



**REPORT**

**Carmanhall Road SHD 2022**

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

Submitted to:

**An Bord Pleanála**

64 Marlborough Street  
Rotunda  
Dublin 1  
D01 V902

Submitted by:

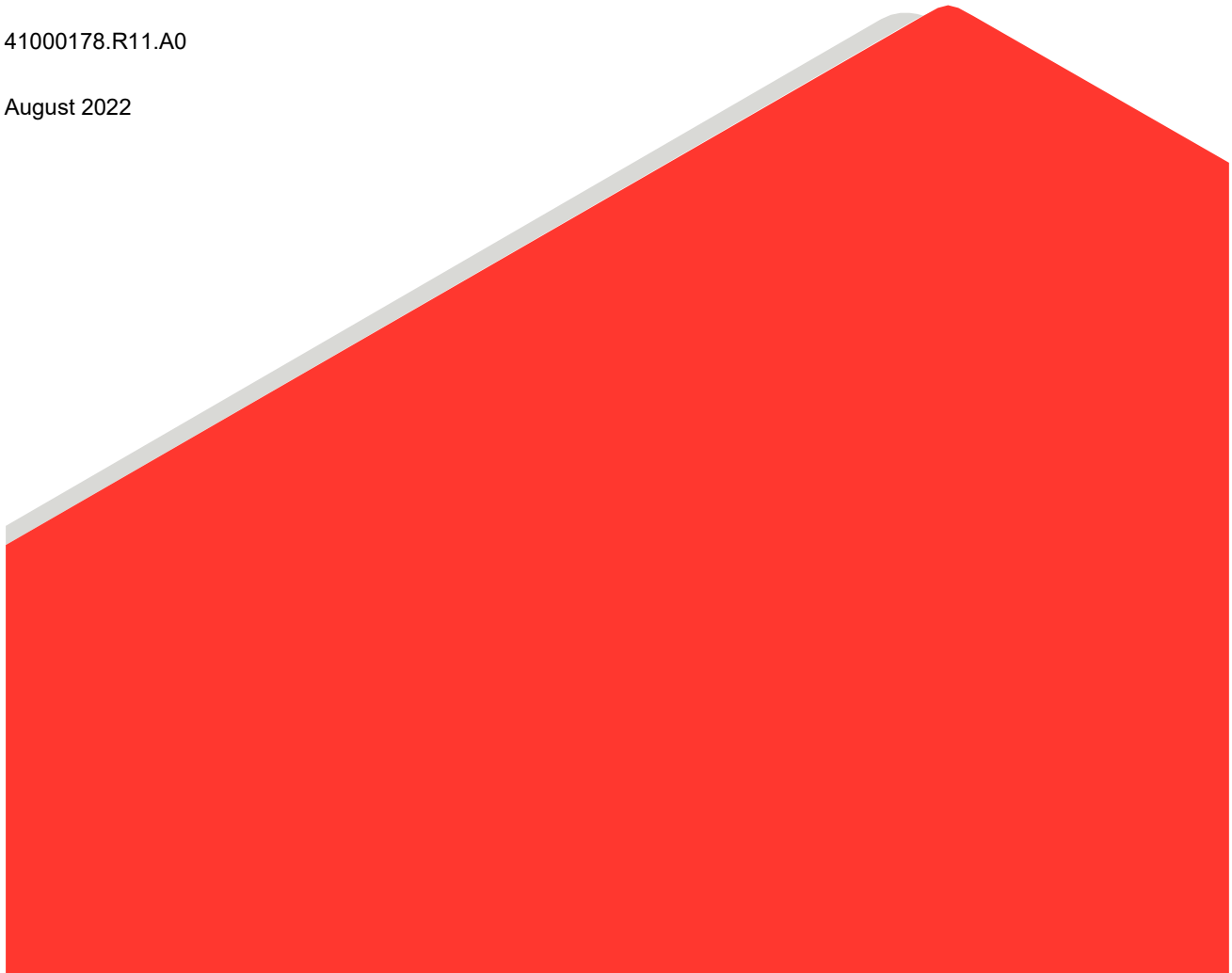
**Golder Associates Ireland Limited – WSP Ireland Consulting Ltd**

