

# Strategic Housing Development

at Sommerville House, Dundrum  
Road, Dundrum, Dublin 14

Statement in accordance with Article  
299B(1)(b)(ii)(II)(C) of the Planning and  
Development Regulations, 2001 - 2021

Submitted on Behalf of

Eir (formerly Eircom)

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## 1.0 INTRODUCTION

This statement has been prepared by Declan Brassil & Co., Chartered Planning Consultants in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 to 2021 (hereafter referred to as the 'Planning Regulations') in relation to the proposed Strategic Housing Development (SHD) at Sommerville House, Dundrum Road, Dublin 14.

This statement forms part of the information provided by the Applicant to enable the Board to complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations.

In particular, this statement sets out 'the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive' in accordance with Article 299C(1)(a)(iv) of the Planning Regulations to inform the screening determination by the Board.

### 1.1 Irish Legislative Context

The proposed SHD is a sub-threshold development comprising 111 residential units, below the 500 dwelling threshold at paragraph (1)(b)(i) of Part 2 of Schedule 5 to the Planning Regulations.

No screening determination was requested or made under Section 7 of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) (the '2016 Act').

Articles 299B and 299C of the Planning Regulations prescribe the requirements for sub-threshold development where no screening determination was made under Section 7 of the 2016 Act.

The application is not accompanied by an Environmental Impact Assessment Report (EIAR).

In cases where an application for sub-threshold development is not accompanied 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 places an obligation on the Board that it must satisfy itself that the Applicant has provided the following:

*(A) the information specified in Schedule 7A,*

*(B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and*

*(C) 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*

Article 299B(1)(c) of the Planning Regulations states:

*'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.'*

The information required by sub-paragraphs (A) and (B) of Article 299B(1)(b)(ii)(II), namely, the information specified in Schedule 7A and any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, is contained in the Environmental Impact Assessment Screening Report submitted with the application.

This statement provides the information required by sub-paragraph (C) of Article 299B(1)(b)(ii)(II) - namely, a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

This information is provided by the Applicant to enable the Board to complete 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.

This statement, in particular, is provided so that the Board may have regard to the *'the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive'* in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

## **1.2 Description of Development**

The nature and extend of the proposed development is described in full detail within the submitted Planning Report and Statement of Consistency. In summary the proposed development comprises as follows:

- Demolition of all structures on the site and site clearance works.
- The construction of 2 no. apartment blocks (Blocks A and B) providing 111 no. apartments in total (comprising 3 no. studios, 51 no. one bedroom units, 46 no. 2 bedroom / 4 person units and 11 no. 2 bedroom / 3 person units. Block A (Western block, fronting Dundrum Road) comprises a 6-storey block (5 levels over lower ground level / semi-basement) stepping down to the east to 4-storeys in height. Block B (Eastern block, towards the rear (east) of the site) is of part 2-, and part 3-storey height. The proposed development has a total gross floor area of 10,291 sq.m and provides; internal communal ancillary residential services / amenities to include a post room at lower ground floor level within Block A; a shared amenity / lounge (17.5 sq.m) and a storage room (11.8 sq.m) at second floor level within Block B.
- A semi-basement / lower ground floor level is provided in Block A that will be accessed via a vehicular ramped access/egress onto/off Sommerville Road to the north. This semi-basement provides two refuse stores; 39 no. car parking spaces (of which 10 no. spaces are fitted for Electric Vehicles and including 3 no. car club spaces); secure bicycle parking / storage in the form of 82 no. double stacked bicycle storage spaces providing 164 no. residents cycle parking spaces; 2 no. cargo bike storage areas; 3 no. motorcycle spaces; plant room (75 sq.m) and an ESB substation/switch room.
- At ground / surface level provision is made for 2 no. disabled car parking spaces (both fitted for Electric Vehicles) together with 56 no. short stay bicycle storage spaces in the form of 28 no.

