



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

PRESENTED TO
Malkey Limited

DATE
February 2023

Prepared by
Enviroguide Consulting

 *Dublin*
3D Core C, Block 71, The Plaza,
Park West, Dublin 12

 *Kerry*
19 Henry Street
Kenmare, Co. Kerry

 *Wexford*
Unit 11 Floor B
Westpoint Business Park
Clonard Road, Wexford

 www.enviroguide.ie
 [info@enviroguide.i](mailto:info@enviroguide.ie)
 +353 1 565 4730

DOCUMENT CONTROL SHEET

Client	Malkey Limited
Project Title	Richmond Road, Dublin 3
Document Title	Statement in accordance with Article 103(1A)a of the Planning and Development Regulations 2001, (as amended)

Rev.	Status	Author(s)	Reviewed by	Approved by	Issue Date
1.0	Draft for Internal Review	Arthur Greene <i>Graduate Environmental Consultant</i>	Claire Fagan <i>Principle Consultant</i>	-	24/02/2023
02	Final	Arthur Greene <i>Graduate Environmental Consultant</i>			

REPORT LIMITATIONS

Synergy Environmental Ltd. t/a Enviroguide Consulting (hereafter referred to as “Enviroguide”) has prepared this report for the sole use of Malkey Limited in accordance with the Agreement under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by Enviroguide.

The information contained in this Report is based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from whom it has been requested and that such information is accurate. Information obtained by Enviroguide has not been independently verified by Enviroguide, unless otherwise stated in the Report.

The methodology adopted and the sources of information used by Enviroguide in providing its services are outlined in this Report.

The work described in this Report is based on the conditions encountered and the information available during the said period of time. The scope of this Report and the services are accordingly factually limited by these circumstances.

All work carried out in preparing this report has used, and is based upon, Enviroguide’s professional knowledge and understanding of the current relevant national legislation. Future changes in applicable legislation may cause the opinion, advice, recommendations or conclusions set-out in this report to become inappropriate or incorrect. However, in giving its opinions, advice, recommendations and conclusions, Enviroguide has considered pending changes to environmental legislation and regulations of which it is currently aware. Following delivery of this report, Enviroguide will have no obligation to advise the client of any such changes, or of their repercussions.

Enviroguide disclaim any undertaking or obligation to advise any person of any change in any matter affecting the Report, which may come or be brought to Enviroguide’s attention after the date of the Report.

Certain statements made in the Report that are not historical facts may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the Report, such forward-looking statements by their nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. Enviroguide specifically does not guarantee or warrant any estimate or projections contained in this Report.

Unless otherwise stated in this Report, the assessments made assume that the site and facilities will continue to be used for their current or stated proposed purpose without significant changes.

The content of this report represents the professional opinion of experienced environmental consultants. Enviroguide does not provide legal advice or an accounting interpretation of liabilities, contingent liabilities or provisions.

If the scope of work includes subsurface investigation such as boreholes, trial pits and laboratory testing of samples collected from the subsurface or other areas of the site, and environmental or engineering interpretation of such information, attention is drawn to the fact that special risks occur whenever engineering, environmental and related disciplines are applied to identify subsurface conditions. Even a comprehensive sampling and testing programme implemented in accordance with best practice and a professional standard of care may fail to detect certain conditions. Laboratory testing results are not independently verified by Enviroguide and have been assumed to be accurate. The environmental, ecological, geological, geotechnical, geochemical and hydrogeological conditions that Enviroguide interprets to exist between sampling points may differ from those that actually exist. Passage of time, natural occurrences and activities on and/or near the site may substantially alter encountered conditions.

Copyright © This Report is the copyright of Enviroguide Consulting Ltd. Any unauthorised reproduction or usage by any person other than the addressee is strictly prohibited.

