

**Statement in accordance  
with Article 103(1A)a of  
the Planning and  
Development  
Regulations 2001, as  
amended**

PRESENTED TO

**Malclose Ltd.**

**Proposed student accommodation development**

DATE

 **October 2023**



## DOCUMENT CONTROL SHEET

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## **1. INTRODUCTION**

### **1.1. Background**

Enviroguide was commissioned by Malclose Ltd. (the Applicant) to prepare a Statement in accordance with Article 103(1A) a of the Planning and Development Regulations 2001, as amended. This Statement is to be read in conjunction with the Environmental Impact Assessment (EIA) Screening Report that was prepared in relation to a proposed student accommodation development at Gowan House, Nass Road, Dublin 12 (hereafter referred to as 'the Proposed Development').

The purpose of this report is to provide information for the relevant competent authority to carry out the screening for Environmental Impact Assessment and will highlight any significant effects, if any, that may arise as a result of the Proposed Development during the construction and operational phases.

### **1.2. Screening Objective**

The overall objective of the Screening for EIA is to identify and assess the potential for likely significant effects on the environment associated with the Proposed Development and to determine if EIA is required for the Proposed Development. Projects listed in Schedule 5, Part 1, of the Regulations, are subject to mandatory EIA (Article 4(1) of the EIA Directive 2014/52/EU). Thresholds have been set in respect of projects listed in the Schedule 5, Part 2 of the Regulations. Projects which do not meet the specified threshold may still require EIA if the project is likely to have a significant effect on the environment (sub-threshold projects).

This report documents the methodology employed to complete the screening exercise, having regard to relevant legislation and guidance documents. It also sets out a clear rationale for each decision of this screening exercise. The following documents were consulted:

- Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (EPA May 2022);
- Environmental Impact Assessment of Projects – Guidance on Scoping (Directive 2011/92/EU as amended by 2014/52/EU) (European Union 2017);
- Guidance of Integrating Climate Change and Biodiversity into Environmental Impact Assessment (European Union 2013);
- Environmental Impact Assessment of Projects – Guidance on the preparation of the Environmental Impact Assessment Report (European Union 2017);
- European Commission 2017. Environmental Impact Assessment of Projects Guidance on Screening (Directive 2011/92/EU as amended by 2014/52/EU);
- EU Commission Guidance on Interpretation of definitions of project categories of annex I and II of the EIA Directive (2015);

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Government of Ireland 2018);
- Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions (European Communities 1999);
- Implementation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (European Communities 2003); and
- Office of the Planning Regulator (OPR) Environmental Impact Assessment Screening Practice Note (2021).

### 1.3. Project Overview

The Applicant is applying for 7-year permission for a large-scale residential development principally comprising student accommodation at this 0.962 Ha site at Gowan House, Carriglea Business Park, Naas Road, Dublin 12, D12 RCC4.

Works to upgrade of the access road to the west of the site on an area measuring c. 0.081 Ha are also proposed comprising new surfacing to the carriageway, the provision of inbound and outbound bicycle lanes from the development entrance to the Naas Road, the provision of a controlled pedestrian crossing on the access road at the Naas Road junction, and the provision of a further uncontrolled pedestrian and bicycle crossing linking the subject site with the approved Concorde SHD development (ABP Ref: TA29S.312218) to the west.

On the Naas Road, works are proposed on an area measuring c. 0.086 Ha comprising the realignment and widening of the existing pedestrian footpath along the westbound carriageway of the Naas Road and the provision of linkages from the realigned footpath to the development site, and the provision of new controlled pedestrian crossings across the eastbound and westbound carriageways of the Naas Road and the provision of a new uncontrolled crossing of the Luas tracks.

The development site area and roadworks areas will provide a total application site area of c. 1.13 Ha.

