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



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Project Proposed Strategic Housing Development at
'Sector 3', Aikens Village in the Townlands of
Woodside and Kilgobbin, Stepside, Co.
Dublin

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

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Date 23 August 2022

Ref. DD/227501.0155TR01

1.0 INTRODUCTION

AWN Consulting have been appointed by Ironborn Real Estate Limited ('the Applicant'), to prepare this statement in accordance with the provisions of Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended; hereafter referred to as the "Planning Regulations"), this document provides a 'statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by 2014/52/EU) have been taken into account'.

This statement is part of the information provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations. This statement will identify the relevant European Union legislation, and assessments of the effects on the environment carried out pursuant thereto, which have informed the proposed development. These relevant assessments will be identified as they relate to the proposed development, the results of those assessments will be outlined, and how those results have been taken into account in determining the significance of the proposed development on the environment will be identified.

The proposed development is a sub-threshold development. The application is not accompanied by an Environmental Impact Assessment Report. An EIA screening report has been prepared under separate cover.

The proposed development will consist of: -

438no. 'Build-to-Rent' apartment units (154no. 1 bedroom units and 284no. 2 bedroom units) arranged in 9no. blocks ranging in height from 2 – 8 storeys over 2no. independent single level basements. Private patios / terraces and balconies are provided for some apartment units (not all units have a patio, terrace or balcony). Upper level balconies are proposed on elevations of all multi-aspect apartment buildings.

- Blocks A – D are located above Basement 1 (c. 6,002 sq. m gross floor area) and Blocks F – J are above Basement 2 (c. 5,058 sq. m gross floor area).
- Provision 1no. childcare facility (c. 514.9 sq. m gross floor area) in Block D.
- Provision of resident amenity space / communal areas (c. 1,455.7 sq. m gross floor area) in Block C and Block G.

And all associated and ancillary site development, infrastructural, landscaping and boundary treatment works including: -

- New vehicular access to / from Basement 1 from Atkinson Drive and new vehicular access to / from Basement 2 from Thornberry Road.
- Provision of c. 9,799 sq. m public open space, including a public plaza onto Village Road and improvement works to existing open space area to the north of existing Griannan Fidh residential development.
- Provision of 350no. car parking spaces including basement parking, set down spaces for proposed childcare facility and repositioning of set down area on Atkinson Drive.
- Provision of 669no. bicycle parking spaces.
- Provision of 14no. motorcycle parking spaces.
- Communal bin storage and plant provided at basement level and additional plant provided at roof level.
- Provision of below ground wastewater storage tank (c. 500m³) and associated connection to the wastewater networks including ancillary above ground kiosk and appropriate landscaping on open space lands to the south of Griannan Fidh residential development.

2.0 HABITATS DIRECTIVE (DIRECTIVE 92/43/EEC) AND BIRDS DIRECTIVE (DIRECTIVE 2009/147/EC)

The main EU legislation for conserving biodiversity is Directive 2009/147/EC of the European Parliament and of the Council of November 2009 on the conservation of wild birds (Birds Directive); and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

2.1 RELEVANT ASSESSMENTS

Appropriate Assessment (AA) Screening

An Appropriate Assessment (AA) Screening has been undertaken for the proposed development by Scott Cawley (2022b). This takes into account the requirements of the Habitats Directive and the Birds Directive and the requirements of the Irish transposing legislation, the Planning Regulations. This is included with the planning documentation.

Twelve (12 no.) designated sites – Wicklow Mountains SAC, South Dublin Bay SAC, Knocksink Wood SAC, Ballyman Glen SAC, Glensmole Vale SAC, Rockabill to Dalkey Island SAC, North Dublin Bay SAC, Howth Head SAC, South Dublin Bay and River Tolka Estuary SPA, Wicklow Mountains SPA, North Bull Island SPA and Dalkey Islands SPA - are located within a 15km radius of the proposed development. The AA Screening concludes:

“... the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded”

[...]

In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered.

Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS)."