Sheffield stands and a further 3 no. Sheffield stands providing 6 no. long stay bicycle spaces plus 2 no cargo storage bike spaces. An enclosed bin store is also provided at surface level to the north of Block B.

- Communal Outdoor Amenity space is provided for residents in the form of rooftop terraces located at 2<sup>nd</sup> floor level within Block A and B, respectively, and communal courtyard spaces at ground floor level between blocks (totalling 1,923 sq.m in area).
- Private amenity spaces are proposed in the form of patios / terraces at lower ground and ground floor levels with balconies serving apartments at the upper levels.
- Hard and soft landscaping works are proposed at ground floor level which includes the provision of footpaths; fire tender access and an informal play area for children.
- Provision of 4 no. rooftop telecommunications antennae (Block A) and an associated base station / cabinet that will be located within a designated comms room (approximately 13.6 sq.m) that is situated at lower ground floor level within Block A.
- Works proposed to the existing Sommerville and Dundrum Road junction include the provision of an uncontrolled pedestrian crossing (including dropped kerbs and tactile paving) and reduced junction radii to 6.0m. Works proposed at the site access road from Sommerville Road include the provision an uncontrolled pedestrian (to include dropped kerbs and tactile paving).

## **2.0 STATEMENT ON THE RESULTS OF ENVIRONMENTAL ASSESSMENTS IN THE CONTEXT OF EU LEGISLATIVE PROVISIONS**

The following sections identify the EU Directives (other than the EIA Directive) relevant to the proposed SHD, and the nature of the assessments carried out in accordance with the directives. Where individual assessments have influenced the details of the proposed scheme, this is also described below, to show how the results of those assessments have been taken into account.

### **2.1 Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive**

The Birds Directive (Directive 2009/147/EC on the conservation of wild birds), first adopted by Member States in 1979, is the European Union's oldest piece of nature legislation.

The Habitats Directive (Directive 92/43/EEC) on the conservation of natural habitats and of wild fauna and flora) adopted in 1992, aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.

The subject site is not located in or directly adjacent to any European Site (NATURA site, including Special Protection Area (SPA), Special Area of Conservation (SAC)) or any Natural Heritage Areas (NHA). The submitted AA Screening Report identifies 16 no. NATURA 2000 sites within the Influence Zone of the subject site. The River Slang is situated approximately 65m from from the site. It enters the River Dodder approx. 1.2 km downstream. River Dodder flows into River Liffey (further 4.9 km downstream). Because River Liffey enters Dublin Bay (2.7 km below this point), the Slang River is hydrologically connected with

the following marine / island Natura 2000 sites within the zone of influence: South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA, Dalkey Islands SPA, Rockabill to Dalkey Island SAC, Howth Head SAC, Baldoyle Bay SAC, Baldoyle Bay SPA, Howth Head Coast SPA, Bray Head SAC. Due to both distance (at least approx. 8.8 km along the watercourses) from the site (its location) and nature of the project, it is not envisaged by the project ecologist that this would be the pathway between the development and the Natura 2000 sites.

### 2.1.1 AA Screening

Article 6.3 of the Habitats Directive 92/43/EEC requires that an Appropriate Assessment (AA) should be carried out where plans or projects are likely to have a significant effect on any European Site. A Stage One AA Screening Report has been prepared by Wildlife Surveys which states as follows:

*'Sixteen NATURA 2000 sites were identified within the Influence Zone of the proposed development site. The proposed development site is not located within or immediately adjacent to any European site....'*

*Potential hydrological connections were identified in the area surrounding the site. River Slang is situated approximately 65 m away from the site. It enters River Dodder approx. 1.2 km downstream. River Dodder flows into River Liffey (further 4.9 km downstream). Because River Liffey enters Dublin Bay (2.7 km below this point), the Slang River is hydrologically connected with the following marine / island Natura 2000 sites within the zone of influence: South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA, Dalkey Islands SPA, Rockabill to Dalkey Island SAC, Howth Head SAC, Baldoyle Bay SAC, Baldoyle Bay SPA, Howth Head Coast SPA, Bray Head SAC.....'*