The proposed development will principally consist of: the demolition of the existing two-storey office/warehouse building and outbuilding (5,172 sq m); and the construction of a development in two blocks (Block 1 (eastern block) is part 2 No. storeys to part 15 No. storeys over lower ground floor and basement levels with roof plant over and Block 2 (western block) is part 9 No. storeys to part 11 No. storeys over basement with roof plant over) principally comprising 941 No. Student Accommodation bedspaces (871 No. standard rooms, 47 No. accessible studio rooms and 23 No. studios) with associated facilities, which will be utilised for short-term lets during student holiday periods. The 871 No. standard rooms are provided in 123 No. clusters ranging in size from 3 No. bedspaces to 8 No. bedspaces, and all clusters are served by a communal living/kitchen/dining room.

The development also provides: ancillary internal and external communal student amenity spaces and support facilities; cultural and community floor space (1,422 sq m internal and 131 sq m external) principally comprising a digital hub and co-working space with ancillary cafe; a

retail unit (250 sq m); public open space; the daylighting of the culverted River Camac through the site; an elevated walkway above the River Camac at ground floor level; a pedestrian bridge link at first floor level between Blocks 1 and 2; vehicular access at the south-western corner; the provision of 7 No. car-parking spaces, 2 No. motorcycle parking spaces and 2 No. set down areas; bicycle stores at ground and lower ground floor levels; visitor cycle parking spaces; bin stores; substations; hard and soft landscaping; green and blue roofs; new telecommunications infrastructure at roof level of Block 1 including antennas and microwave link dishes, 18 No. antennas and 6 No. transmission dishes, together with all associated equipment; boundary treatments; plant; lift overruns; and all associated works above and below ground.

The gross floor area of the development is c. 33,140 sq m comprising c. 30,386 sq m above lower ground and basement level.

#### **1.4. EIA Screening**

An EIA Screening Report has been prepared by Enviroguide on behalf of Malclose Ltd. The Proposed Development was assessed in accordance with the screening criteria set out in Annex III of the European Union 'EIA Directive'.

It is concluded that, by reason of the nature, scale and location of the Proposed Development site, and the proposed mitigation measures outlined in the other assessments completed for this planning application, the Proposed Development does not require a mandatory Environmental Impact Assessment Report (EIAR).



# 1 ASSESSMENT OF RELEVANT EU LEGISLATION

## 1.1 Directive 92/43/EEC (as amended) The Habitats Directive

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	
Summary of Relevance	
<p>The EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive 1992) provides protection to designated species and habitats throughout Europe.</p> <p>The Habitats Directive aims to protect approximately 220 habitats and 1000 species throughout Europe. The habitats and species are listed in the Directives annexes, where Annex I covers habitats and Annex II, IV and V cover species. There are 59 Annex I habitats in Ireland and 33 Annex IV species which require strict protection wherever they occur. The Directive requires the designation of Special Areas of Conservation for areas of habitat deemed to be of European interest. The SACs together with the SPAs from the Birds Directive form a network of protected sites called Natura 2000.</p>	
Assessment Reports Completed as part of Application Process	
1.	<p><b>Appropriate Assessment Screening Report</b></p> <p>Prepared by: Enviroguide</p> <p>Report Date: October 2023</p>
Conclusions	
<p>In conclusion, upon the examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that the possibility <b>may be excluded</b> that the Proposed Development will have a significant effect on any of the European sites listed below:</p> <ul style="list-style-type: none"> <li>• South Dublin Bay SAC (000210).</li> <li>• North Dublin Bay SAC (000206).</li> <li>• South Dublin Bay and River Tolka Estuary SPA (004024).</li> <li>• North Bull Island SPA (004006).</li> </ul> <p>The Proposed Development will not have a significant effect on any European sites. Therefore, the Proposed Development does not require the preparation of a Natura Impact Statement (NIS).</p>	