TABLE OF CONTENTS

REPORT LIMITATIONS	2
1 INTRODUCTION	5
1.1 Background	5
2 PRINCIPAL FEATURES OF THE PROPOSED DEVELOPMENT	5
2.1 EIA Screening	6
3 ASSESSMENT OF RELEVANT EU LEGISLATION	7
3.1 Directive 92/43/EEC, The Habitats Directive	7
3.2 Directive 2000/60/EC, EU Water Framework Directive	9
3.3 Directive 2001/42/EC, SEA Directive	11
3.4 Directive 2002/49/EC, Environmental Noise Directive	12
3.5 Directive 2008/50/EC on ambient air quality and cleaner air for Europe	14
3.6 Directive 2007/60/EC on the assessment and management of flood risks	16
3.7 International Conventions	17
3.7.1 Bern and Bonn Convention	17
3.7.2 Ramsar Convention	17
3.8 Other Relevant EU Legislation	19
3.8.1 Directive 2006/21/EC on the management of waste from extractive industries	19
3.8.2 Directive (EU) 2018/850 on the landfill of waste	20
3.8.3 Directive 2008/98/EC on waste and repealing certain Directives	21
3.8.4 Directive 2010/75/EU on industrial emissions	22
3.8.5 Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register	23
3.8.6 Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors	24
3.8.7 Directive 2012/27/EU on energy efficiency	26
3.8.8 Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the EU	27
3.8.9 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	28
3.8.10 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	29
3.8.11 Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources	30
3.8.12 Regulation (EU) No 517/2014 on fluorinated greenhouse gases	31

3.8.13 Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances,
amending and subsequently repealing Council Directive 96/82/EC 32

4 CONCLUSIONS 33

1 INTRODUCTION

1.1 Background

Enviroguide Consulting was commissioned by Malkey Limited 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 respect of a Large-scale Residential Development (LRD) at Leyden's Wholesalers & Distributors, No. 158A Richmond Road, Dublin 3, D03 YK12.

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

2 PRINCIPAL FEATURES OF THE PROPOSED DEVELOPMENT

The Proposed Development will principally consist of: a Large-scale Residential Development (LRD) comprising the demolition of existing industrial structures on site (c. 3,359 sq m) and the construction of a mixed-use development including artist studios (c. 749 sq m), a creche (c. 156 sq m), a retail unit (c. 335 sq m), and a gym (c. 262 sq m), and 133 No. residential units (65 No. one bed apartments and 68 No. two bed apartments). The development will be provided in 3 No. blocks ranging in height from part 1 No. to part 10 No. storeys as follows: Block A will be part 1 No. storey to part 4 No. storeys in height, Block B will be part 1 No. storeys to part 10 No. storeys in height (including podium) and Block C will be part 1 No. storeys to part 9 No. storeys in height (including podium). The Proposed Development has a gross floor area of c. 14,590 sq m and a gross floor space of c. 13,715 sq m.

The development also proposes the construction of: a new c. 204 No. metre long flood wall along the western, southern and south-eastern boundaries of the Proposed Development with a top of wall level of c. 6.4 metres AOD to c. 7.15 metres AOD (typically c. 1.25 metres to c. 2.3 metres in height) if required; and new telecommunications infrastructure at roof level of Block B including shrouds, antennas and microwave link dishes (18 No. antennas enclosed in 9 No. shrouds and 6 No. transmission dishes, together with all associated equipment) if required. A flood wall and telecommunications infrastructure are also proposed in the adjoining Strategic Housing Development (SHD) application (pending decision ABP Reg. Ref. TA29N.312352) under the control of the Applicant. If that SHD application is granted and first implemented, no flood wall or telecommunications infrastructure will be required under this application for LRD permission (with soft landscaping provided instead of the flood wall). If the SHD application is refused permission or not first implemented, the proposed flood wall and telecommunications infrastructure in the LRD application will be constructed.

The Proposed Development also provides ancillary residential amenities and facilities; 25 No. car parking spaces including 13 No. electric vehicle parking spaces, 2 No. mobility impaired spaces and 3 No. car share spaces; 2 No. loading bays; bicycle parking spaces; motorcycle parking spaces; electric scooter storage; balconies and terraces facing all directions; public and communal open space; hard and soft landscaping; roof gardens; green roofs; boundary

treatments; lighting; ESB substation; switchroom; meter room; comms rooms; generator; stores; plant; lift overruns; and all associated works above and below ground.

