



An
Bord
Pleanála

Inspector's Report

ABP-321427-24

Development

Proposed development comprises of 37 apartment units in a 3-5 storey building over undercroft area and all associated site works.

Location

Lambs Cross, Sandyford, Dublin 18.

Planning Authority

Dun Laoghaire-Rathdown County Council

Requestor(s)

Noel Keating
Ronan Martin
Dawn Martin

Type of Application

Environmental Impact Assessment (EIA) Screening Determination (Application under Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended)).

Date of Site Inspection

19th February 2025

Inspector

Owen Cahill

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1.0 Introduction

Under the provisions of Article 120(3)(b) of the Planning and Development Regulations, 2001 (as amended) (the Regulations) an application for an Environmental Impact Assessment (EIA) Screening Determination was made to An Bord Pleanála (the Board) as to whether or not a proposed development comprising 37 apartment units in a 3-5 storey building over undercroft area and all associated site works at Lambs Cross, Sandyford, Dublin 18 would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (“EIAR”).

The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000, as amended (the Act), and Part 8 of the Regulations. It is not a direct planning application to the Board. Dawn Martin, Noel Keating and Ronan Martin made valid applications under the provisions of Article 120 (3)(b) requesting the Board to make an Environmental Impact Assessment (EIA) Screening Determination.

Dun Laoghaire-Rathdown County Council (DLR) is of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Act and Part 8 of the Regulations. This view is evidenced in an EIA Screening Report submitted to the Board by DLR on 31st January 2025. The requestors question this conclusion and contend the proposed development would likely have significant effects on the environment.

2.0 Site Location and Description

The subject site is in the townland of Lambs Cross and is located on the junction of the R113 (Hillcrest Road/Blackglen Road) and R117 (Sandyford Road/Enniskerry Road).

The site is relatively flat with the ground elevation sloping towards a watercourse which forms the eastern boundary. The site is bounded to the north by a residential estate with the west and southern boundaries fronting on to the R117 and R113 respectively. The closest waterbody to the site consists of the Carrickmines stream which runs from south to north within the northeast corner of the site.

The site can be categorised as a brownfield site having previously been used for a construction compound for road works to the Lamb's Cross junction. The local authority has also clarified that the site has been used as a tip or dumping ground which ceased in the 1960s and that recent interest in developing the site since 2000 has led to various site investigative works which ultimately lead to the remediation of the site and the removal of contaminated material which has been replaced with clean material. The site visit did not highlight any evidence of contamination or waste material, and the site presented as described with a granular material finish consistent with what would be expected from a site most recently used as a construction compound.

3.0 Proposed Development

3.1. Overview

The proposed development will comprise the construction of 37 no. residential units and a community facility of 171sq. m on a site comprising 0.35 hectares. It is intended to provide vehicular access provided off Hillcrest Road (R113). The height of the proposed units ranges from three to five stories. The mix of units comprises:

- 29 no.1 bed units;
- 8 no. 2 bed units;
- 1 no. community facility at ground floor of 171sq. m; and
- Associated infrastructure which includes an energy centre, external plant area, undercroft area, 2 no. ESB substations, car, bicycle and motorcycle parking, bin storage, bulk storage area, supporting mechanical, electrical and water infrastructure, public lighting, site boundary treatments, temporary construction signage and landscaping works.

The drainage proposal for surface waters at the site will comprise a gravity connection towards a culvert at the northeast boundary of the site which will utilise appropriate attenuation storage prior to discharge. For foul drainage, a gravity connection to an existing 300mm diameter concrete sewer running parallel to the western boundary of the site, on the Sandyford Road (R117). which ultimately

discharges to an existing wastewater treatment plant in Ringsend where it will undergo treatment prior to discharge to receiving waters in the River Liffey and Dublin Bay. It is acknowledged within the documents received that the Ringsend Wastewater Treatment Plant (WWTP) is currently over capacity with upgrade works in progress and further works planned for 2025.

3.2. **The Part 8 Application**

The Planning Authority has confirmed that the development is intended to be subject to the process set out at Part XI of the Act and Part 8 of the Regulations and that this process had commenced but is now pending determination of the subject matter.

3.3. **Documents supporting the Proposed Development**

The following documents formed part of the Part 8 application and were submitted to the Board in response to the request:

- Cover Letter dated 31-01-2025.
- Construction and Environmental Management Plan
- Environmental Impact Assessment Screening Report
- Memo prepared by Malone O'Regan Consulting Engineers which included information responding to the requester's submissions.

4.0 **Planning History**

A review of the DLR Planning Portal and the Board's case files was carried out on the 4th March 2025 to collate a planning history for the site and the immediately adjacent lands.