## 1.2 Directive 2000/60/EC (as amended) EU Water Framework Directive

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

### Summary of Relevance

The EU Water Framework Directive (WFD) 2000/60/EC aims to protect and improve water quality. It applies to rivers, lakes, groundwater, estuaries, and coastal waters. The Directive requires that management plans be prepared on a river basin basis and specifies a structured method for developing these plans. River Basin Management Plans (RBMPs) are plans to protect and improve the water environment and are prepared and reviewed every six years. The Water Framework Directive was agreed by all individual EU member states in 2000, and its first RBMP ran from 2010 – 2015. The second cycle plan ran from 2018 – 2021. The 3rd cycle of River Basin Management Plan for the period of 2022-2027 is currently being prepared by Department of Housing, Local Government and Heritage (DHLGH) in line with the EU Water Framework Directive (WFD) (2000/60/EC).

The aim of the WFD is to prevent any deterioration in the existing status of water quality, including the protection of good and high-water quality status where it exists. The WFD requires member states to manage their water resources on an integrated basis to achieve at least 'good' ecological status, through River Basin Management Plans (RBMP), by 2027.

### Assessment Reports Completed as part of Application Process

1.	<b>Civil Engineering Infrastructure &amp; Surface Water Management Report</b> Prepared by: Barrett Mahony Consulting Engineers Report Date: October 2023
2.	<b>Water Framework Directive (WFD) Screening Assessment</b> Prepared by: AWN Consulting Report Date: October 2023
3.	<b>Flood Risk Assessment</b> Prepared by: Barrett Mahony Consulting Engineers Report Date: October 2023
4.	<b>Appropriate Assessment Screening Report</b> Prepared by: Enviroguide Report Date: October 2023
5.	<b>Construction Environmental Management Plan</b> Prepared by: AWN Consulting Report Date: October 2023
6.	<b>Hydrological and Hydrogeological Qualitative Risk Assessment</b> Prepared by: AWN Consulting Report Date: October 2023
7.	<b>Hydromorphological Qualitative Technical Assessment</b> Prepared by: AWN Consulting Report Date: October 2023

## Conclusions

The WFD Screening Assessment concluded there is no potential for adverse or minor temporary/long-term or localised effects on the Camac River surface waterbody. Therefore, it has been assessed that the proposed development will not 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 also concluded that there is no potential for adverse or minor temporary or localised effects on the Dublin groundwater body. Therefore, it has been assessed that it is unlikely that the proposed development will 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.

Mitigation measures have been detailed in the reports above which will protect water quality and ensure there are no significant adverse effects on the surrounding hydrological and hydromorphological environment.

### 1.3 Directive 2001/42/EC, SEA Directive

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)

#### Summary of Relevance

The SEA Directive pertains to a broad range of public plans and programmes. The public plans and programmes covered by the Strategic Environmental Assessment (SEA) Directive are subject to an environmental assessment during their preparation prior to their adoption. The SEA Directive seeks to ensure a high level of environmental protection. The aim is to ensure that environmental considerations are regarded in the preparation, adoption and implementation of such plans.

The Dublin City Council Development Plan 2022-2028 sets out policies and objectives to guide how and where development will take place in the council area over the lifetime of the Plan. The Plan has been prepared in accordance with the requirements of the Planning and Development Act, 2000 (as amended), the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended. The content of the core strategy of the Development Plan has been informed by Strategic Environmental Assessment (SEA).

The Dublin City Council Development Plan 2022-2028 has been prepared in accordance with the requirements of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and Article 6 of the Habitats Directive 92/43/EEC. The SEA and AA process have ensured full integration and consideration of environmental issues throughout the action plan preparation process.

#### Assessment Reports Completed as part of Application Process

- |           |  |
|-----------|--|
| <b>1.</b> | <b>Planning Report</b><br>Prepared by: Thornton O'Connor Town Planning<br>Report Date: October 2023                    |
| <b>2.</b> | <b>Dublin City Council Development Plan (DCCDP) 2022-2028</b><br>Prepared by: Dublin City Council<br>Report Date: 2022 |

#### Conclusions

The above reports have been consulted when preparing the relevant assessment reports. The following policies and plans were reviewed and considered for possible in-combination effects with the Proposed Development:

- Dublin City Council Development Plan 2022-2028
- Eastern Midlands Regional Waste Management Plan 2015 – 2021

No further assessment is required.