The conclusions of the AA Screening have been adopted within the EIA Screening Report (Sections 3.4 and Section 5.3) when considering the ecological sensitivity of the site and determining the likelihood of significant effects on the environment arising from the proposed development with particular attention to potential impacts on European Sites.

Ecological Impact Assessment

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

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

The Ecological Impact Assessment notes that:

The proposed development does not have the potential to result in significant negative effects (either directly or indirectly) on the integrity of any European site, whether considered on its own or in combination with any other plans or projects.

The proposed development does not have the potential to result in significant negative effects on nationally designated areas for nature conservation, whether considered on its own or in combination with any other plans or projects.

The proposed development has no potential to affect the surface water quality or the ecology of the adjacent waterbodies as the surface water discharge from the site will be zero. The surface water systems are designed in accordance with the principles of SUDS as recommended in the Greater Dublin Strategic Drainage Study.

There will be no works (e.g. piling) which would have the potential to affect groundwater and groundwater dependent terrestrial habitats of European and/or nationally designated sites.

The proposed development will result in habitat loss within the proposed development boundary. Considering the relatively small areas of habitat lost and the proposed landscape plans, this will not be significant at any geographic scale. The landscape design will ensure that the biodiversity value of the habitats to be retained and created as part of the proposed development are maximised in order to compensate for any habitat loss.

The proposed development does not have the potential to affect habitats indirectly as a result of non-native invasive species impacts due to lack of non-native invasive species within the site.

The proposed development does not have the potential to result in significant negative effects on fauna at a local or any other geographic level.

A comprehensive suite of mitigation measures is proposed, in addition to the extensive and stringent environmental control measures that have been incorporated into the design of the proposed development. All of the mitigation measures will be implemented in full and are best practice, tried and tested, and effective control measures to protect biodiversity and the receiving environment. It is recommended that all mitigation measures included within this report are committed to and delivered through the planning conditions.

Considering the elements included within the design of the proposed development [...], and the implementation of the mitigation measures proposed [...] to avoid or minimise the effects of the proposed development on the receiving ecological environment, no significant residual ecological effects are predicted.”

The conclusions of the Ecological Impact Assessment have been adopted within the EIA Screening Report (Section 3.4 and 5.3) when considering the ecological sensitivity of the site and determining the likelihood of significant effects on the environment arising from the proposed development in respect of Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive.

3.0 WATER FRAMEWORK DIRECTIVE

The Water Framework Directive (WFD) (Directive 2000/60/EC, as amended) requires all Member States to protect and improve water quality in all waters.

3.1 RELEVANT ASSESSMENTS

AWN Consulting Limited (AWN) has prepared a WFD Screening Assessment (AWN, 2022e) for the proposed development in response to the requirements of the WFD. This assessment concludes that:

The WFD assessment indicates that, based on the current understanding of the proposed development, there is no potential for adverse or minor temporary/ long-term or localised effects on the Ballyogan or Carrickmines surface water body. Therefore, it has been assessed that the proposed development will not cause any significant deterioration or change in water body status or prevent attainment, or potential to achieve, future good status or to meet the requirements and/or objectives in the second RBMP 2018-2021 (River Basin Management Plan) and draft third RBMP 2022-2027.

The WFD assessment indicates that there is no potential for adverse or minor temporary or localised effects on the Wicklow groundwater body. Therefore, it has been assessed that it is unlikely that the proposed development will cause any significant deterioration or change in water

body status or prevent attainment, or potential to achieve the WFD objectives or to meet the requirements and/or objectives in the second RBMP 2018-2021 (River Basin Management Plan) and draft third RBMP 2022-2027.

No further assessment of WFD is recommended given that no significant deterioration or change in water body status is expected based on the current understanding of the proposed development during construction and operation.