Town Centre House, Dublin Road, Naas,  
Co. Kildare, W91 TD0P Ireland

+353 45 810 200

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## **1.0 INTRODUCTION**

### **1.1 Background and Purpose of Document**

This document has been produced in support of a Strategic Housing Development (SHD) application being made to An Bord Pleanála in respect of proposals for at lands at the former Avid Technology Site, at the junction of Blackthorn Road and Carmanhall Road at the Sandyford Industrial Estate, Dublin 18 (the 'Site' / 'Application Site'). This document sets out how the requirements of 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 – 2021 have been considered for the proposal.

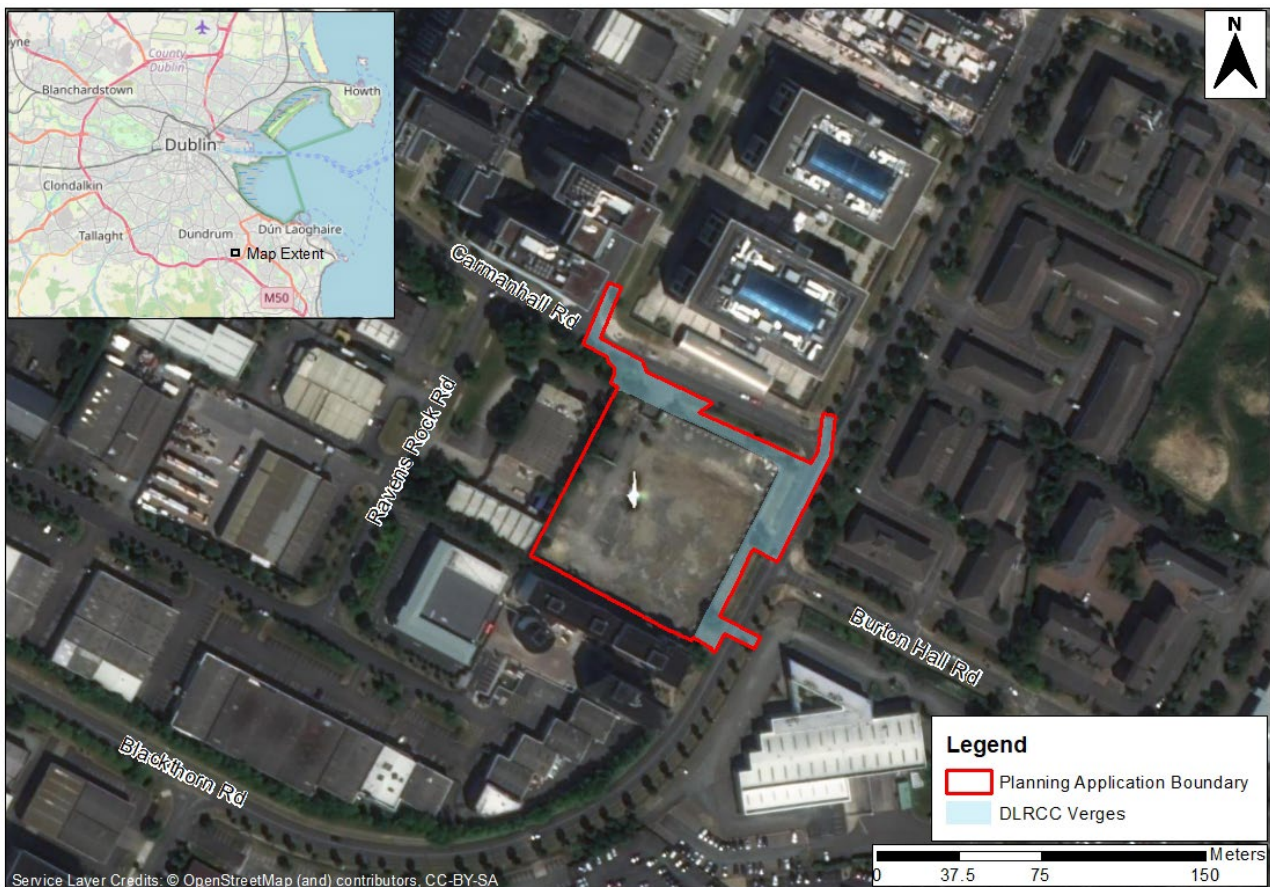
This statement is submitted as part of the information provided by the applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 229B and 229C of the Planning and Development Regulations 2001 – 2021. This statement will identify the relevant European Union legislation, and assessments of the effects on the environment carried out pursuant thereto, which have informed the proposed development. These relevant assessments will be identified as they relate to the proposed development, the results of those assessments will be outlined, and how those results have been taken into account in determining the significance of the proposed development on the environment will be identified.