## 1.4 Directive 2002/49/EC, Environmental Noise Directive

Directive 2002/49/EC on the assessment and management of environmental noise	
Summary of Relevance	
<p>The Environmental Noise Directive relates to the assessment and management of environmental noise. These Regulations apply to environmental noise to which people are exposed, in particular in built up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, near hospitals, and near other noise-sensitive buildings and areas. They are intended to avoid, prevent, or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.</p>	
Assessment Reports Completed as part of Application Process	
1.	<b>Inward Noise Impact Assessment</b> Prepared by: AWN Consulting Report Date: October 2023
2.	<b>Construction Environmental Management Plan</b> Prepared by: AWN Consulting Report Date: October 2023
Conclusions	
<p>There will be an increase in noise and vibration levels during the Construction Phase. To minimise noise impacts to surrounding receptors, construction working hours will only be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0800 and 1400 hours on Saturdays There will be no construction works carried out on Sundays or public holidays. Deviation from these times will only take place when written approval is granted by DCC in exceptional circumstances.</p> <p>Construction noise impacts will be localised, intermittent, and last only for the duration of this phase. The CEMP has outlined noise mitigation measures to be implemented which, along with best practice noise and vibration control measures, will ensure no significant adverse noise and vibration related effects.</p> <p>During the Operational Phase, enhanced acoustic glazing has been proposed where required as per the Inward Noise Impact Assessment to ensure internal noise environment is acceptable.</p>	

## 1.5 Directive 2008/50/EC (as amended) on ambient air quality and cleaner air for Europe

Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe

### Summary of Relevance

The ambient air quality and Cleaner Air For Europe (CAFE) Directive establishes air quality objectives and merges most of the existing air quality legislation into a single directive. The Directive includes certain limits or target values specified by the five published directives that apply limits to specific air pollutants for the improvement of human health and environmental quality. The Directive outlines assessment methodologies and provides corrective actions if the standards are not met. The CAFE Directive has been transposed into Irish legislation by the Air Quality Standards Regulations 2022.

### Assessment Reports Completed as part of Application Process

- |    |   |
|----|---|
| 1. | <b>Construction Environmental Management Plan</b><br>Prepared by: AWN Consulting<br>Report Date: October 2023 |
|----|---|

### Conclusions

The Construction Phase of the Proposed Development could give rise to short-lived dust and air quality effects. However, it is not predicted that these impacts will be significant as they will be temporary and short-term in duration. Adequate dust mitigation measures will be put in place for the duration of the Construction Phase of the Proposed Development as outlined within the CEMP.

## 1.6 Directive 2007/60/EC on the assessment and management of flood risks

Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks

### Summary of Relevance

The Directive on the assessment and management of flood risks establishes a framework for measures to reduce the risk of floods within the EU and requires EU countries to assess the risk of flooding in coastal regions and river basins by collecting historical data and defining the natural / physical environment. EU countries must also establish flood-risk management plans that are coordinated at the level of the river basin or coastal districts. These plans establish objectives for the management of flood risks, focusing mainly on prevention (e.g., avoiding construction in areas that may flood), protection (measures to reduce the likelihood of floods in a specific place) and preparedness (informing the public about flood risks and what to do in the event of flooding).

The Directive was transposed into Irish legislation by the European Communities (Assessment and Management of Flood Risks) Regulations 2010.

### Assessment Reports Completed as part of Application Process

- |    |   |
|----|---|
| 1. | <b>Flood Risk Assessment</b><br>Prepared by: Barrett Mahony Consulting Engineers<br>Report Date: October 2023 |
|----|---|

### Conclusions

A Flood Risk Assessment (FRA) was carried out which concluded the site is at negligible risk of flooding from external sources and that the Proposed Development is '*Appropriate*' in accordance with the OPW Guidelines. There is no discernible potential impact of the Proposed Development on flooding in the vicinity of the Site or downstream of it.