Furthermore, it is noted that the WFD Screening Assessment (AWN, 2022e), Hydrological and Hydrogeological Risk Assessment (AWN, 2022c) and the EIA Screening, has been informed by the water quality status as defined by the monitoring programme and assessment undertaken by the EPA pursuant to the obligations to the WFD. The results of the monitoring programme and assessment undertaken by the EPA are summarised below:

The Environmental Protection Agency (EPA, 2022) on-line mapping presents the available water quality status information for water bodies in Ireland. The Ballyogan Stream belongs to the 'Carrickmines Stream_010' WFD surface waterbody (WFD code IE_EA_10C040350) which has a 'Moderate' Status (EPA, 2022) and its WFD risk score is 'At risk of not achieving good status'. The most recent surface water quality data for the Carrickmines Stream (2020) indicate that it is 'Unpolluted'. The macroinvertebrate fauna indicated a welcome improvement to good ecological conditions in June 2020 the first time since monitoring commenced at this site in 2006, however excessive siltation of the substratum was observed (refer to www.catchments.ie).

The Southwestern Irish Sea - Killiney Bay WFD coastal waterbody (WFD code IE_EA_100_0000) has been classified by the WFD (2013-2018 period) as having 'High' status and 'Not at risk'. This means this WFD is 'Unpolluted', i.e. there have been no breaches of the EPA's threshold values for nutrient enrichment, phytoplankton and invertebrate status/potential or disturbance of the level of phosphorous and dissolved oxygen normally present.

The Killiney Bay hosts the Killiney beach swimming location which protected by the bathing water directive 2006/7. Water quality data is collected for the Killiney bathing area and is reported by the EPA on www.beaches.ie. The EPA bathing status is not based on single events, rather it is based on a review of data over 4 years (based on data collected during the bathing season only). Bathing classes are determined as Excellent (highest cleanest class), Good (Generally good water quality), Sufficient (The water quality meets the minimum standard) and Poor (The water quality has not met the minimum standard). A review of this data for the last four years, shows that despite these temporary overflows in flood conditions, the current EPA (2022) Bathing Water Quality report has classified Killiney beach as 'Excellent' during 2021 and 2020 and as 'Good' for the previous three years 2017-2019. The Killiney bathing area is located c. 1.0 Km to the north of the outlet of the Shanganagh River. The results of the monitoring programme and assessment by the EPA have been used to determine the current water body status of the aquifer and receiving waters for any discharge from the proposed development site. The current water body status has been considered within the EIA Screening (Section 4.2).

The current water body status has been considered in the examination of the likelihood of significant effects on water quality in the Southwestern Irish Sea - Killiney Bay having regard to potential direct and indirect impacts from surface water and foul water arising from the proposed development during the construction and operational phases.

4.0 THE FLOODS DIRECTIVE (DIRECTIVE 2007/60/EC)

The Floods Directive (Directive 2007/60/EC) establishes a framework for the assessment and management of flood risks, with the aim to reduce the adverse consequences on human health, the environment and material assets.

4.1 RELEVANT ASSESSMENTS

A site-specific Flood Risk Assessment (FRA) prepared by JBA Consulting (2022). This site specific FRA draws on, and is informed by, studies undertaken by the OPW pursuant to the requirements of the Floods Directive, including:

- Dún Laoghaire Rathdown County Development Plan 2022-2028 (including Strategic Flood Risk Assessment)
- Greater Dublin Regional Code of Practice for Works
- Office of Public Works Flood Maps
- Department of the Environment Flooding Guidelines
- Geological Survey of Ireland Maps
- Local Authority Drainage Records

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

The results of the site-specific FRA have been considered with the EIA Screening Report in the examination of the likelihood of significant effects on the environment arising from the proposed development as a consequence of flooding, which has the potential to affect human health and material assets.

5.0 SEVESO DIRECTIVE 82/501/EEC, SEVESO-II DIRECTIVE 96/82/EC, SEVESO-III DIRECTIVE 2012/18/EU

The Seveso Directive (Directive 2012/18/EU) was developed by the EU after a series of catastrophic accidents involving major industrial sites and dangerous substances. Such accidents can give rise to serious injury to people or serious damage to the environment, both on and off the site of the accident.