2.1 EIA Screening

An EIA Screening Report has been prepared by Enviroguide Consulting on behalf of Malkey Limited. The overall objective of the EIA Screening exercise was to identify and assess any potential for environmental impact associated with the Proposed Development and to determine if EIA is required for the Proposed Development, based on best scientific knowledge.

The Proposed Development was assessed in accordance with the screening criteria set out in Annex III of the European Union 'EIA Directive'.

The EIA Screening Report concludes that having regard to:

- the nature and scale of the Proposed Development on an urban site served by public infrastructure, and
- the absence of any significant environmental sensitivities in the area:

It is concluded that, by reason of the nature, scale and location of the subject site, the Proposed Development would not be likely to have significant effects on the environment. Therefore, a mandatory Environmental Impact Assessment Report (EIAR) is not required for the Proposed Development.

3 ASSESSMENT OF RELEVANT EU LEGISLATION

3.1 Directive 92/43/EEC, 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. The Habitats Directive has been transposed into Irish law through the EC (Birds and Natural Habitats) Regulations 2011.</p> <p>The Habitats Directive aims to protect some 220 habitats and approximately 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.	Appropriate Assessment Screening Report Prepared by: Enviroguide Consulting Report Date: February 2023
2.	Ecological Impact Assessment Prepared by: Enviroguide Consulting Report Date: February 2023
3.	Arboricultural Report Prepared by: The Tree File Report Date: February 2023
4.	Natura 2000 Impact Statement Prepared by: Enviroguide Consulting Report Date: February 2023
Conclusions	
<p>According to the Assessment Reports that have been prepared to support the application for the Proposed Development, it is concluded that the Proposed Development will have a likely significant effect on four Natura 2000 Sites. Hence, a NIS has been prepared to evaluate the likely significant effects to European Sites located downstream of the Site of the Proposed Development, as identified in the Appropriate Assessment Screening report. These are addressed in the Natura Impact Statement that accompany this planning application. Where any likely significant effect has been identified, appropriate mitigation measures are detailed in the NIS.</p> <p>Based on the successful implementation of the proposed works and enhancement measures in the Assessment Reports, it is deemed that there will be no significant negative impact to any valued</p>	

habitats, designated sites or individual or group of species, arising from Construction and Operational Phases of the Proposed Development.

3.2 Directive 2000/60/EC, 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. A public consultation on the next RBMP for the period 2022-2027 was opened on 28 September 2021.

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. **Appropriate Assessment Screening Report**

Prepared by: Enviroguide Consulting
Report Date: February 2023

2. **Ecological Impact Assessment**

Prepared by: Enviroguide Consulting
Report Date: February 2023

3. **Preliminary Construction & Environmental Management Plan**

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

4. **Infrastructure Design Report**

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

5. **Site Specific Flood Risk Assessment**

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

6. **Resource Waste Management Plan**

Prepared by: AWN Consulting
Report Date: February 2023

Conclusions

According to the Assessment Reports that have been prepared to support the planning application for the Proposed Development, it is concluded that there is a risk of **Possible Significant Effects** for Water Quality and/or Resource in two SACs and two SPAs. Hence, likely significant effects to European Sites located downstream of the Site of the Proposed Development, as identified in the Appropriate Assessment Screening report, has been addressed in the Natura Impact Statement that accompanies this planning application. Where any likely significant effect are identified, appropriate mitigation are detailed in the NIS.

According to the Infrastructure Design Report, surface water will be managed in accordance with council specific prerequisites and with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments and CIRIA documents.

Best practice will be implemented at all times in relation to all construction activities to avoid any accidental pollution events occurring to the nearby water courses. Appropriate surface water management and discharge measures will be employed to ensure that no significant impacts arise. The Site-Specific Flood Risk Assessment concluded that:

- The Site of the Proposed Development is at risk of flooding from fluvial and coastal sources via the Tolka River along the south-western boundary of the site.
- The Site is mainly in defended Flood Zones B with some Flood Zone C (moderate and low risk of fluvial flooding) as defined by the Planning System and Flood Risk Management Guidelines.
- Further details on the proposed mitigation measures including the Tolka River flood defence wall are available SSFRA (DBFL Consulting Engineers, February 2023).