## 1.7 International Conventions

### 1.7.1 Bern and Bonn Convention

Convention on the Conservation of European Wildlife and Natural Habitats - Bern Convention  
Convention on the Conservation of Migratory Species of Wild Animals – Bonn Convention

#### Summary of Relevance

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982) was enacted to conserve all species and their habitats. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was introduced to give protection to migratory species across borders in Europe.

#### Assessment Reports Completed as part of Application Process

##### 1. Ecological Impact Assessment Report

Prepared by: Enviroguide  
Report Date: October 2023

#### Conclusions

The Ecological Impact Assessment (EclA) Report has assessed designated sites, habitats and species within the Site of the Proposed Development and surrounding area. The report concluded that provided the mitigation measures proposed within EclA, together with all best practice development standards as outlined in the CEMP are carried out in full, there will be no significant negative impact to any Key Ecological Receptor (KER) habitat, species group or biodiversity as a result of the Proposed Development including those listed under the Bern and Bonn Convention.



### 1.7.2 Ramsar Convention

#### The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat

##### Summary of Relevance

The Ramsar Convention on Wetlands is an intergovernmental treaty signed in Ramsar, Iran, in 1971. The treaty is a commitment for national action and international cooperation for the conservation of wetlands and their resources. In Ireland there are currently 45 Ramsar sites which cover a total area of 66,994 Ha.

##### Assessment Reports Completed as part of Application Process

##### 1. Ecological Impact Assessment Report

Prepared by: Enviroguide  
Report Date: October 2023

##### Conclusions

The Ecological Impact Assessment (EclA) Report has assessed designated sites, habitats and species within the Site of the Proposed Development and surrounding area. There is a potential, indirect hydrological pathway via surface water run-off to the River Camac to Dublin Bay which contains two Ramsar sites, Sandymount Strand / Tolka Estuary Ramsar Site (832) and North Bull Island Ramsar Site (406). The Hydrological pathway is deemed insignificant due to the dilution of any potential pollutants.

The EclA concluded that provided the mitigation measures proposed within EclA, together with all best practice development standards as outlined in the CEMP are carried out in full, there will be no significant negative impact to any Key Ecological Receptor (KER) habitat, species group or biodiversity as a result of the Proposed Development including those listed under the Ramsar Convention.

## 1.8 Other Relevant EU Legislation

### 1.8.1 Directive 2006/21/EC on the management of waste from extractive industries

Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC

#### Summary of Relevance

The management of waste from extractive industries Directive was introduced in 2006 and is transposed into Irish Legislation through S.I. No. 566/2009 - Waste Management (Management of Waste From the Extractive Industries) Regulations 2009.

The purpose of this Directive and subordinate regulations is to provide for measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment arising from the management of waste from extractive industries. The regulations focus in particular on the impact on water, air, soil, fauna and flora and landscape, and any resultant risks to human health.

#### Assessment Reports Completed as part of Application Process

1. Directive not relevant to the Proposed Development.  
No reports have been prepared.

#### Conclusions

Not relevant to the Proposed Development.

### 1.8.2 Directive (EU) 2018/850 on the landfill of waste

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

#### Summary of Relevance

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

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

#### Assessment Reports Completed as part of Application Process

##### 1. Resource and Waste Management Plan

Prepared by: AWN Consulting  
Report Date: October 2023

##### 2. Operational Waste Management Plan

Prepared by: AWN Consulting  
Report Date: October 2023

#### Conclusions

There will be an increase in construction and operational waste during the construction and operational phase of the Proposed Development. A Resource and Waste Management Plan (RWMP) and Operational Waste Management Plan (OWMP) have been prepared for the Proposed Development. The waste management objective for both the RWMP and OWMP will be to prevent waste arising in the first place, and to re-use, recycle or recover waste materials where possible.