5.1 RELEVANT ASSESSMENTS

The proposed development is of a type not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under Seveso Directive of COMAH Regulations, and the site is not located near any existing Seveso site.

The National Oil Reserves Agency Ltd site (Upper Tier Seveso site) at Shellybanks Road, Ringsend, Dublin 4 is the closest Seveso site to the proposed development and is located 8.5 km to the north of the site. The consultation distance for the National Oil

Reserves Agency Ltd site is 300 m as listed within Appendix 8 of the draft Dublin City Development Plan 2022 – 2028.

Due to the proposed development falling well beyond the consultation distance of the closest Seveso sites these sites will not form a constraint to the proposed residential development at this location.

There are no specific assessments required by the Applicant under the Seveso Directive or COMAH Regulations.

6.0 CLEAN AIR FOR EUROPE (CAFE) DIRECTIVE (DIRECTIVE 2008/50/EC)

The Clean Air for Europe (CAFE) Directive 2008/50/EC is the prevailing legislation to improve the quality of air in Europe and limit exposure to air pollution. The CAFE Directive set rules including how to monitor, assess, and manage ambient air quality.

The CAFE Directive mandates the location and quantity of air monitoring stations that the Environmental Protection Agency (EPA) should undertake ambient air monitoring. If there is an exceedance of the ambient limit value an Air Quality Action Plan must be developed by Local Authorities in conjunction with the EPA.

In Ireland there is only one monitoring site that has exceedance of the EU Air Quality limit value for nitrogen dioxide, this is located at St. John's Road West station, Dublin. An annual average concentration of 43 µg/m³ was measured in 2019. This is above the EU annual limit value for NO₂ of 40 µg/m³. There have been no exceedances recorded at any monitoring stations subsequently during 2020 or 2021. This exceedance of an air pollution standard is as a result of the heavy traffic passing this monitoring station. In response to this the Dublin Region Air Quality Plan (2021) has been developed by the Dublin Local Authorities in conjunction with the EPA.

6.1 RELEVANT ASSESSMENTS

The Dublin Region Air Quality Plan (2021) sets out 14 measures and actions to be established by the Dublin Local Authorities – Dublin City Council, Dún Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council and the Minister for Environment.

7.0 THE WASTE FRAMEWORK DIRECTIVE (DIRECTIVE 2008/98/EC)

Directive 2008/98/EC has applied since December 2010 and Amending Directive (2018/851/EU) was adopted on 30 May 2018 (together, the "Waste Framework Directive"). The Waste Framework Directive was transposed into national legislation by the European Union (Waste Directive) Regulations 2011-2020, which includes amendments to the Environmental Protection Agency Act 1992 (as amended) and the Waste Management Act 1996 (as amended).

The Waste Framework Directive includes requirements for Member States to carry out certain monitoring and assessment, including in relation to the implementation of the waste prevention measures, implementation of measures on re-use and food waste prevention measures, need for waste installation infrastructure, waste collection schemes, rates of recycling and landfill and the implementation of waste management plans and waste prevention programmes.

One of the major relevant aspects of the Waste Directive in relation to construction sites is Article 5 that is transposed into Irish legislation by Article 27 of the Waste Directive Regulations. The Waste Directive provides a formal mechanism by which a substance or object, which is production residue, could be determined not to be a waste but instead a by-product.

7.1 RELEVANT ASSESSMENTS

The Eastern-Midlands Region Waste Management Plan 2015-2021 published by the Dublin City Council on behalf of the Eastern-Midland Waste Region. It is the overarching policy document which sets out how the requirements of the Waste Framework Directive are to be met.

There are no specific assessments required by the Applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction & Demolition Waste Management Plan prepared by AWN Consulting is included with the planning documentation. The principles set out in the Waste Framework Directive have been taken into account through the design of the proposed development and the mitigation measures set out in these reports.