The proposed development is a sub-threshold development in respect of Environmental Impact Assessment (EIA). However, having regard to the specific characteristics and nature of this site, its size, and the quantum of development proposed, an Environmental Impact Assessment Report (EIAR) has been prepared to accompany this SHD application to An Bord Pleanála.

## **2.0 DESCRIPTION OF SITE AND SURROUNDINGS**

This section of the document provides an overview of the Application Site and its context in the surrounding area, including areas with sensitivities/designations as identified in Schedule 7 and Schedule 7A of the Planning and Development Regulations 2001-2021.

The proposed site is located on the south-eastern corner of the intersection of Carmanhall Road and Blackthorn Road in the Sandyford Industrial Estate, Dublin 18 (see Figure 1). The total Application Site area is ca. 0.99 ha with ca. 0.73 ha owned by the Applicant. The remaining land outside the ownership line is intended to be developed as streetscape/public realm upgrades subject to consent of DLRCC.

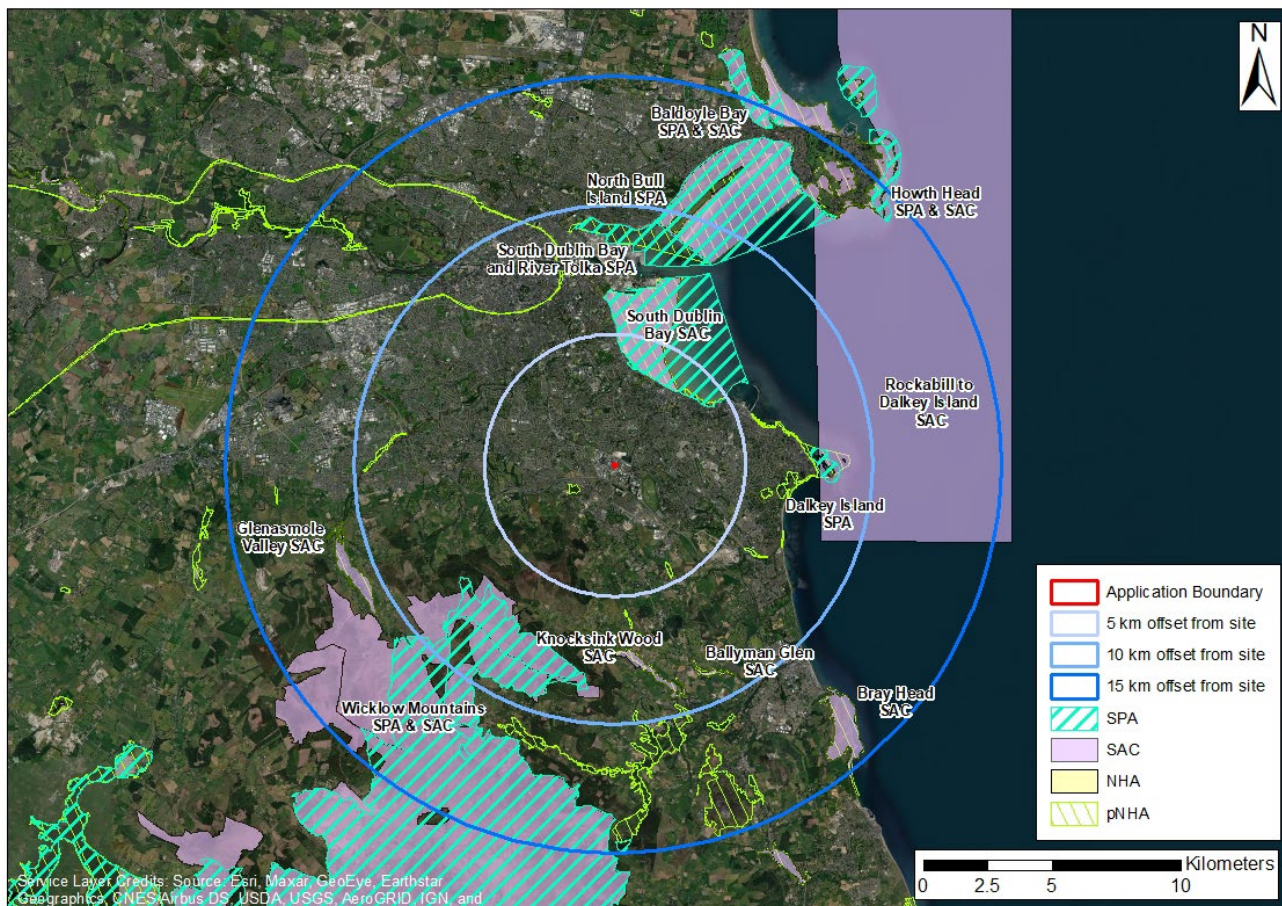


**Figure 1: Location of the Proposed Carmanhall Road SHD 2022**

The Site is located within Zone 5 (Residential) of the Sandyford Urban Framework Plan. DLRCC have identified Specific objectives (A2 1 to A2 5) in relation to the creation of Sustainable Residential Neighbourhoods, that preserve and protect residential amenity in Zone 5 of the Sandyford Business District. Mercury Engineering is located to the south-west. Chill Insurance, Innopharma Education and Febvre are situated to the south-east. To the east of the Application Site are the Invesco offices. There is a new eight storey office development directly north-west of the Site, with a Circle K Supermarket and Insomnia Coffee shop to the north. Microsoft occupy a 6-storey block located beyond these shops. Directly adjacent to the Site, to the west, is the former Tack Packaging site. This site is the subject of a separate SHD application which forms part of the overall wider Masterplan which includes the Application Site.