### 1.8.3 Directive 2008/98/EC on waste and repealing certain Directives

Directive 2008/98/EC on waste and repealing certain Directives as amended by Directive 2018/851/EU	
Summary of Relevance	
<p>Directive 2008/98/EC has applied since December 2010 and Amending Directive 2018/851/EU has applied since July 2020. This Directive establishes a legal framework for treating waste in the EU and is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.</p>	
Assessment Reports Completed as part of Application Process	
1.	<b>Resource and Waste Management Plan</b> Prepared by: AWN Consulting Report Date: October 2023
2.	<b>Operational Waste Management Plan</b> Prepared by: AWN Consulting Report Date: October 2023
Conclusions	
<p>There will be an increase in construction and operational waste during the construction and operational phase of the Proposed Development. A Resource and Waste Management Plan (RWMP) and Operational Waste Management Plan (OWMP) have been prepared for the Proposed Development. The waste management objective for both the RWMP and OWMP will be to prevent waste arising in the first place, and to re-use, recycle or recover waste materials where possible.</p>	

#### 1.8.4 Directive 2010/75/EU on industrial emissions

Directive 2010/75/EU on industrial emissions	
Summary of Relevance	
<p>Directive 2010/75/EU has been applied since 2011. The Directive implements rules for the prevention or, where this is not practical, the reduction of industrial emissions to air, water, and land and to prevent the generation of waste, in order to achieve a high level of protection.</p> <p>This legislation covers industrial activities in sectors such as: energy, metal production and processing, minerals, chemicals, and others. All installations covered by the directive must prevent and reduce pollution by applying the best available techniques (BATs) and address efficient energy use, waste prevention and management and measures to prevent accidents and limit their consequences.</p>	
Assessment Reports Completed as part of Application Process	
1.	Directive is not relevant to the Proposed Development. No reports have been prepared.
Conclusions	
Not relevant to the Proposed Development.	

### 1.8.5 Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register

Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

#### Summary of Relevance

This Regulation establishes the European Pollutant Release and Transfer Register which is a publicly available electronic database of key environmental data from industrial facilities in Europe. The register contains information on releases of pollutants to air, water and land, as well as off-site transfers of pollutants present in wastewater and waste.

#### Assessment Reports Completed as part of Application Process

1. Directive is not relevant to the Proposed Development.  
No reports have been prepared.

#### Conclusions

Not relevant to the Proposed Development.

### 1.8.6 Directive 2000/14/EC (as amended) on noise emission in the environment by equipment for use outdoors

Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

#### Summary of Relevance

This Directive aims to improve the control of noise emissions by 57 types of equipment used outdoors, such as compressors, excavator-loaders, various saws, mixers. The Directive further aims to improve the health and wellbeing of citizens by reducing the noise emitted by outdoor equipment. This Directive was transposed into Irish law by European Communities (Noise Emission by Equipment for use Outdoors) Regulations 2001 S.I. no. 632 of 2001 and has been amended by S.I. No. 241/2006 - European Communities (Noise Emission by Equipment for Use Outdoors) (Amendment) Regulations 2006.

#### Assessment Reports Completed as part of Application Process

<b>1.</b>	<b>Construction Environmental Management Plan</b> Prepared by: AWN Consulting Report Date: October 2023
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#### Conclusions

In accordance with the Construction Environmental Management Plan, the Construction Phase of the Proposed Development will comply with best practice control measures for construction sites for noise and vibration. Mitigation measures have been detailed in the CEMP which will reduce the potential impact of noise and ensure there is no significant adverse impact on surrounding receptors.

### 1.8.7 Directive 2012/27/EU on energy efficiency

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

#### Summary of Relevance

The Directive on energy efficiency aimed to improve energy efficiency by 20% by 2020 compared to 1990 levels. All EU countries were required to set national energy efficiency targets to achieve this. It employs a common framework of measures across the EU which cover every stage of the energy chain, from generation to distribution and final consumption.