SuDS measures and the surface water management train have also been established in the Infrastructure Design Report. The SuDS measures applied will be in accordance with the Greater Dublin Strategic Drainage Strategy (GDSDS) and the Dublin City Council Surface Water Management Guidance. The SuDS measures considered for the scheme include the following:

- Green/blue roof system.
- Extensive landscaping on podium areas green/blue podium.
- Permeable paving.
- Over-the-edge drainage into soft landscaping.

Therefore, it is not anticipated that there will be adverse impacts in any watercourses in the vicinity of the Proposed Development due to adherence to appropriate control measures.

3.3 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 city over the lifetime of the Plan. The Plan has been prepared in accordance with the requirements of the Planning and Development Act, 2000 (as amended), the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended.

The content of the core strategy of the Development Plan has been informed by Strategic Environmental Assessment (SEA).

Assessment Reports Completed as part of Application Process

1. Dublin City Council Development Plan 2022-2028

Prepared by: Dublin City Council
Report Date: 2022-2028

5. Environmental Impact Assessment Screening Report

Prepared by: Enviroguide Consulting
Report Date: February 2023

Conclusions

The following policies and plans were reviewed and considered for possible in-combination effects with the Proposed Development:

- Dublin City Development Plan 2022-2028
- Dublin City Biodiversity Action Plan 2021-2025
- Dublin City Development Plan 2022-2028 Strategic Environmental Assessment (SEA)
- Dublin City Development Plan 2022-2028 [Strategic Flood Risk Assessment]
- Eastern-Midlands Region Waste Management Plan 2015 – 2021

No significant impact will occur as a result of the Proposed Development acting cumulatively with any of the above plans or policies. No further assessment is required.

3.4 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. The Directive has been transposed into Irish law through the Environmental Noise Regulations 2006, as amended, which came into effect on 3rd April 2006.</p> <p>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.	Preliminary Construction Environmental Management Plan Prepared by: DBFL Consulting Engineers Report Date: February 2023
2.	Noise Assessment Prepared by: AWN Consulting Report Date: February 2023
Conclusions	
<p>During construction, temporary and intermittent impacts are predicted due to potential noise and dust, however these impacts will be localised and last only for the duration of this phase. It is not anticipated that there will any nuisance or impacts from the Construction Phase of the Proposed Development beyond the Site boundary due to adherence to appropriate control measures identified in the Preliminary Construction & Environmental Management Plan.</p> <p>During construction, temporary and intermittent impacts are predicted due to potential noise and dust, however these impacts will be localised and last only for the duration of this phase. The Proposed Scheme will comply with BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites.</p> <p>AWN Consulting have conducted baseline noise surveys and carried out a Noise Assessment (February 2023) for the Proposed Development. This report has been prepared to address the potential impact of the existing traffic noise sources on the Proposed Development in accordance with Local Authority requirements such as the Dublin Agglomeration Noise Action Plan 2019 –2023.</p> <p>The report recommended the following measures to mitigate noise emissions during the Construction Phase of the Proposed Development:</p> <ul style="list-style-type: none"> Limiting the hours during which site activities likely to create high levels of noise or vibration are permitted. 	

- Establishing channels of communication between the contractor/developer, local authority and residents.
- Appointing a site representative responsible for matters relating to noise and vibration.
- Monitoring levels of noise and/or vibration during critical periods and at sensitive locations.
- All site access roads will be kept even so as to mitigate the potential for vibration from lorries.
- Selection of plant with low inherent potential for generation of noise and/ or vibration.
- Erection of barriers as necessary around items such as generators or high duty compressors.
- Situate any noisy plant as far away from sensitive properties as permitted by site constraints and the use of vibration isolated support structures where necessary.

The following measures to mitigate noise emissions during the Operational Phase of the Proposed Development:

- duct mounted attenuators on the atmosphere side of air moving plant;
- splitter attenuators or acoustic louvres providing free ventilation to internal plant areas;
- solid barriers screening any external plant;
- anti-vibration mounts on reciprocating plant.
- All mechanical plant items e.g. motors, pumps etc. shall be regularly maintained to ensure that excessive noise generated any worn or rattling components is minimised;
- Any new or replacement mechanical plant items, including plant located inside new or existing buildings, shall be designed so that all noise emissions from site do not exceed the noise limits outlined in this document.