The Site is located ca. 8.8 km south-east of Dublin City Centre, which offers a range of commercial, retail and employment opportunities. The site is connected to transport links such as the M50 motorway, the Luas (Stillorgan and Sandyford Luas stops located approximately 350 m north-east of the site), and a number of bus routes such as the No. 11, 47, 75, 114 and 116. The surrounding industrial estate has seen much redevelopment in recent years with a shift from the previous low-rise, low-density manufacturing sites to higher density medium and high residential, technology and office developments. Sandyford is listed as an area of potential growth in the Dublin Metropolitan Area Strategic Plan (MASP) within the Greater Dublin Area Transport Strategy 2022-2042. As such, the area will form part of orbital core bus corridors, reconfigured Luas lines and an extension to the M50.

There are several Natura 2000 designated sites within a 15 km buffer zone of the Application Site (Figure 2).



**Figure 2: Map of Natura 2000, NHA and pNHA sites located within 15 km of the Application Site**

The closest Natura 2000 sites are the South Dublin Bay SAC and the South Dublin Bay and River Tolka SPA, located ca. 3.6 km north of the Site. The Fitsimon's Wood pNHA is 1.6 km to the west. The Booterstown Marsh pNHA is 3.6 km to the north and the Dingle Glen pNHA is 4.2 km to the south of the Site.

### 3.0 FEATURES OF THE PROPOSED DEVELOPMENT

The key characteristics of the Proposed Development are set out below having regard to the headings set out in Schedule 7 and Schedule 7A of the Planning and Development Regulations 2001-2021.