PA ref. PC/H/02/24: This case files relate to the application under Part 8 of the of the Regulations for which this request for an EIA Screening Determination relates.

PC/11/06: This case also relates to the subject site for a Part 8 application for 25 residential units inclusive of a basement car parking.

Approval was granted on November 13th, 2006.

PA ref. D23A/0456: The proposed demolition of the existing single storey dwelling, garage, boiler house, 2 no. dwarf block walls and associated structures at 'Crohamhurst' (approx. 209.8 sq. m) and the construction of a new Neighbourhood Centre and Residential Development in 3 no. new build Blocks A, B and C ranging between 3 - 6 storeys in height over part 1 and part 2 storey basement level. The development consists of 80 no. residential apartment units, an ATM area, a health centre, and a café.

DLR CC granted permission for this development and the decision was subsequently appealed to the Board (ABP-319621-24) and is currently awaiting a decision.

PA ref. D10A/0676: The proposed demolition of two storey dwelling, removal of 4 No. trees and construction of a new two storey over basement replacement dwelling, together with new boundary wall to side and associated site works including geo-thermal heating system.

DLR CC granted permission for this development and the decision was subsequently appealed to the Board (PL06D.239318). The decision of DLR CC was upheld and the Board granted permission on the 29th of November 2011.

PA ref. ABP-309965-21: Permission for a strategic housing development consisting of demolition of existing dwelling on site and permission for a mixed-use development consisting of 143 Residential Units, including 4 live work units
The application was refused by the Board on 5th August 2021

PA ref. PC/07/07: A Part 8 application for the Blackglen Road/Harolds Glen Road Improvement Scheme

Approval was granted on November 12th, 2007.

Residential Planning Applications: There are numerous planning applications in respect of residential development in the Lambs Cross area which is to be expected in a such a suburban location. These are all noted and considered in the assessment below.

5.0 Legislation & Policy

5.1. EIA Directive 2014/52/EU

- 5.1.1. Annex III of EIA Directive 2014/52/EU groups the criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA which has been transposed into the Planning and Development Regulations, 2001, (as amended) under Schedule 7.

5.2. Planning and Development Act, 2000, as amended

- 5.2.1. Section 179 relates to local authority own development. Under subsection (b), where a local authority proposes to carry out a development, it shall comply with this section and any regulations under this section.
- 5.2.2. Under Section 179 (6)(d), this section shall not apply to proposed development which is development in respect of which an environmental impact assessment report is required under Section 175 or under any other enactment.

5.3. Planning and Development Regulations, 2001, as amended

- 5.3.1. Under Article 120 (3)(b) of the Planning and Development Regulations, 2001, as amended, “where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, they may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in Article 81(2), apply to the Board for a screening determination as to whether the development would be likely to have such effects.”
- 5.3.2. Subsection (c) states that an application for screening determination under the above shall state the reasons why the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development falls.
- 5.3.3. Subsection (ca) requires the local authority to submit to the Board the information specified in Schedule 7A for the purposes of the screening determination. Under subsection (cb) this information shall be accompanied by any other relevant

information and assessments on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and the description of any features of the proposal and measures to avoid or prevent significant adverse effects.

- 5.3.4. Subsection (cc) requires the Board to carry out an examination of, at least, the nature, size or location of the development and shall make a screening determination. If the determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required. If there would be likely effects, it shall serve notice on the local authority to prepare an EIAR in respect of the proposed development.

Schedule 5

- 5.3.5. Article 93 of the Planning and Development Regulations 2001 (as amended) references the prescribed classes of development referring to Schedule 5 which reflects Annex I and II of the EIA Directive.

Schedule 7

- 5.3.6. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for determining whether a project should be subject to environmental impact assessment. These are as follows:

1. The characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristic of potential impacts.

5.4. Dún Laoghaire-Rathdown County Council County Development Plan, 2022-2028

The relevant statutory plan is the Dún Laoghaire-Rathdown County Council County Development Plan, 2022-2028 (the Plan) with the following policies and objectives considered to be of relevance.

5.4.1. Zoning Objective

The site of the proposed development itself is zoned NC “mixed use neighbourhood centre facilities”. The objective is “to protect, provide for and or improve mixed-use neighbourhood centre facilities”

5.4.2. Specific Policies in relation to Housing

There is a specific objective to facilitate the provision of new sustainable neighbourhood infrastructure that is accessible and inclusive for a range of users as set out in *Policy Objective PHP2*

The Plan also set out a Policy Objective to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’ and any amendment thereof as set out in *Policy Objective PHP3*

The Plan recognises a need for Increased housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites as set out in *Policy Objective PHP18*.