This report concluded that there is the potential for impacts from noise and vibration from both the construction and operational stages of the Proposed Development. These will be considered in detailed in the final acoustic report submitted as part of the planning application.

3.5 Directive 2008/50/EC 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 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 (S.I. No. 180 of 2011).

National authorities are required to designate specific bodies to assess compliance with thresholds, limit values and target values for each pollutant covered by the directive. The regulations further provide for the distribution of public information. This includes information on any exceedances of target values, the reasons for exceedances, the area(s) in which they occurred, and the relevant information regarding effects on human health and environmental impacts. In Ireland, the EPA is the competent authority for the purpose of the CAFE Directive and develops an annual report on all pollutants covered by the legislation.

Assessment Reports Completed as part of Application Process

1. Preliminary Construction Environmental Management Plan

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

2. Operational Waste Management Plan

Prepared by: AWN Consulting
Report Date: February 2023

Conclusions

The Proposed Development involves demolition and construction works which may temporarily impact on air quality due to short-term dust and exhaust emissions (during ground preparation and enabling works and from general site construction activities). Demolition and Construction works will be carried out in such a way as to limit the emissions to air of pollutants. The site will be managed in accordance with the Construction and Environmental Management Plan mitigation measures to minimise potential effects on air quality from construction to ensure that existing adjacent residential properties, educational facilities and business premises located in proximity to the site will not be adversely impacted by a deterioration in air quality associated with the Construction Phase.

The Operational Phase of the Proposed Development will see a Large-Scale Residential Development (LRD) and mixed-use development buildings which will implement sustainable features into the building design and promote energy efficiency. The Operational Phase of the Proposed Development will also see a cycle lane, bicycle parking and electric scooter storage to promote car-free transport alternatives.

No significant adverse air quality impacts will occur as a result of the Proposed Development.

3.6 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. | Infrastructure Design Report
Prepared by: DBFL Consulting Engineers
Report Date: February 2023 |
| 2. | Site Specific Flood Risk Assessment
Prepared by: DBFL Consulting Engineers
Report Date: February 2023 |

Conclusions

The SSFRA reports that the proposed residential development is classified as highly vulnerable development under the Planning System and Flood Risk Management Guidelines.

- The Site is primarily classified as defended Flood Zone B with some Flood Zone C.
- The Site is at risk from fluvial and coastal source flooding via the Tolka River.
- Flooding has occurred at the Site in the past. Notably, the River Tolka Flooding event in November 2002.
- The Site passed the Justification Test for Development Plan in the Dublin City Development Plan (2022-2028).

The SSFRA has established a set of Flood Resistance Measures and Flood Resilience Measures that will be implemented and hence, the Proposed Development does not increase flood risk elsewhere and the development's design incorporates measures to address flood risk.

SuD techniques, as detailed in the Infrastructure Design Report will be used to manage surface water runoff from the development.

3.7 International Conventions

3.7.1 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	
<p>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.</p>	
Assessment Reports Completed as part of Application Process	
1.	Ecological Impact Assessment Report Prepared by: Enviroguide Consulting Report Date: February 2023
3.	Appropriate Assessment Screening Report Prepared by: Enviroguide Consulting Report date: February 2023
Conclusions	
<p>The Site of the Proposed Development does not host significant species populations as designated under the Bern and Bonn Convention. Therefore, no adverse impacts are expected in this regard.</p>	

3.7.2 Ramsar Convention

The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat	
Summary of Relevance	
<p>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.</p>	
Assessment Reports Completed as part of Application Process	
1.	Ecological Impact Assessment Report Prepared by: Enviroguide Consulting Report Date: February 2023

3.

Appropriate Assessment Screening Report

Prepared by: Enviroguide Consulting

Report Date: February 2023

Conclusions

The Site of the Proposed Development is not located within, or in close proximity to, a Ramsar site. Therefore, no adverse impacts are expected in this regard.

3.8 Other Relevant EU Legislation

3.8.1 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

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

Conclusions

Not relevant to the Proposed Development.

