is likely to provide benefits for local businesses providing retail or other services to construction workers and potentially could create some additional employment in the area.

It is concluded that the proposed development has potential to give rise to some short term adverse impacts during construction stage, which can be mitigated through the implementation of a Construction Environmental Management Plan and the Resource Waste Management Plan, prepared by AWN Consulting.

### **Flood Risk**

In the first instance, we refer the Planning Authority to the **Flood Risk Assessment**, prepared by Waterman Moylan Consulting Engineers.

The Flood Risk Assessment proposes a number of mitigation measures and as a result of these the residual risk of flooding from any source is low.

Therefore, it does not pose a threat to population and human health.

#### 5.2.4.2 (ii) Biodiversity, with Particular Attention to Species and Habitats Protected under the Habitats Directive and the Birds Directive

By way of description of this aspect of the environment in the context of the proposed development, the following should be noted.

The subject site is not located within or directly adjacent to any SAC or SPA.

The potential impacts associated with the proposed development do not have the potential to affect the receiving environment in any European sites and, consequently, do not have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests (QIs/SCIs) of any European sites. Therefore, the proposed development is not likely to have significant effects on any European sites.

As the proposed development itself will not have any effects on the QIs/SCIs or conservation objectives of any European sites, and taking into account the policies and objectives of the statutory plans and guidelines referred to above, it is considered that there is no potential for any other plan or project to act in combination with it to result in significant effects on any European sites.

We refer the Planning Authority to the **Appropriate Assessment Screening Report**, prepared by Brady Shipman Martin Built Environment Consultants, which concluded that the proposed development individually or in combination with any other project will not have an impact on any European Sites.

We also refer to the **Ecological Impact Assessment Report**, prepared by Brady Shipman Martin.

#### 5.2.4.3 (iii) Land, Soil, Water, Air and Climate

##### Soil

The soil material has been tested and no contamination has been found. During the excavation works, should evidence of contamination be encountered which was not identified within the site investigation report, the soil in question shall be tested and an independent Waste Classification Report issued confirming the status of the material. The Waste Classification Report shall detail methods and recommendations of how to dispose of the contaminated material and these shall be adhered to by the contractor.

The majority of construction waste materials generated will be soil from excavation works. Material will be removed from site regularly to ensure there is minimal need for stockpiling.

##### Flood Risk

We refer the Planning Authority to the **Flood Risk Assessment**, prepared by Waterman Moylan Consulting Engineers. The Site Specific Flood Risk Assessment proposes a number of mitigation measures and as a result of these the residual risk of flooding from any source is low.

##### Climatic Effects

The proposed development meets the recommendations of the BRE Guidelines in respect of likely impact to daylight and sunlight from the proposed development on the surrounding environment.

An **Energy Efficiency and Climate Change Adaptation Design Statement**, prepared by Waterman Moylan Consulting Engineers, and a **Building Lifecycle Report**, prepared by Sean Drury Consulting Engineers are submitted with this planning application. Both confirm that measures have and will be taken in the detailed design and construction of the building to ensure energy efficiency and use of renewable and passive energy technologies. No significant adverse impact on climate arising from the proposed development is therefore predicted.

Arising from all of the above no significant impacts are expected in respect of land, soil, water, air and climate from the cumulative development proposed.

#### 5.2.4.4 (iv) Material Assets, Cultural Heritage and the Landscape

With regard to Material Assets, the EIAR Guidelines (2022) published by the EPA state: -

*“In Directive 2011/92/EU this factor included architectural and archaeological heritage. Directive 2014/52/EU includes those heritage aspects as components of cultural heritage. Material assets can now be taken to mean built services and infrastructure. Traffic is included because in effect traffic consumes transport infrastructure. Sealing of agricultural land and effects on mining or quarrying potential come under the factors of land and soils.”*

#### Landscape and Visual Impact Assessment

A **Landscape & Visual Impact Assessment**, prepared by Brady Shipman Martin Built Environment Consultants is enclosed with this application. This assessment concludes that there are no significant residual effects expected from the proposed development.

#### Transportation

The **Traffic & Transportation Assessment, Travel Plan**, prepared by Waterman Moylan Consulting Engineers and the **Quality Audit**, prepared by Burton Consulting Engineers demonstrates that the proposed development can be accommodated without causing an adverse effect on the transportation environment of the area.

#### Utilities

We refer the Planning Authority to the description of existing and proposed drainage and water supply contained in the **Engineering Assessment Report**, prepared by Waterman Moylan Consulting Engineers.

The lands are serviced and the proposed development would use the water and drainage services, upon which its effects are likely to be marginal.

#### Flood Risk

In the first instance, we refer the Planning Authority to the **Flood Risk Assessment**, prepared by Waterman Moylan Consulting Engineers.

It concluded that the proposed development does not contribute to flood risk and is not at risk of being flooded. Therefore, it does not pose a threat to Material Assets.