It is a Policy Objective to promote the provision of social housing in accordance with the Council’s Housing Strategy and Government policy as outlined in the DoHPLG ‘Social Housing Strategy 2020’ as set out in *Policy Objective PHP31*.

It is a Policy Objective to encourage high quality design of all new development and to ensure new development complies with the Building Height Strategy for the County as set out in *Policy Objective PHP42*

5.4.3. Other Relevant Policies

The Plan also set out a number of policies in relation to Climate Action which have relevance to the proposed development.

There is a commitment to the implementation of International and National objectives on climate change including the ‘Climate Action Plan 2021 Securing Our Future’, the ‘National Adaptation Framework’ 2018, the ‘National Energy and Climate Plan 2021-2030’, and take account of the ‘Climate Action and Low Carbon Development (Amendment) Act 2021’, and subsequent updates, other relevant policy, guidelines

and legislation, that support the climate action policies included in the County Development Plan as set out in *Policy Objective CA1*.

In terms of development design energy strategy, it is a policy objective to support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new buildings as set out in *Policy Objective CA5*.

In regard to energy from renewable sources, it is a Policy Objective to encourage and support the development of solar energy infrastructure, including photo voltaic (PV) and solar thermal and seasonal storage facilities infrastructure in appropriate locations, as a renewable energy resource which can contribute to the transition to a low carbon climate resilient County as set out in *Policy Objective CA13*.

5.5. Natural Heritage Designations

The site is not located within any National or European designated sites. The following sites are in closest proximity to the site:

- South Dublin Bay SAC (Site Code: 00210) approx. 5.3km northeast of the site
- South Dublin Bay and River Tolka SPA (Site Code: 004024) approx. 5.3km northeast of the site

6.0 Request for Determination

6.1. Requests

Three submissions were received requesting the Board to exercise its powers under Article 120(3)(b) of the Regulations to require the local authority to prepare an EIA in respect of the proposed development. The information included within the submissions of the requestors Noel Keating and Ronan Martin were deemed to satisfy the requirements of Article 120(3)(c) of the Regulations and therefore no further information was sought.

The requester, Dawn Martin, was required to submit further information within an appropriate period set out stating to which class of development they considered the proposed development belongs to together with a statement of reasons as to why they considered that the proposed development would be likely to have significant

effects on the environment. The requester responded with their view on the relevant class of development and the likely significant effects which they consider would arise.

Details of all the submissions are summarised in the section that follows.

6.1.1. **Submission of Noel Keating, Ronan Martin and Dawn Martin**

The content of all submissions contained similar information therefore all submissions are summarised collectively as follows:

- The submissions outline that the conclusion of the Environmental Impact Assessment Screening Report that the proposed development will not materially impact the environment should be disregarded suggesting that it concludes a potential impact on groundwater.
- The proposed development belongs to an Infrastructure Projects class, Class 10,(b)(i) of Schedule 5 to the Planning and Development Regulations, 2001, as amended, i.e. Construction of more than 500 dwelling units and that the project can be deemed sub-threshold development in accordance with Article 92 of the Planning and Development Regulations, 2001.
- The site has been used historically as a landfill which is evidenced in aerial imagery available on various online mapping platforms
- The submissions from Noel Keating and Dawn Martin were accompanied by a document titled *Environmental Report White Young Green DBFL Site Investigation Lambs Cross - Final Report 2008*. The submissions suggest that the findings of this report were overlooked by the local authority in the documents prepared for the Part 8 application and the conclusion that the development will not materially impact on the environment. The White Young Green Report points to the need for Environmental Impact Assessment.
- The underlying groundwater body is extremely vulnerable to pollution therefore direct infiltration should be avoided in accordance with EPA's guidance on the use of Sustainable Urban Drainage Systems (SuDS).
- A summary of the EPA - Guidance on the Authorisation of Discharges to Groundwater 2011 is provided which outlines the potential risk of pollutants

entering groundwater in SuDS. A reference to a CIRIA 2007 document which recommends that infiltration basins should not be used in areas where groundwater is vulnerable was provided all of which provided a conclusion that direct infiltration to bedrock aquifers should not be permitted. The submissions also outline the presence of landfilled waste adds to the likelihood that the groundwater quality will be impacted.

- The overall conclusion reiterates the request that an Environmental Impact Assessment be undertaken with the benefit of a hydrogeological conceptual model based on site specific assessment of groundwater depth, flow, direction as well as an analysis of connectivity to the nearby stream.