The Proposed Development consists of 334 no. apartments (79 no. studio, 175 no. one bed and 80 no. two bed) in four apartment blocks (ranging from four storeys to sixteen storeys). Landscaping plans include a central courtyard and a playground (92 m<sup>2</sup>) associated with a creche (272 m<sup>2</sup>) which is to be provided within the north-eastern portion of the Site. The south-east facing central courtyard will be set on a podium at ground floor level between the apartment blocks.

The Proposed Development will be served by ground floor/undercroft and basement car park levels, accessible via a new vehicular entrance from Carmanhall Road, providing a total of 125 no. vehicular parking spaces (include 5 no. mobility parking spaces, no. 7 no. spaces for car sharing (GoCar), 25 no. electric charging spaces, 6 no. motorcycle parking spaces). Plant and storage are accommodated at both basement and lower ground floor level. A total of 447 bicycle parking spaces are provided within the ground floor/undercroft and basement car park levels. Egress will be provided to Carmanhall Road.

Communal open space is to be provided within the Application Site through secure central courtyard gardens set over a podium which will sit above the car park for the Proposed Development, which will be provided within the lower ground and basement levels. Further communal open space is to be provided through the provision of roof gardens.

The predominant provision of communal open space within the Proposed Development will be through the Courtyard which will be a semi-private communal courtyard located at the core of the Site.

The main use of natural resources will be land which is zoned for residential development. Other resources used will be construction materials which will be typical raw materials used in construction of residential developments.

The Resource & Waste Management Plan for the management of construction and demolition waste and resource arisings sets out measures to minimise waste generation and ensure most efficient use of resources on site. It identifies the expected construction waste/resources to be generated to include: soil and subsoil, rock, inert waste, metal, timber, plastic glass and plasterboard, with consideration also given to contaminated soil, chemicals, fuel/oil, batteries, asbestos, electrical equipment and invasive plant species as potential hazardous waste. Expected volumes for re-use, recycling and disposal off-site are identified and procedures for appropriate management of waste/resource arisings are described. An Operational Phase Waste Management Plan has also been produced, which identifies opportunities within the Proposed Development for incorporating waste reduction and optimal recycling infrastructure and management procedures to minimise long-term waste arisings from the operational phase of the Proposed Development.

## **4.0 EU LEGISLATION OTHER THAN EIA DIRECTIVE**

The following sections outline how other EU Directives, other than the EIA Directive, have been addressed through the planning application documentation. It is to be noted that the following is a non-exhaustive list of EU legislation and addresses only the legislation considered to be of most relevance to the Proposed Development. The main focus of the Directives has been summarized and the relevant assessments with regard to each Directive are identified. Conclusions are set out in relation to how the requirements of the Directives have been taken into account in the relevant assessments.

### **4.1 Relevant EU Directives**

#### **4.1.1 Directive 92/43/EEC, The Habitats Directive**

##### **Aim of the Directive**

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

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.

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 (SAC) for areas of habitat deemed to be of European interest.



## Assessment Reports Completed as part of Application Process

A summary of the ways in which this development addresses the requirements of the Habitats Directive is detailed in Table 1.

**Table 1: Reports of relevance to the Habitats Directive**

Title of Legislation	Where addressed
Directive 92/43/EEC, The Habitats Directive	<ul style="list-style-type: none"> <li>■ Environmental Impact Assessment Report (Biodiversity - Chapter 5)</li> <li>■ Appropriate Assessment Screening Report</li> <li>■ Ecological Report</li> </ul>

## Conclusions

The closest Natura 2000 site covered by the Habitats Directive is the South Dublin Bay SAC located ca. 3.6 km north of the Site. The Wicklow Mountains SAC is located 6.5 km to the south. The following are also within 15 km of the proposed development: Knocksink Wood SAC, Ballyman Glen SAC, Bray Head SAC, Glenasmole Valley SAC, Rockabill to Dalkey Island SAC, Howth Head SAC and Baldoyle Bay SAC.