This directive, as revised by Directive (EU) 2018/2002, along with the revised Renewable Energy directive and a new Governance Regulation are part of the Clean Energy for All Europeans package. Directive 2012/27/EU, together with its amendment, aims to adapt EU energy law in line with the 2030 energy efficiency and climate goals and contribute towards the Energy Union strategy which involves reducing dependence on imported energy, cutting emissions, driving jobs and growth, strengthening consumer rights, and alleviating energy poverty.

#### Assessment Reports Completed as part of Application Process

##### 1. Climate Action, Energy and Sustainability Statement

Prepared by: Delap and Waller Ltd  
Report Date: October 2023

#### Conclusions

As part of the Climate Action, Energy and Sustainability Statement, a feasibility study was carried out to determine the most feasible and effective low zero carbon and renewable energy technologies for the Proposed Development. The analysis and proposed strategy uses a centralised, low zero carbon, Air Source Heat Pumps to generate domestic hot water in conjunction with roof mounted solar photovoltaics.

The Proposed Development will comply with the standards set out under the Part L regulation including Carbon Performance Coefficient, Energy Performance Coefficient and Renewable Energy Ratio providing improved energy performance and reducing the Proposed Development overall carbon emissions.



### 1.8.8 Directive 2003/87/EC (as amended) establishing a system for greenhouse gas emission allowance trading within the EU

Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

#### Summary of Relevance

The aim of this Directive is to establish the EU emissions trading system (ETS) which is the cornerstone of the EU's policy to tackle climate change by reducing greenhouse gas emissions in a cost-effective and economically efficient way. The third phase of the EU ETS was in place from 2013 to 2020 and applied to emissions from power plants, energy-intensive industrial sectors, and aircraft (flying between EU airports, Norway and Iceland).

Directive (EU) 2018/410 (amending Directive 2003/87/EC) enhances cost-effective emission reductions and low-carbon investments. The revised EU ETS Directive entered into force on 8 April 2018 and sets the framework for the fourth trading period from 2021 to 2030.

On 14 July 2021, the European Commission proposed the revision of the EU ETS Directive under the "Fit for 55" package of legislative proposals, in view to achieve climate neutrality in the EU by 2050, including the intermediate target of an at least 55% net reduction in greenhouse gas emissions by 2030.

#### Assessment Reports Completed as part of Application Process

1. Directive is not relevant to Proposed Development.  
No reports have been prepared.

#### Conclusions

Not relevant to the Proposed Development.

### 1.8.9 Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013

Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013

#### Summary of Relevance

This Regulation applies obligations to Member States in relation to their minimum contributions for the period 2021-2030 in fulfilling the EU target of reducing its greenhouse gas emissions by 30% below 2005 levels in 2030 from IPCC source categories of energy, industrial processes and product use, agriculture and waste, and contributing towards achieving the objectives of the Paris Agreement. This Regulation also lays down rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contribution.

#### Assessment Reports Completed as part of Application Process

<b>1.</b>	<b>Climate Action, Energy and Sustainability Statement</b> Prepared by: Delap and Waller Ltd Report Date: October 2023
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#### Conclusions

The Climate Action, Energy and Sustainability Statement sets out the most feasible and effective low zero carbon and renewable energy technologies which will be incorporated into the Proposed Development design in order to aid in the reduction of energy consumption, carbon emissions, and costs throughout the building lifecycle.

Therefore, it is considered that the Proposed Development will make a positive contribution towards fulfilling the EU target of a 30% reduction in GHG emissions from 2005 levels by 2030.

### **1.8.10 Regulation (EU) 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU**

Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU

#### **Summary of Relevance**

This Regulation sets out commitments of Member States for the IPCC Sector of land use, land use change and forestry ("LULUCF") which contributes to achieving the objectives of the Paris Agreement and meeting the GHG emission reduction target of the EU for the period 2021 to 2030. The rules for accounting of emissions and removals from LULUCF and for checking compliance of Member States with those commitments are also laid down within this Regulation.