6.2. Schedule 7A Information

- 6.2.1. Schedule 7A of the Regulations relates to the information to be provided for the purposes of screening sub-threshold development for Environmental Impact Assessment. In this regard, the Planning Authority was requested, in accordance with Article 120(3)(b) of the Regulations, to submit the information set out in Schedule 7A and to make any submission or observations it may have in relation to the matter.
- 6.2.2. In response to the request, the Planning Authority submitted an Environmental Impact Assessment (EIA) Screening Report

7.0 Assessment

7.1. Introduction

Under the provisions of Article 120 (3)(b) of the Regulations, the Board is required to provide a screening determination as to whether the proposed development comprising 37 no. residential units and a community facility of 171sq. m on a site comprising 0.35 hectares, would be likely to have significant effects on the environment.

The following matters are considered relevant in the assessment of whether the proposed development would be likely to have significant effects on the environment:

- Project type/class of development under Schedule 5 of the Regulations,
- Relevant thresholds under Part 2 of Schedule 5 of the Regulations,
- Criteria set out in Schedule 7 of the Regulations,
- Other Relevant Information, and,
- Measures to avoid significant adverse effects on the environment.

An assessment of the proposed development against the above is carried out in the sections that follow.

7.2. Relevant Project Types/Class of Development

7.2.1. I consider that the proposed project involves development that is a class for the purposes of Environmental Impact Assessment:

- Class 10(b)(i) in the Regulations is the '*Construction of more than 500 dwelling units*'
- Class 10(b)(iv) in the Regulations is for '*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'

7.3. Relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended)

7.3.1. The threshold for development in Class 10(b)(i) in the Regulations is the '*Construction of more than 500 dwelling units*'. The proposed development comprises the construction of 37 no. residential units. Therefore, whilst the proposed development is listed in Part 2 of the Fifth Schedule and is of a Class, it is sub-threshold for the purposes of mandatory EIA.

7.3.2. The threshold for development in Class 10(b)(iv) in the Regulations is for '*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*'. The proposed development is of a site with an area of 0.35 hectares. Therefore, whilst the proposed development is listed in Part 2 of the Fifth Schedule and is of a Class, it is sub-threshold for the purposes of mandatory EIA.

7.3.3. Therefore, whilst the proposed development is of a Class listed in Part 2 of the Fifth Schedule, it is sub-threshold, and a mandatory EIA is not required.

7.3.4. An assessment as to whether the sub-threshold project would be subject to EIA having regard to the criteria set out in Schedule 7 of the Regulations, is set out below.

7.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended)

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are assessed under the following headings:

1. Characteristics of Proposed Development
2. Location of proposed development
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

7.4.1. Characteristics of proposed development

- **Size & Design**

The proposed development site is 0.35 hectares which is a relatively small area for development when considered against the wider area in which it sits and the overall scale of development in that area. The construction will be confined to the footprint of the site except for the works associated with connection to existing services and utilities all of which are adjacent to the site and relatively accessible. The Construction and Environmental Management Plan (CEMP) provides measures to be undertaken to ensure the potential for impact on the surrounding area from the works is kept to a minimum. The proposed 3 – 5 storey structure is notably higher than development in its immediate surrounds which is acknowledged in the EIA Screening Report. A development of this height will alter the landscape of the area, but this change will not be of a magnitude that will result in significant effects on the environment when considering the absence of visual amenity within or immediately adjacent to the subject site. The EIA Screening Report also references the pattern of

development in the area and that buildings of a similar and greater height have already been consented locally which is discussed in the examination of landscape and cumulative projects throughout the application documents.

Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the Fifth Schedule of the Regulations, I do not consider that significant effects on the environment will arise as a result of size or design of the proposed development.

- **Potential for Cumulative Impacts with other Existing and/or Approved Projects**

There are a number of existing and permitted developments within the vicinity of the proposed development, the details of which have been provided in a table at the end of the EIA Screening Report. There are also some developments in planning system awaiting decision, the most notable being a large scale residential development under D23A/0456 / ABP-319621-24 which is proposed for a site to the west of the subject site and located on the western side of the R117.

The proposed development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any Natura 2000 sites. There are no projects which can act in combination with the development which can give rise to significant effect to Natura 2000 sites.

Should the construction of the proposed development occur in tandem with other developments in the area, potential for effects could arise from noise, dust, visual impact and traffic. The effects would be of a temporary nature and short-term given:

- the nature of works associated with residential development
- the expected duration of the works (12-18 months),
- the location of lands to be developed (outside the business centre),
- the location and separation to the other existing and/or approved projects.
- The varying likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

I do not consider that there is potential for significant cumulative effects to occur on the environment.