The submitted AA Screening Report concludes:

*'The proposed development site at Sommerville, Dundrum is not located within or directly adjacent to any Natura 2000 site. No source – pathway – receptor connection was identified between the proposed development site and any Designated Site. The Appropriate Assessment screening process considered potential impacts which may arise during the installation and operational phases of the changes being considered. Through an assessment of the pathways for effects and an evaluation of the activities, taking account of the processes involved and the distance of separation between Natura 2000 designations in the wider study area, it has been evaluated that there are no likely significant adverse effects on the qualifying interests or the conservation objectives of any designated Natura 2000 site.*

*It is concluded that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on a European site. Consequently, the proposed development does not require an Appropriate Assessment; there is, therefore, no requirement to progress to Stage 2: Natura Impact Statement (NIS).' [Emphasis added in underlining]*

As it has been concluded that no direct, indirect or cumulative impacts on any European Site are expected as a result of the proposed development, progression to Stage 2 Appropriate Assessment was not required. The results of the assessment undertaken do not require any changes to the proposed development.

### 2.1.2 Ecological Impact Assessment of Fauna, Flora and Habitats

This report is accompanied by an Ecological Impact Assessment that was prepared by Wildlife Surveys

Ireland Ltd.

Section 6.3 of this report sets out findings in respect of Flora and sub-section 6.4 sets out findings in respect of fauna.

The following construction stage impacts have been identified for Flora and Habitats:

- Loss of habitat – *‘There will be a very limited loss of scrub and trees (5 individual trees and one group of trees) that will reduce insect abundance and feeding for birds and bats and commuting corridors (a band of 3 metres is usually sufficient) for bats. Loss of grassland will also lead to reduction of number of species of flora and fauna depending upon this habitat. Loss of Ivy covering some sections of the perimeter walls will lead to reduction of number of species of fauna (mostly insects and small birds) depending on this habitat.’* Whilst this impact is likely to be negative, the duration of this impact is expected to be short and reversible, as new shrubs and trees will be planted. Accordingly, this impact is not considered to be significant.
- Alien invasive plant species introduction – *‘Alien invasive plants (e.g. Japanese knotweed) can be introduced via equipment used at the site. This would lead to negative changes in local habitats and species composition.’* Whilst this impact is considered significant, negative, reversible with long-lasting duration if it was to occur. However, the implementation of mitigation measures such as the checking of vehicles and equipment and washing of same before being introduced on site will result in an unlikelihood of this impact from occurring.
- Disturbance of soil – *‘Heavy machinery movement, trampling and moving of soil will lead to changes in mechanical and biological structure of soil within the Proposed Development site which will impact quality of soil and therefore slow down regeneration of flora after the construction stage.’* This impact is identified as negative, reversible, with long-lasting duration. However, due to the relatively small area of existing vegetated, undisturbed soil, this impact is not considered to be significant.

There are 20<sup>1</sup> no. trees present on site and immediately adjoining the site of which 14 no. will be retained – all of which are classified as either Category A or B trees (i.e. good quality trees). Of the 5 individual trees (T12 to T16, as indicated on the accompanying tree survey) and 1 additional group of trees (TG1) that it is proposed to be felled, 4 no. individual trees are category C trees, which are of low quality. The other single tree (T14) and group (TG1) to be removed are category B trees. It should be noted that none of trees proposed to be removed are situated outside the site boundary (i.e. outside the applicant’s control). or form part of important tree stands that provide significant habitat value. The proposed development has been informed at the outset by a tree survey and arboricultural assessment that has sought to avoid significant disturbance of tree roots within the associated root protection zones of high quality trees with the view to maximise the retention of such trees for the amenity and biodiversity value. In order to offset the limited tree loss, the landscaping strategy proposes to augment the retention of the good quality mature trees with new tree planting, especially along the northern boundary of the site.