The Construction & Demolition Waste Management Plan (AWN Consulting, 2022a) has been prepared to demonstrate how it is proposed during the Construction Phase to comply with the following relevant legislation and guidelines including:

- Waste Management Act 1996 (as amended)
- Waste Management (Collection Permit) Regulations 2007 (SI No. 820 of 2007)
- Waste Management (Collection Permit) Amendment Regulations 2008 (SI No. 87 of 2008)
- Environmental Protection Agency (EPA) 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction & Demolition Projects' 2021
- EPA "Guidance on Soil and Stone By-Products in the context of Article 27 of the European Communities (Waste Directive) Regulations – Version 3 June 2019

The management practices set out in the Construction & Demolition Waste Management Plan have been adopted within the EIA Screening Report (Section 5.9) in the examination of the likelihood of significant effects on the environment arising from the proposed development in respect of material assets and waste.

8.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (DIRECTIVE 2001/42/EC)

Directive 2001/42/EC, the SEA Directive, on the assessment of the effects of certain plans and programmes on the environment requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. Public plans and programmes that are likely to have significant effects on the environment must have a Strategic Environmental Assessment (SEA).

The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/ 2004), as amended.

8.1 RELEVANT ASSESSMENTS

Dún Laoghaire Rathdown County Council as part of the Dún Laoghaire Rathdown County Development Plan 2022-2028 undertook a Strategic Environmental Assessment (SEA) to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the development plan.

The SEA for the DLRCC Development Plan 2022 - 2028 sets out the requirements for monitoring of the plan for the identification of unforeseen adverse effects and the undertaking of appropriate remedial action at an early stage. The SEA for the development plan also states that additional detailed mitigation measures to those listed within the SEA and those integrated into the development plan would be likely to be required by the development management and EIA processes of individual projects.

With particular reference to the monitoring and mitigation issues raised in the development plan the potential for effects in respect of Water Quality, Biodiversity (European sites), and Flooding and the need for mitigation measures for the proposed development have been considered within the application documentation. Specifically, within the Appropriate Assessment (AA) Screening Report (Scott Cawley, 2022b) and the site-specific Flood Risk Assessment (JBA Consulting 2022).

The results of these assessments have been considered within the EIA Screening Report in the examination of the likelihood of significant effects on the environment arising from the proposed development on the existing water regime and have informed in particular the assessment of potential impacts on the water quality and European Sites.

The application is accompanied by a Statement of Consistency prepared by Tom Phillips and Associates, which demonstrates that the proposed development is broadly consistent with the Dún Laoghaire Rathdown County Development Plan 2022-2028, which itself is subject to SEA. Overall, the proposed development is in line with the objectives of the development plan and the land use zoning.

9.0 CONCLUSION

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

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

This statement should be read in conjunction with the Environmental Impact Assessment Screening document prepared by AWN Consulting and enclosed with the application.

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

This statement, in particular, is provided so that ABP may have regard to “*the available results of other **relevant assessments** of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account*” in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning Regulations.

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

10.0 REFERENCES

Drainage Design Report for Residential Development at Sector 3, Aiken's Village, Stepside, Dublin 18. Kavanagh Burke Consulting Engineers. 2022.

Construction Environmental Management Plan. AWN Consulting. 2022a.

Construction & Demolition Waste Management Plan. AWN Consulting. 2022b.

Ecological Impact Assessment - Proposed SHD Development Aikens Village (Woodside) And Kilgobbin, Stepside, Co. Dublin. Scott Cawley. 2022a.

Appropriate Assessment Screening Report - Proposed SHD Development Aikens Village (Woodside) And Kilgobbin, Stepside, Co. Dublin. Scott Cawley. 2022b.

Archaeological Desktop Assessment Sector 3, Aiken's Village Stepside, Co. Dublin. Shanarc Archaeology. 2022.

Hydrological and Hydrogeological Qualitative Risk Assessment. AWN Consulting. 2022c

Operational Waste Management Plan. AWN Consulting. 2022d. Water Framework Directive Assessment. AWN Consulting. 2022e.

Traffic and Transport Assessment. AECOM. 2022. Landscape and Visual Impact Assessment. Doyle + O'Troithigh Landscape Architects. 2022.