- **Nature of any Demolitions Works**

There are no structures on site for which demolition is proposed however, the site will undergo considerable excavation works. The management of materials arising from such excavation will be carried out in accordance with the Resource Waste Management Plan (RWMP) and the Construction & Environmental Management Plan (CEMP).

- **Use of Natural Resources**

The proposed development will adopt standard construction measures. A development of this nature will inevitably use natural resources and materials during construction, but it is not anticipated that large quantities of rare or unusual materials will be utilised on such a development. It is also considered that the site, being brownfield in nature, will not result in itself in the loss of a natural resource.

- **Production of Waste**

A Construction & Environmental Management Plan (CEMP) has been prepared for the construction phase of the proposed development. The CEMP provides estimated quantities of waste material arising from the works.

During the operational phase of the development, the domestic waste generated from the residential units will be managed and recycled in accordance with an Operational Waste & Recycling Management Plan (OWRMP). All domestic waste will be disposed of by a licensed waste contractor.

I do not consider that the levels of waste production likely attributable to the construction and occupation of the proposed development will result in significant environmental effects.

- **Pollution and Nuisances**

The construction phase of such a development would lead to some changes in traffic patterns and volumes in such an urban area. The initial mobilisation and excavation phases of the proposed development are considered to be the more likely period for increases on the local network, however, this will be temporary. The EIA Screening

Report outlines a requirement for the appointed contractor to prepare a Traffic Management Plan in advance of any construction activity on site. The Traffic Management Plan will require approval from Dun -Laoghaire Rathdown County Council prior to the commencement of any works.

The construction phases of such a development could also be a potential source of pollution, particularly regarding water. The stream situated along the eastern boundary of the site as well as the classification of the underlying groundwater body have particular relevance. Pollution prevention measures are set out in Section 4 of the CEMP which centre around proper fuel and chemical management, run-off management and materials stockpiling. During the operational phase, the pollution potential is significantly reduced as the design proposals for wastewater management includes discharge to the public sewer with surface water directed towards attenuation storage prior to discharge to the adjacent stream in the east of the site.

In terms of pollution and nuisance associated with dust and noise, standard preventative mitigation measures have been proposed with the CEMP as well as adherence to approved site working hours.

Having regard to the scale of the proposed development along with design and mitigation measures proposed, I do not consider that there is potential for significant environmental effects as a result of pollution or nuisances.

- **Risk of Major Accidents and/or Disasters including those caused by Climate Change**

The construction phase of the development will be required to be comply with the Safety, Health, and Welfare at Work (Construction) Regulations 2013 and ensure all necessary emergency procedures are in place as required.

The site is not located in the vicinity of any Seveso / COMAH sites

Having regard to the characteristics of the proposed development, including its location, it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change.

- **Risk to Human Health**

The main potential for risk to human health is during the construction phase. The CEMP sets out the Environmental Management measures and a process for the implementation of the same with an emphasis on roles and responsibilities. The CEMP also provides clear controls for traffic management with a commitment for further development of traffic management by an appointed contractor.

Potential risks to human health arising from water contamination, air pollution, noise etc, are considered to be unlikely and not of a magnitude to generate a requirement for environmental impact assessment.

7.4.2. Location of Proposed Development

- **Existing and Approved Land Use**

The existing site is a brownfield site having been used most recently as a construction compound for road works to the Lamb's Cross junction. The site is zoned for residential use in the Dún Laoghaire-Rathdown Development Plan 2022 – 2028 and has been previously approved for similar development under a separate Part 8 process.

There are no apparent characteristics or elements of the design of the scheme that are likely to cause significant effects on the environment. The site is located in an area which has been the subject of considerable development with residential development being the prevalent land use. The addition of this development is not considered to have a significant impact on the environmental sensitivities of the area.

- **Relative abundance, availability, quality and regenerative capacity of natural resources**

The previous land use and associated disturbance has returned the site to a gravelled hardstanding with some existing tree line and vegetation, some of which is associated with the previous uses. A Landscape Plan seeks to retain such vegetation, particularly near the river where possible.

The site has been the subject of remediation with contaminated material associated with the historical use of the site having been removed and replaced with clean

material as summarised in the Memo prepared by Malone O'Regan Consulting Engineers.

The location of the proposed development is such that the natural resources used in the proposed development is limited and there will be minimal ongoing use of natural resources from the proposed use of the site.

The area of the proposed development can be categorised as urban development consistent with its zoning status. The potential for regenerative capacity of the natural resources is not impeded by the proposed development and in reality have the potential to be enhanced by the proposal when considering the subject site does not contain features of ecological significance.