#### **Assessment Reports Completed as part of Application Process**

1. Directive is not relevant to Proposed Development.  
No reports have been prepared.

#### **Conclusions**

Not relevant to the Proposed Development.

### 1.8.11 Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources

Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

#### Summary of Relevance

This Directive establishes a common system to promote the use of energy from renewable sources across different sectors and aims to set a binding EU target for its share in the energy mix in 2030; regulate self-consumption; and establish a common set of rules for the use of renewables in electricity, heating and cooling, and transport in the EU. The increased use of energy from renewable sources is an important part of the package of measures needed to reduce greenhouse gas emissions and to comply with the 2015 Paris Agreement on Climate Change and the EU policy framework for climate and energy (2020 to 2030).

#### Assessment Reports Completed as part of Application Process

<b>1.</b>	<b>Climate Action, Energy and Sustainability Statement</b> Prepared by: Delap and Waller Ltd Report Date: October 2023
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#### Conclusions

Following a feasibility study, the Climate Action, Energy and Sustainability Statement has proposed renewable energy technologies including a centralized, low to zero carbon, air source heat pumps to generate domestic hot water in conjunction with roof mounted solar photovoltaics.

Therefore, it is considered that the Proposed Development will make a positive contribution towards the increased use of energy from renewable sources.

### 1.8.12 Regulation (EU) No 517/2014 on fluorinated greenhouse gases

Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006

#### Summary of Relevance

This Regulation has been designed to assist in mitigating climate change and protecting the environment by reducing emissions of fluorinated greenhouse gases (F-Gases). The Regulation prohibits the intentional release of F-Gases (unless technically necessary) and provides an obligation for operators of equipment containing F-Gases to take every precaution to avoid any leakage. It aims to cut F-Gases by two thirds of today's levels by 2030.

#### Assessment Reports Completed as part of Application Process

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| 1. | <b>Climate Action, Energy and Sustainability Statement</b><br>Prepared by: Delap and Waller Ltd<br>Report Date: October 2023 |
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#### Conclusions

According to the Climate Action, Energy and Sustainability Statement it is proposed to consider the employment of renewable technologies such as air source heat pump technology for the buildings. Heat pumps can contain F-Gases.

The F-Gas Regulations outline requirements for operators and end-users of f-gas containing equipment. The requirements vary based on the CO<sub>2</sub> equivalent of the f-gas containing equipment (which is determined by the specific gas type and quantity contained in the f-gas containing equipment e.g., heat pump). All operators employed to install F-gas containing equipment at this Proposed Development will hold the appropriate Company Certification and Personnel Qualifications in accordance with the Regulations. Residents will be informed of their end-user requirements (leak checking and maintenance) as necessary.

### 1.8.13 Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC

Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC

#### Summary of Relevance

This Directive aims to control major accidents hazards involving dangerous substances, especially chemicals and has amended legislation to give the public stronger rights and provide them with better access to information surrounding the risks which may occur from nearby industrial installations and how to react in the event of an accident.

#### Assessment Reports Completed as part of Application Process

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| 1. | Directive not relevant to Proposed Development.<br>No reports have been prepared. |
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#### Conclusions

Not relevant to the Proposed Development.

## 2 CONCLUSIONS

This Statement in accordance with Article 103(1A) a of the Planning and Development Regulations 2001, as amended, details how the available results of all relevant assessments of the effects on the environment from the Proposed Development have been carried out pursuant to relevant European Legislation.

This Statement, in conjunction with the EIA Screening, has determined that, by reason of the nature, scale and location of the Proposed Development site, and the proposed mitigation measures outlined in the other assessments completed for this planning application, the Proposed Development does not require a mandatory Environmental Impact Assessment Report (EIAR).