As reported in the EIAR and Stage 1 AA Screening, the site is not located within or directly adjacent to any Natura 2000 sites. There are no watercourses on or near the Site and the habitat between the Site and the closest SAC is essentially residential, industrial and transport related development with no ecological pathway. No resources from a Natura site are required. Site water during construction and residential occupation will be sourced from mains utilities. There are no emissions to water that could affect Natura 2000 sites. Air emissions from the Site are unlikely to cause impacts on the Natura 2000 sites due to the absence of ecological pathways and negligible emissions. There will be no habitat or species fragmentation due to the development of the Site. The Site is not part of the Natura 2000 sites in question and no resources are required from them. Designated habitats of the SACs will not be impacted given their distance from the Site. As such, the AA Screening concludes that the construction and presence of the Proposed Development would not be deemed to adversely affect the integrity of European sites protected under the Habitats Directive.

The Ecological Report for the Proposed Development provides evidence of flora, fauna and habitats surveys carried out during the design and planning process. The Ecological Report concludes that the ecological value of the study site is considered to be of lower importance overall.

### 4.1.2 Directive 2009/147/EC, Birds Directive

#### Aim of the Directive

The Birds Directive (Directive 2009/147/EC on the conservation of wild birds) was first adopted by the EU Member States in 1979. The directive provides a comprehensive framework for the protection, management and control of all wild birds naturally occurring in the EU.

The directive instructs Member States to take measures to maintain populations of all bird species naturally occurring in the wild state in the EU, including the designation of Special Protection Areas (SPA) for habitats of migratory and threatened bird species. The SPAs together with the SACs from the Habitats Directive form a network of protected sites called Natura 2000.

## Assessment Reports Completed as part of Application Process

A summary of the ways in which this development addresses the requirements of the Birds Directive is detailed in Table 2.

**Table 2: Reports of relevance to the Birds Directive**

Title of Legislation	Where addressed
Directive 2009/147/EC, The Birds Directive	<ul style="list-style-type: none"> <li>■ Environmental Impact Assessment Report (Biodiversity - Chapter 5)</li> <li>■ Appropriate Assessment Screening Report</li> <li>■ Ecological Report</li> </ul>

## Conclusions

The closest Natura 2000 site covered by the Birds Directive is the South Dublin Bay and River Tolka SPA, which is located ca. 3.6 km north of the Site. The Wicklow Mountains SPA is located 6.5 km to the south. The following are also within 15 km of the proposed development: Dalkey Islands SPA, North Bull Island SPA, Baldoyle Bay SPA and Howth Head SPA.

As reported in the EIAR and Stage 1 AA Screening, the site is not located within or directly adjacent to any Natura 2000 sites. There are no watercourses on or near the Site and the habitat between the Site and the closest SPA is essentially residential, industrial and transport related development with no ecological pathway. No resources from a Natura site are required. Site water during construction and residential occupation will be sourced from mains utilities. There are no emissions to water that could affect Natura 2000 sites. Air emissions from the Site are unlikely to cause impacts on the Natura 2000 sites due to the absence of ecological pathways and negligible emissions. There will be no habitat or species fragmentation due to the development of the Site. The Site is not part of the Natura 2000 sites in question and no resources are required from them. Designated species of the SPAs will not be impacted given their distance from the Site. As such, the AA Screening concludes that the construction and presence of the Proposed Development would not be deemed to adversely affect the integrity of European sites protected under the Habitats Directive.

The Ecological Report for the Proposed Development provides evidence of flora, fauna and habitats surveys carried out during the design and planning process. The Ecological Report concludes that the ecological value of the study site is considered to be of lower importance overall.

### 4.1.3 Directive 2000/60/EC, EU Water Framework Directive

#### Aim of the Directive

The EU Water Framework Directive (WFD) establishes common principles and an overall framework for action in relation to water protection and sets out the overall principles and the structure for protection and sustainable use of water in the European Union.

It is an important piece of environmental legislation which aims to protect and improve water quality. It applies to rivers, lakes, groundwater, estuaries, and coastal waters. The WFD was agreed by all individual EU member states in 2000, and its first cycle ran from 2009 – 2015. The Directive runs in 6-year cycles, so the third (current) cycle runs from 2022 – 2027 and it aims to prevent any deterioration in the existing status of water quality, including the protection of good and high-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

A summary of the ways in which this development addresses the requirements of the Water Framework Directive is detailed in Table 3.