- **The absorption capacity of the existing natural environment**

The existing site has been the subject of varied use historically. It has also undergone restoration including the removal of contaminated material. Therefore, the natural environment at the site has been altered considerably. The natural environment is examined under the following headings:

Wetlands and Watercourses

There are no wetlands on the site. The Brewery Stream runs adjacent to the eastern boundary. The main potential for impact on watercourses from the proposed development is fuel, oil, silt, sediment and concrete. The mitigation measures to manage this are set out in the CEMP. Operational proposals for wastewater and surface water are set out throughout the EIA Screening Report.

Coastal Zones

Brewery Stream flows north and ultimately connects with the two designated European Sites in Dublin Bay, South Dublin Bay (SAC) (Site Code: 00210) and the Dublin Bay and River Tolka Estuary (SPA) (Site Code: 004024) however, appropriate drainage measures will be implemented at the site during construction as required to prevent any deterioration in water quality and thus an impact on Dublin Bay is unlikely.

Mountain and Forest Areas

The site of the proposed development is not located in a mountain or forest area however it is adjacent to a number of high amenity areas. The existing local

environment within which the site is situated is predominately residential. There are no direct links to these areas and therefore it is unlikely that the proposed development will result in significant effects on mountain and forest areas.

Nature Reserves and Parks

The site is not located within or within immediate proximity of a nature reserve or park.

Nationally Designated Sites and European Sites

There is no Natural Heritage Area (NHA) within 15km of the site. The nearest proposed NHA (pNHA) is Fitzsimon's Wood pNHA which was designated to protect native woodland, scrub and some wetlands. The site is located within the Transition zone of the Dublin Bay UNESCO Biosphere which requires development to be undertaken in sustainable manner.

The nearest European sites are South Dublin Bay (SAC) (Site Code: 00210) and the Dublin Bay and River Tolka Estuary (SPA) (Site Code: 004024). The EIA Screening Report refers to the conclusion of the Appropriate Assessment Screening Report (AASR) which considers the dilution capacity of watercourse over 6km, and the coastal waters of the receiving Dublin Bay would result in minimal concentrations and therefore no likelihood of significant effects on the European sites.

Environmental Quality Standards

The proposed development as with any construction project is expected to comply with the relevant Statutory Legislation including the Local Government (Water Pollution) Acts, 1977 and 1990. The appointed contractor will be required to cooperate in full and thereby ensure no significant effects.

Densely Populated Areas

The proposed development comprises a modest number of residential units which would generate a small increase in population. The numbers in terms of workforce during the construction of the project can be considered positive in terms economic benefit and job creation. Overall, it is considered that any effects on the existing population in the area will not be significant.

Landscapes of Historical, Cultural or Archaeological Significance

The site is not within an Architectural Conservation Area (ACA). There are no sites relating to the Sites and Monuments Record (SMR), the Record of Monuments and Places (RMP) or the National Inventory of Architectural Heritage located within the site boundary. Therefore, architectural or archaeological sites will not be affected by the construction and operation phases of the proposed development.

In conclusion, the information set out within the application documents has indicated that the proposed development site and its separation from the various National and European designated sites indicates that there is no likelihood of significant effects on these designated sites. The proposed development has been screened out for Appropriate Assessment. The information issued as part of submissions by the requesters in regard to previous land use and activity at the site has been considered as well as the response from the local authority. The local authority have confirmed that remediation works at the site have been completed. The site investigations which have been undertaken have classified the material as non-hazardous. The agents for the local authority accept that contaminated material may be encountered during the site preparation works (Memo from Malone O'Regan Consulting refers). However, as outlined, they set out that such material can be managed appropriately ensuring no significant effects occur.

7.4.3. Types and Characteristics of the Potential Impact

- **Nature, magnitude and extent of impact**

- Population & Human Health

The impacts arising from pollution and nuisance during the construction phase, listed in Section 7.4.1 above, would be controlled as part of the standard and best practice construction measures. It is considered unlikely that significant effects would arise on population and human health. It is acknowledged that there will be a temporary impact on the residential, commercial and community receptors in the area in proximity to the proposed development but these will be short term. The operational phase of the project will generally result in positive impacts associated with the

provision of housing and the public realm and community space elements associated with the site.

- Biodiversity

The Ecological Assessment prepared for the proposed development concluded that there are no identified habitats or species of ecological note within the site and none that pose a constraint to future development. The AASR found that there is no possibility of any significant effects on any European Sites. Whilst negative effects may arise from noise and dust from the construction works, they will not be significant and will be addressed through the measures set out in the CEMP. During the operational phase, the risk of migrating birds colliding with the finished 5-storey building has been identified. The proposed finished height of the building is below flying height for common migrating species. The building design and varying external finishes will also reduce the risk of collision. The proposal to remove trees from the site to facilitate the development and associated works is being offset by the proposal to plant trees in excess of those being removed.