3.8.2 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. Preliminary Construction Environmental Management Plan

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

3. Operational Waste Management Plan

Prepared by: AWN Consulting
Report Date: February 2023

4. Resource & Waste Management Plan

Prepared by: AWN Consulting
Report Date: February 2023

Conclusions

A Preliminary Construction Environmental Management Plan and Resource & Waste Management Plan has been prepared for the Proposed Development. The aim of these plans is to minimise the quantity of waste generated by construction activities, to maximise the use of materials in an efficient manner and to maximise the segregation of construction waste materials on-site to produce uncontaminated waste streams for off-site recycling. The plan provides guidance in relation to the collection and transport of waste to prevent issues associated with litter or environmental pollution (contamination of land or water resources).

The aim of the Operational Waste Management Plan is to maximise the quantity of waste recycled by providing sufficient waste recycling infrastructure, waste reduction initiatives and waste collection and waste management information to the residents of the Proposed Development.

The Proposed Development will not result in any significant adverse impact from landfill on surface water, groundwater, soil, air or human health.

3.8.3 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

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.

Assessment Reports Completed as part of Application Process

1. Preliminary Construction Environmental Management Plan

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

3. Resource Waste Management Plan

Prepared by: AWN Consulting
Report Date: February 2023

Conclusions

A Preliminary Construction Environmental Management Plan and Resource Waste Management Plan has been prepared for the Proposed Development and has been designed to ensure the highest possible levels of waste reduction, waste reuse, and waste recycling are achieved for the Proposed Development during the Construction Phase. The plans have been prepared to demonstrate how the Proposed Development Construction Phase will comply with the relevant legislation, relevant Best Practice Guidelines and Dublin City Waste Management Policies.

3.8.4 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	
	<p>Directive is not relevant to the Proposed Development. No reports have been prepared.</p>
Conclusions	
<p>Not relevant to the Proposed Development.</p>	

3.8.5 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

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

Conclusions

Not relevant to the Proposed Development.

3.8.6 Directive 2000/14/EC 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, etc. 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.

Assessment Reports Completed as part of Application Process

1. Construction Environmental Management Plan

Prepared by: DBFL Consulting Engineers
Report Date: February 2023

2. Noise Assessment

Prepared by: Awn Consulting
Report Date: February 2023

Conclusions

In accordance with the Preliminary Construction Environmental Management Plan all reasonable precautions will be taken for the operation of plant and equipment to avoid nuisance and excess noise impact on the surrounding residents. The Proposed Scheme will comply with BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites. The Contractor will be required to monitor base noise levels at the site location before commencement of the project. Noise monitoring will then also be required throughout the project.

Awn Consulting have conducted baseline noise surveys and carried out a Noise Assessment (February 2023) for the Proposed Development. This report has been prepared to address the potential impact of the existing traffic noise sources on the Proposed Development in accordance with Local Authority requirements such as the Dublin Agglomeration Noise Action Plan 2019 –2023.

The report recommended the following measures to mitigate noise emissions during the Construction Phase of the Proposed Development:

- Limiting the hours during which site activities likely to create high levels of noise or vibration are permitted.
- Establishing channels of communication between the contractor/developer, local authority and residents.
- Appointing a site representative responsible for matters relating to noise and vibration.
- Monitoring levels of noise and/or vibration during critical periods and at sensitive locations.
- All site access roads will be kept even so as to mitigate the potential for vibration from lorries.
- Selection of plant with low inherent potential for generation of noise and/ or vibration.

- Erection of barriers as necessary around items such as generators or high duty compressors.
- Situate any noisy plant as far away from sensitive properties as permitted by site constraints and the use of vibration isolated support structures where necessary.

The following measures to mitigate noise emissions during the Operational Phase of the Proposed Development:

- duct mounted attenuators on the atmosphere side of air moving plant;
- splitter attenuators or acoustic louvres providing free ventilation to internal plant areas;
- solid barriers screening any external plant;
- anti-vibration mounts on reciprocating plant.
- All mechanical plant items e.g. motors, pumps etc. shall be regularly maintained to ensure that excessive noise generated any worn or rattling components is minimised;
- Any new or replacement mechanical plant items, including plant located inside new or existing buildings, shall be designed so that all noise emissions from site do not exceed the noise limits outlined in this document.