Such new planting will result in a net gain of native tree/shrub species through the appropriate

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<sup>1</sup> Note: Tree Group TG1 consisting of 3 no. trees have been counted as one tree.

implementation of the Landscape Masterplan that will also provide new commuting/feeding and roosting opportunities for bats as landscaping matures. Similarly it would provide nesting and roosting opportunities for birds.

The following construction stage impacts have been identified for fauna:

- Increased lighting - There will be increased lighting for construction work during winter periods and security lighting within the site out of construction hours. There are consequences for nocturnal mammals (in particular, bats) and daytime birds from these alterations that would contribute to a short-term moderate negative reversible impact where lighting is not properly controlled. This impact is not considered to be significant.
- Disturbance of birds nesting within Scrub and Treelines - There will be very limited impact upon nesting birds. Working close to Scrub and Treeline habitats may cause disturbance of birds nesting there. This impact is medium-term reversible, as birds can nest after the disturbance ceases.
- Loss of roost and nest sites - Bird night roosts and nest sites may be temporarily lost through removal of some trees. This is a medium-term reversible impact, as the new tree planting will provide new roost and nest sites over time following the construction phase. This impact is not considered to be significant.
- Loss of feeding and cover - There will be a limited loss of plant fruit, insect shelter and vegetation that will contribute to a loss of feeding and cover for a wide variety of species. This is a medium-term slight negative reversible impact on the species within the site. This impact is not considered to be significant.

In terms of operational phase impacts on fauna, the submitted Ecological Impact Assessment identifies that disturbance from lighting may affect bat species, in particular, light-intolerant bat species during foraging and if directed at emergence points would affect all bat species, even those that will feed in illuminated areas. However, it is acknowledged that there is already a high level of light pollution from the data centre on the surrounding vegetation. This impact is considered negative, and its duration is expected to be permanent. The impact will not be significant, provided the lighting mitigation measures are effectively implemented..

Section 10 of the submitted Ecological Impact Assessment recommends a number of mitigation measures, including lighting recommendations to mitigate the abovementioned impact. These recommendations have been incorporated into the proposed lighting scheme for the development.

In this regard Section 11 concludes that *'although the proposed development may have some temporary negative impacts at the local level, these impacts will be fully mitigated over time to be rendered negligible.'* It is therefore submitted that the identified mitigation measures are adequate and its implementation will effectively mitigate adverse impacts, as identified.

## **2.2 Directive 2007/60/EC - Floods Directive**

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



access this information and to participate in the planning process.

A Site Specific Flood Risk Assessment (SSFRA), prepared by CS Consulting Engineers accompanies the application. The SSFRA has been carried out in accordance with 'The Planning System and Flood Risk Management Guidelines' (hereafter referred to as the Flood Guidelines) published in November 2009 jointly by the then Department of the Environment, Heritage and Local Government, DEHLG, (now the Department of the Environment, Community and Local Government, DECLG) and the Office of Public Works (OPW). The guidelines were prepared in accordance with the requirements of the Floods Directive.

The SSFRA identifies the site within Flood Zone C. On this basis a Justification Test is not required. Section 4 of the assessment provides a flood risk assessment from various sources, including fluvial, tidal, pluvial, groundwater and failing infrastructure. The SSFRA concludes that:

- There is no evidence of recorded historic flooding events for the site;
- Predicted flood mapping for pluvial / tidal and fluvial flood events will not affect the subject site.
- The proposed development will have a storm water attenuation system to address a 1 in 100 year extreme storm events (increased by 20% for predicted climate change), which will significantly reduce the volume of storm water leaving the site during extreme storms which in turn will reduce pressure on the existing public drainage system. .
- The attenuation system will release the storm water in a controlled manner after the peak storm duration has passed. By restricting the flow, the likelihood of the proposed development adversely affecting the public drainage system or contributing to downstream flooding is thereby mitigated.
- The likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be minor and within acceptable levels.