- Land, Soil, Water, Air and Climate

It is considered unlikely that significant effects would arise on land and soil during construction or operational phases. Excavated soil will be reused where possible with appropriate controls in place for run-off from stockpiles that may contain contaminated material. Where contaminated material is encountered, it is proposed that it will be excavated and managed in accordance with the requirements of the Environmental Protection Agency (EPA) Guidance on the Management of Contaminated Land. Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant effects would arise on land and soil.

The EIA Screening Report identifies a likely imperceptible effect on the aquifer which underlies the site as the excavations works will not intersect the aquifer. Appropriate measures for the management of fuel, oils and chemicals during the construction phase and in particular during the excavation works will be implemented. The probability of impacts on water during operational phase is unlikely due to the design proposals for wastewater and surface water management along with the recognised SuDS measures which are intended retain pre-development existing run-off systems

and where possible enhance them. Therefore, it is considered unlikely that significant effects would arise on water during construction or operational phases.

During the construction and operation phases impacts arising from pollution and nuisances listed in Section 7.4.1 would be controlled as part of the standard and best practice construction and operation measures. It is, therefore, considered unlikely that significant effects would arise on air quality.

It is expected that during the construction phase of the proposed development plant and equipment which are run on fossil fuels and are known emitters of greenhouses gases will be used. It is not anticipated that that will result in significant effects to climate due to the scale of the development and the short-term duration of the works.

For the operational phase, the developer has committed to adhering to a policy that there will be no use of fossil fuels. Further sustainability and energy strategies are to be developed as part of detail design. It is not anticipated that a such a development will result in significant effects on climate.

- Material Assets, Cultural Heritage and the Landscape

The proposed development will connect to existing services and utilities which are immediately accessible to the site. The works associated with access and connection to such services may result in disruption for other local users, but this will be short term and not result in a significant effect. During the operational phase, the proposed development will utilise material assets such as services and utilities already mentioned as well as existing public facilities and services. The demand from the proposed development will not result in significant effects on the environment.

There are no protected structures or features on the site of the proposed development. The closest recorded monument to the site is over 300m to the south (DU022-068). Therefore, there is no likelihood of significant effects on archaeological sites from the construction or operation of the proposed development.

In regard to potential Landscape impacts, the construction phase will result in a degree of change on the visual environment however, this will be moderate and short-term. The proposed development, when complete, will present a building of a scale greater in height than existing development in its immediate surrounds. It has

been established through the cumulative assessments that buildings of a similar and greater height have already been consented locally. In addition, the design has been developed in accordance with national and local policy and good practice guidance.

Considering also that there are no features of specific visual sensitivity on the site or its surrounding area, significant effects on landscape or visual amenity are not anticipated.

- Traffic and Transport

The construction phase of the project is expected to bring increased traffic flows associated mainly with delivery of materials and workers accessing the site. Whilst this may result in some localised disruption to road users, it will be short term and will not result in significant effects. During the operational phase, the proposed development has provision for car parking spaces on a restricted basis in order to encourage a modal shift away from private car use to shared car use, public transport and active travel. There will be a reliance on public transport services by residents. The EIA Screening Report refers to the Traffic & Mobility Management Plan prepared by Malone O'Regan which outlines that existing bus and Luas network has sufficient capacity to accommodate passenger trips generated from the proposed development. Considering the scale of the proposed development and the additional traffic volumes that it will generate during operation, which will be minimal in comparison to the existing baseline, it is not expected to result in significant effects on the environment.

- Noise

The proposed development will adhere to standard noise thresholds during construction hours and has outlined stricter limits for evening and night-time hours. There are also various measures proposed for screening of noise and the provision of site hoarding to contain or reduce noise levels where possible. No significant effects are anticipated in regard to noise during construction. The potential for significant effects during the operational phase is even less likely as noise generation will be limited to traffic circulation and the plant and equipment associated with the development.

- Major Accidents or Disasters

As discussed above, it is considered that the proposed development does not present significant risks to human health or risk of major accidents or disasters including those related to climate change. Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant effects will arise.

- Interaction between the factors

There is potential for interactions between the various environmental factors, notably between water and biodiversity and between ecology and landscape. Noting the nature and scale of the proposed development and the intensity or significance of the predicted impacts within each respective environmental factor being Not Significant, I consider it unlikely that significant effects will arise from the interaction between the factors.