#### 5.2.4.5 (v) The Interaction between the Factors Mentioned in Clauses (I) to (IV)

There is potential for interaction of impacts as identified in the grouping of topics above under Items (I) to (IV) above.

No significant adverse environmental impacts are predicted in relation to these interactions.

#### 5.2.4.6 (vi) Vulnerability of the Project to Risks of Major Accidents and / or Disasters

There is no significant risk of major accidents and / or disasters arising for the proposed development at this site.

The proposed development would not involve the use of technologies or substances that would present a significant risk of major accident or environmental disasters at this location.

The application site is not proximate to any Seveso / COMAH designated sites. The nearest appearing to be the National Oil Reserves Agency Storage Facility at Shellybanks Road, Ringend, Dublin 4 and Dublin Waste to Energy Ltd at Pigeon House Road, Dublin 4. The application site is outside the 300m consultation distance of these establishments.

The application site is not at risk of flooding in any form, as confirmed by the **Flood Risk Assessment**, prepared by Waterman Moylan Consulting Engineers.

### 5.3 Probability of Environmental Impact in the Clonburris SDZ

A SEA has been carried out on the Planning Scheme as required under Directive 2001/42/EC, also referred to as the SEA Directive. The purpose of an SEA is to evaluate and predict the likely environmental impacts of implementing a plan, in this case the Planning Scheme, in order to ensure that these impacts are addressed at the earliest appropriate stage of decision-making on par with social and economic considerations. As part of the SEA process, a large number of environmental mitigation measures have been inserted into the Planning Scheme in order to address potential likely significant effects.

Objectives that have been integrated into the Planning Scheme in order to mitigate and minimise any potential negative impacts that the implementation of the Planning Scheme may have on the environment.

An AA Screening as required under Article 6(3) of the EU Habitat Directive 92/43/EEC has also been conducted as part of the preparation of the Planning Scheme. This concluded that: -

*“Following an examination, analysis and evaluation of the relevant information, including in particular, the nature of the Draft Scheme and its potential relationship with European sites, as well as considering other plans and projects, and applying the precautionary principle, it is the professional opinion of the authors of this report that it is possible to rule out likely significant effects on all European sites.”*

Based on the information presented above, and the exhaustive list of objectives contained in the Planning Scheme that are results of the SEA process, it is reasonable to suggest that where a development is compliant with the objectives of the Planning Scheme and is considered to be sub threshold, an EIAR is not required and that the cumulative effects of same are addressed on a similar basis. An AA Screening Report has also been prepared as part of this planning application.

## 6 CONCLUSION

Environmental Impact Assessments are required for development proposals of a class specified in Part 1 or 2 of Schedule 5 of the Regulations that are sub-threshold where the Planning Authority determines that the proposed development is likely to have a significant effect on the environment.

This EIA Screening Report seeks to assist the Planning Authority in its determination of the likelihood of significant effects on the environment arising from the proposed development.

The proposed development is an urban development project comprising 385no. residential units in a mix of apartments, duplexes and houses ranging in height from 2 – 6 storeys.

The proposed residential development is located on a greenfield site, measuring c. 8.94 Ha, located in the Adamstown Extension Development Area of the Planning Scheme.

The proposed development is below the thresholds for a mandatory EIA. Class 15 in Part 2 of Schedule 5 of the Regulations is however also relevant in so far as it refers to: -

*“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.”*

The criteria set out in schedule 7 of the Regulations, and those at Annex III of the EIA Directive 2011/92/EU as amended by 2014/52/EU therefore have to be applied with regard to the characteristics and location of the proposed development, and the type and characteristics of its potential impact.

Having regard to: -

- a) the nature and scale of the proposed development, on zoned lands served by public infrastructure.
- b) the absence of any significant environmental sensitivities in the area.
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Regulations.

Having regard to the limited nature and size of the proposed development, its location on lands zoned for residential development, the site is within a SDZ and the proposed development is in line with the emerging pattern of development in this area, the nature and extent of the proposed development is not considered likely to result in any long-term significant impacts on its surrounding environment. Construction practices in line with the enclosed Construction and Environment Management Plan and mitigation outlined in the Ecological Impact Assessment will further reduce the long-term impacts of this development. The temporary impact in respect of noise, dust and traffic will be predominantly contained within the development site, and in any case would be consistent of any similar development of this nature. The need for environmental impact assessment can, in our professional opinion therefore be excluded.

We acknowledge however that the Planning Authority is the Competent Authority in this matter.

Stephen Little & Associates are committed  
to progressing and achieving sustainable  
development goals.

**Chartered Town  
Planners and  
Development  
Consultants**

**Address:**  
26/27  
Upper Pembroke Street  
Dublin 2, D02 X361

**Contact:**  
t: 353-1 676 6507  
info@sla-pdc.com  
sla-pdc.com