It has therefore been concluded that flood risk associated with the development is minimal. The results of the assessment done mean that the risk of the development increasing flood risk elsewhere can be minimised through the implementation of proposed attenuation and SuDS measures, as outlined in the Engineering Services Report, prepared by CS Consulting Engineers that accompanies the application.

### **2.3 Directive 2002/49/EC - Environmental Noise Directive**

The Environmental Noise Directive focuses on the following three action areas:

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

This application is accompanied by a Noise Impact Assessment (NIA) report prepared by TMS Environment Ltd. Section 3.4 of the Report states that Dublin City Council together with the other Dublin Local Authorities prepared the Dublin Agglomeration Environmental Noise Action Plan 2019-2023, in accordance with the requirements of the Environmental Noise Regulations 2006, S.I. 140 of 2006 which

give effect to the EU Directive 2002/49/EC relating to the assessment of noise. The Environmental Noise Directive requires Member States to prepare and publish, every 5 years, strategic noise maps and noise management action plans. It goes on to clarify that the key objective of this Noise Action Plan is to avoid, prevent and reduce where necessary on a prioritised basis the harmful effects including annoyance due to long term exposure to environmental noise.

The Noise Action Plans and relevant guidance referenced in the Plans require developments to have a good level of sound insulation in accordance with best Irish practice. However the NIA states that there is no bespoke Irish standard guidance that is directly applicable to this proposal so the various international Standards and Guidances referred to in Section 3.1 of the report are considered appropriate to meet the objectives of the Noise Action Plan.

The proposed development was assessed in terms of the potential for noise generation during construction phase and once operational. In addition, potential sources of noise in the surrounding environment were assessed in terms of their potential to impact on future residents of the development. In terms of the construction phase, the proposed development shall be carried out in accordance with a Construction and Environmental Management Plan (CEMP), prepared by TMS Environment Ltd that accompanies the application. The CEMP outlines various mitigation measures to be employed during the construction phase of the development to minimise detrimental impacts to the amenities of local residents in this respect.

As the proposed development will be primarily residential once operational. It is not envisaged that it will generate any significant levels of noise that would impact nearby sensitive receptors. In considering the findings of the submitted Traffic and Transport Assessment, the NIA concludes that the *'additional traffic generated by the proposed development, even at the peak hours, will not lead to a measurable or noticeable change in noise levels and therefore the existing noise climate will not be affected by the proposed development.'*

In terms of operational noise associated with heating and ventilation systems it is noted that all such ventilation and heating systems are located internally within the individual units. As such, the acoustic attenuation from the structures and building fabric will ensure that these units will not be audible externally and will therefore not cause any adverse noise impact on the surrounding environment

The results of the assessment undertaken requires that the proposed development shall be carried out in accordance with the provisions of a Construction and Environmental Management Plan, which shall be agreed with the Planning Authority.

#### **2.4 Directive 2000/60/EC - Water Framework Directive**

The Water Framework Directive establishes common principles and an overall framework for action in relation to water protection and developed the overall principles and the structure for protection and sustainable use of water in the European Union.

The Appropriate Assessment Screening Report identifies that the site is located within the Liffey and Dublin Bay catchment and Dodder sub-catchment areas. There are no waterbodies within or adjacent to the Proposed Development site. It identifies that the River Slang is situated approximately 65 m away from the site and enters the River Dodder approx. 1.2 km downstream. The River Dodder flows into the

River Liffey (further 4.9 km downstream).

Having regard to the Engineering Service Report submitted with this application, and in particular the range of SUDS measures incorporated within the scheme, the AA Screening Report concludes that *'there is no possibility of the Proposed Development having negative impact on any Natura 2000 site within Dublin Bay and Irish Sea as a result of surface water run-off or discharges.'*

Waste water/foul effluent from the proposed development will be collected and flow by gravity to the public sewer at Larchfield. The foul sewerage will ultimately discharge to the Ringsend WWTP. Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of "Unpolluted" water quality status. The pollution load of future foul water discharges to Dublin Bay is likely to decrease in the long-term due to the upgrading of the Ringsend WWTP, which will increase capacity at the plant. Furthermore, there is a commitment in the National Development Plan 2018-2027 to invest in and progress the Greater Dublin Drainage Project which will involve the provision of a new regional wastewater treatment plant. This will augment the waste water treatment capacity currently provided by Ringsend WWTP across the Greater Dublin Area. It is also an objective of the Greater Dublin Strategic Drainage Study, and all development plans within the catchment of Ringsend WWTP, to include Sustainable Urban Drainage Systems (SUDS) within new developments, as mentioned earlier.