This report concluded that there is the potential for impacts from noise and vibration from both the construction and operational stages of the Proposed Development. These will be considered in detailed in the final acoustic report submitted as part of the planning application.

3.8.7 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.	<p>Part L Planning Compliance For the Mechanical and Electrical Services Installations</p> <p>Prepared by: Axiseng Consulting Engineers</p> <p>Report Date: February 2023</p>
-----------	--

Conclusions

The development is designed with high efficient heat pumps installed in each of the unit In compliance with Section 3.5.2 of 'The Built Environment' and Section 3.5.3 'Energy' of Chapter 3 of the DCC Development Plan 2022-2028.

This report stated that the Carbon Performance Coefficient and Energy Performance Coefficient are within the maximum permitted energy performance coefficient (MPEPC).

3.8.8 Directive 2003/87/EC 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

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

Conclusions

Not relevant to the Proposed Development.

3.8.9 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

- | | |
|-----------|---|
| 1. | Part L Planning Compliance For the Mechanical and Electrical Services Installations
Prepared by: Axiseng Consulting Engineers
Report Date: February 2023 |
|-----------|---|

Conclusions

The Part L Planning Compliance For the Mechanical and Electrical Services Installations report has been prepared for the Proposed Development that set out various energy conservation measures 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 have no significant adverse effects on the environment in relation to greenhouse gas emissions, and will instead contribute to meeting the reduced greenhouse gas emission targets through low energy consumption requirements and the use of renewable energy sources

3.8.10 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

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

Conclusions

Not relevant to the Proposed Development.

3.8.11 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

- | | |
|----|---|
| 1. | Part L Planning Compliance For the Mechanical and Electrical Services Installations
Prepared by: Axiseng Consulting Engineers
Report Date: February 2023 |
|----|---|

Conclusions

The above report found that the renewable energy ratio target is achieved with results ranging between 0.28to 0.39 (28% -40%) for the apartments analysed. Heating, Ventilation and Air Conditioning (HVAC) technologies such as Exhaust Air Heat Pump systems (EAHP) and Exhaust Air Source Heat Pump systems (EAHP) will be implemented to promote the use of renewable energy (Axiseng Consulting Engineers, February 2023).

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

3.8.12 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

- | | |
|-----------|--|
| 1. | <p>Part L Planning Compliance For the Mechanical and Electrical Services Installations</p> <p>Prepared by: Axiseng Consulting Engineers</p> <p>Report Date: February 2023</p> |
|-----------|--|

Conclusions

According to the Part L Planning Compliance For the Mechanical and Electrical Services Installations Report, it is proposed to consider the employment of renewable technologies such as Exhaust Air Source Heat Pumps 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 CO₂ 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 F-Gas Regulations. Residents will be informed of their end-user requirements (leak checking and maintenance) as necessary.

The use of Heat Pumps in the buildings will not result in a significant adverse effect on the environment in relation to F-Gas emissions.

3.8.13 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

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

Conclusions

Not relevant to the Proposed Development.

4 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.

Having regard to the proximity of the Proposed Development to Natura 2000 Sites the Appropriate Assessment concluded that the possibility cannot be excluded that the Proposed Development will have a likely significant effect on the European Sites listed below:

- South Dublin Bay SAC [000210]
- North Dublin Bay SAC [000206]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- North Bull Island SPA [004006]

Therefore, a Natura Impact Statement has been submitted in accompaniment of this application to establish whether any likely significant effects to the above four European Sites may arise as a result of the Proposed Development.

Likely significant effects to European Sites located downstream of the Site of the Proposed Development, as identified in the appropriate Assessment Screening report, are addressed in the Natura Impact Statement that accompanies this planning application. Where any likely significant effect has been identified, appropriate mitigation measures are detailed in the NIS.

This Statement, in conjunction with the EIA Screening, has determined that, based on best scientific knowledge, the Proposed Development would not be likely to have significant adverse effects on the environment. Therefore, a mandatory Environmental Impact Assessment Report (EIAR) is not required for the Proposed Development.