- **Transboundary nature of impact**

There will be no transboundary impacts associated with the proposed development save for the works associated with connection to existing services and utilities all of which are adjacent to the site and relatively accessible.

- **Probability, intensity and complexity of impacts**

Having regard to the scale of the development, 37 apartment units in a 3-5 storey building over undercroft area and all associated site works, and the nature of the proposed development and noting the measures outlined in documentation, it is considered that the nature of the environmental impacts during the construction and operation phase are not particularly complex or intense. The effects from the predicted impacts within each respective environmental factor is Not Significant.

- **Expected onset, duration, frequency and reversibility of the impact**

Having regard to the nature and scale of the proposed development, it is expected that the construction phase impacts will be short term and temporary, estimated at being 12 – 18 months. The operational impacts will be on-going, long term and only reversible if in the unlikely event that the proposed development is removed, and the site is reinstated to its pre-development state.

- **Cumulation of Impact**

The consideration of cumulative impacts with other plans and projects is set out in Section 7.4.1 above. The range of other environmental factors including pollution, nuisance, waste and biodiversity, all excluded significant effects therefore, I consider it unlikely that the proposed development will result in significant effects as a result of any cumulative impacts.

- **Possibility of effectively reducing Impact**

I am satisfied that the implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts. The probability of impacts during operational phase is significantly reduced owing to the completion of the construction works and the design proposals for wastewater and surface water management.

7.4.4. Other Relevant Information

Article 120(3)(cb)(i) of the Regulations provides that where a local authority is submitting Schedule 7A Information to the Board it shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, how the results of other relevant assessments of effects on the environment carried out pursuant to European Union Legislation (other than the EIA Directive), have been taken into account.

Section 6.2 of the EIA Screening Report provided an analysis of the proposed development against available results from other assessments (EU Legislation other than the EIA Directive). It concluded that a number of the Directives in the areas of marine, ambient air quality, industrial emissions, Seveso and flooding, were not applicable to the proposed development.

In regard to the Strategic Environmental Assessment. (SEA) and Birds and Habitats Directives, the EIA Screening Report referred to the preparation of a Strategic Environmental Assessment of the Dún Laoghaire-Rathdown Development Plan which had determined the zoning of the site and that the proposed development is compatible with the zoning objectives of the Dún Laoghaire-Rathdown Development

Plan. It also outlines that the assessments undertaken for the proposed development as part of the Part 8 application completed a Stage 1 Screening for Appropriate Assessment and found the proposed development would not give rise to any significant effects on designated European sites.

The results provided against the Water Framework Directive outlines the proposals for wastewater and surface in terms of discharge to the public with no direct discharge proposed from the site during either construction or operational phases.

The results of these assessments as presented, and where relevant, do not highlight any potential for significant effect when considered against this other European Union Legislation and does not present an outcome that would generate a requirement for environmental impact assessment.

7.4.5. Measures to Avoid significant adverse effects on the environment

Article 120(3)(cb)(ii) of the Regulations provides that where a local authority is submitting Schedule 7A information to the Board it may describe the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

The CEMP outlines standard practice management and specific mitigation measures which will be implemented during construction of the proposed development. These relate mainly to construction methodologies and practices, dust and noise prevention, water management and working adjacent to watercourses. The document describes a range of measures developed to avoid, reduce or mitigate potential impacts so that they do not result in significant effects. The mitigation measures as they are presented are relatively standard practice for most developments of this nature and scale and are well established in terms of being implementable and effective and will contribute positively towards the development in terms of minimising any effects that may arise during the construction phase of the project.

8.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development is unlikely to have significant effects on the environment, and accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that Dun Laoghaire-Rathdown County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

Reasons and Considerations

Having regard to the following:

- (i) The provisions of Section 179 of the Planning and Development Act, 2000, as amended and Article 120 (3)(b) of the Planning and Development Regulations, 2001 (as amended).
- (ii) Annex III of the EU EIA Directive 2014/52/EU.
- (iii) The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10 (b)(i) (Infrastructure – Dwelling Units) and (Class 10 (b)(iv) (Infrastructure – Urban Development) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended),
- (iv) The location of the site on lands that are zoned mixed use neighbourhood centre facilities in the Dún Laoghaire-Rathdown County Council County Development Plan, 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (v) The scale of the proposed development,
- (vi) The pattern of residential development in the vicinity,
- (vii) The submissions made as part of the request for a determination,
- (viii) The submission made by the local authority, and
- (ix) The report and recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and accordingly, that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Owen Cahill
Environmental Specialist

18th March 2025