The AA Screening Report concludes that the *'proposed development will not have negative impact on the water quality within Natura 2000 sites and will not adversely affect habitat and species within these sites as a result of foul discharges.'*

The proposed development will not affect the surface water status and, in particular, will not cause any deterioration of the status of the relevant water body. The results of the assessment undertaken do not require any changes to the proposed development.

## **2.5 Directive 2001/42/EC - SEA Directive**

Strategic Environmental Assessment (SEA) is a process for evaluating at the earliest appropriate stage the likely environmental effects of implementing a Plan or other strategic action in order to ensure that environmental considerations are appropriately addressed in the decision making process both during the preparation and prior to the adoption of a Plan.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 2004). The legislation requires that the Planmaking Authority must make available an SEA Statement summarising how the SEA and consultations have been taken into account in the making of the Plan.

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 was subjected to Strategic Environmental Assessment (SEA) in accordance with the provisions of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI No. 436 of 2004) as amended.

A SEA Environmental Report for the Dún Laoghaire-Rathdown County Development Plan 2016-2022 has

been undertaken by CAAS Ltd. on behalf of Dún Laoghaire-Rathdown County Council. The purpose of this report is to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the County Development Plan. This report must be read in conjunction with the Dún Laoghaire-Rathdown County Development Plan 2016-2022.

The application for the proposed development is accompanied by a Statement of Consistency prepared by Declan Brassil & Co. Ltd. which demonstrates that the details of the proposal are, for the most part, consistent with the relevant objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and relevant guidelines issued by the Minister under Section 28 of the Planning and Development Act, 2000 (as amended).

There is one instance where the proposal could potentially be considered to be inconsistent with a specific objective in the County Development Plan requiring the protection and preservation of trees and woodlands on the site. The submitted Material Contravention Statement sets out the manner in which the proposal is consistent with the national policy as in the National Planning Framework, which itself has been subjected to SEA, and sets out the reasons why the proposed development can be granted permission notwithstanding the local objective of the County Development Plan.

The site is zoned Objective A – *'To Protect and/or Improve Residential Amenity'* in the County Development Plan where residential development is acceptable in principle under zoning objective 'A'. No further assessment is considered necessary to demonstrate compliance with the SEA Directive.

The results of the assessment undertaken do not require any changes to the proposed development.

## **2.6 Directive 2008/50/EC - Clean Air for Europe (CAFE) Directive**

The 2008 CAFE Directive outlines the appropriate measures to be adopted at a local, regional or national level to provide for the attainment of air quality objectives, including:

- measures to limit transport emissions through traffic planning and management.
- measures to encourage a shift of transport towards cleaner (less polluting) modes.

Subsequent policies at national, regional and local level including but not limited to the National Planning Framework, Regional Spatial Economic Strategy and Dún Laoghaire-Rathdown County Development Plan 2016-2022, have been prepared in accordance with the Directive and include objectives to encourage a shift towards more sustainable modes of travel.

The proposed development has been designed to accord with these policies and includes measures to encourage sustainable travel through the incorporation of mobility management measures as set out in Section 8 of the accompanying Traffic and Transport Assessment (TTA). The submitted TTA estimates that vehicular traffic generated by the proposed development shall result in negligible increases in the total traffic flows at the 3 no. surveyed junctions, when compared to the existing traffic flows at these junctions.

The construction phase of the proposal will be guided by a Construction and Environmental Management Plan (CEMP), prepared by TMS Environment Ltd. Construction works will be carried out in such a way as to limit the emissions to air of pollutants (particularly dust). The site will be managed in accordance with a Construction Waste Management Plan to minimise the potential effects on air quality from construction.

The proposed dwellings will be constructed in accordance with the latest building regulations and will employ energy efficient heating and cooling systems that will not give rise to pollution concerns when operational.

No additional assessments of the proposal was considered to be required in relation to CAFE Directive. The proposed development will be residential in nature and is not expected to produce any significant emissions once operational.

The results of the assessment undertaken do not require any changes to the proposed development.

## **2.7 Directive 92/57/EEC - Safety and Health at Temporary or Mobile Construction Sites**

This Directive defines minimum safety and health requirements for temporary or mobile construction sites i.e. any construction site at which building or civil engineering works are carried out and intends to prevent risks by establishing a chain of responsibility linking all the parties involved.

The application is accompanied by a Construction and Environmental Management Plan (CEMP) which emphasises that it is a living document that will be updated by the appointed main Contractor to take account of any requirements specified in any permission, should approval be granted, as well as considering the final works programme detail developed for the final design. The main contractor will ultimately be responsible for an agreed CEMP and its implementation.

The main Contractor's CEMP will include full details of Health and Safety provisions for the construction phase of the proposal and will be informed by the Safety Health and Welfare at Work (Construction) Regulations 2013. The aforementioned regulations were prepared pursuant to Directive 92/57/ EEC.

The results of the assessment undertaken require that the proposed development shall be carried out in accordance with the relevant provisions of the submitted CEMP and agreed CEMP of the main contractor at compliance stage.

## **2.8 European Landfill Directive (2003/33/EC)**

This Annex lays down the uniform waste classification and acceptance procedure according to Annex II to Directive 1999/31/EC on the landfill of waste (the 'Landfill Directive'). It provides for the classification of waste material as either hazardous or non-hazardous. All material deemed to be non-hazardous need to be assessed under Waste Acceptance Criteria requirements for disposal to a licenced landfill facility.

In this regard the application is accompnied by a Construction and Demolition Waste Management Plan (CDWMP), prepared by CS Consulting Engineers. In this regard the CDWMP clarifies that only material deemed through independent laboratory analysis to be either inert or non-hazardous wast shall be disposed at landfill facilities in the Republic of Ireland. Any hazardous material will have to be taken abroad for disposal.

The assessment and removal of such material will require the appointed main contractor to employ a suitably qualified environmental specialist to develop a soil management and removal plan and ensure full compliance with statutory requirements.

In addition to the above the application is accompanied by an Operational Waste Management Plan

(OWMP) that was prepared by TMS Environment Ltd. The purpose of this OWMP is to ensure that wastes generated within the development at operational stage will be managed and disposed of in a way that ensures maximum levels of waste recycling and reuse and to minimise the levels of waste diverted to landfill.

## **2.9 Seveso III Directive (2012/18/EU)**

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.

Sub-section 5.1.3.6 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 states that:

*'At present, however, there are no 'Seveso' sites (defined within the 'COMAH Regulations as 'locations where significant quantities of dangerous substances are stored') within Dún Laoghaire-Rathdown.'*

Given the lack of Seveso site(s) within the County administrative area, no risks on the proposed development site are foreseen. On this basis no changes to the proposed development are required.

## **3.0 CONCLUSION**

This statement indicates how the available results of relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account in this proposed Strategic Housing Development at Sommerville House, Dundrum Road, Dublin 14.

Each of the relevant assessments that are available have been identified. The results of those assessments have been identified. This statement also identifies how those results have been taken into account.

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

This statement, in particular, is provided so that the Board may have regard to *"the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive"* in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

This statement has been prepared in conjunction with the Environmental Impact Assessment Screening Report submitted with the application. In particular, it supports the conclusion in the Environmental Impact Assessment Screening report that no requirement for sub-threshold Environmental Impact Assessment (EIA) arises in respect of the proposed development.