**Table 3: Reports of relevance to the Water Framework Directive**

Title of Legislation	Where addressed
Directive 2000/60/EC, EU Water Framework Directive	<ul style="list-style-type: none"> <li>■ Environmental Impact Assessment Report (Chapter 5, Chapter 7)</li> <li>■ Flood Risk Assessment (Waterman Moylan)</li> <li>■ Engineering Assessment Report (Waterman Moylan)</li> <li>■ Construction Environmental Management Plan</li> </ul>

## Conclusions

Mitigation and monitoring measures are proposed within the Flood Risk Assessment and Engineering Assessment Report to ensure appropriate and sustainable drainage of the Application Site. Sustainable urban Drainage System (SUDS) measures are specified to ensure run-off is treated before discharge at a restricted rate to the local network. Measures are also contained within the Construction Environmental Management Plan to protect ground and surface water quality during construction. There are no direct hydrological pathways between the Proposed Development and any Natura 2000 Sites. The Application Site currently has separate foul and surface water drainage systems, and these systems drain to the separate foul and surface water public sewers on Carmanhall Road. The proposed development is located in the Carysfort Maretimo Stream catchment, and surface water drainage will ultimately discharge to Brewery Stream/Carysfort Maretimo Stream and then the Irish Sea in Dublin Bay. Foul water will be discharged via a new connection to the existing 225 mm diameter clay wastewater sewer in Arkle Road, as recommended in the confirmation of feasibility from Irish Water.

The Flood Risk Assessment has assessed the risk of flooding at the Application Site from tidal, fluvial, pluvial, groundwater and human/mechanical error sources. The Proposed Development has incorporated a number of design and management mitigation measures to mitigate against the risk and consequences of flooding at the Site. Following the incorporation of these measures, the residual risk of flooding from tidal, pluvial, groundwater and mechanical system failure has been assessed as Low in accordance with the methodology followed by Waterman Moylan Engineers.

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

#### Aim of the Directive

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

The purpose of the SEA Directive is to ensure a high level of environmental protection such that environmental considerations are taken into account when preparing, adopting and implementing public plans and programmes. Strategic Environmental Assessment is a process for evaluating the likely environmental effects of implementing a Plan at the earliest appropriate stage. The purpose of this is to ensure that any potential conflicts are identified at a strategic level and any high-level actions that may be required to ensure the protection of the environment as a result of proposals within the Plan are included for.

## Assessment Reports Completed as part of Application Process

A summary of the ways in which this development addresses the requirements of the SEA Directive is detailed in Table 4.

**Table 4: Reports of relevance to the SEA Directive**

Title of Legislation	Where addressed
Directive 2001/42/EC, SEA Directive	<ul style="list-style-type: none"> <li>■ EIAR</li> </ul>

## Conclusions

The Dún Laoghaire-Rathdown County Council County Development Plan, 2022-2028 has been consulted when developing the Proposal and undertaking environmental assessments to support the planning application. The Dún Laoghaire-Rathdown County Council County Development Plan has been subject to Strategic Environmental Assessment (SEA) whilst being prepared, therefore the strategic environmental protection objectives have been incorporated into the high-level plans. Overall, the proposed development is in line with the objectives of the strategic plans.

As a result, no further assessment is required in relation to the SEA Directive.

### 4.1.5 Directive 2002/49/EC, Environmental Noise Directive (END)

#### Aim of the Directive

The aim of the Environmental Noise Directive (END) is to provide a common framework to avoid, prevent or reduce, on a prioritised basis, the harmful effects of exposure to environmental noise. This can be done through the preparation of strategic noise maps and the development and implementation of action plans.

The Environmental Noise Directive focuses on three action areas:

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

The END 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. 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.

## Assessment Reports Completed as part of Application Process

A summary of the ways in which this development addresses the requirements of the Environmental Noise Directive is detailed in Table 5.

**Table 5: Reports of relevance to the END**

Title of Legislation	Where addressed
Directive 2002/49/EC, Environmental Noise Directive	<ul style="list-style-type: none"> <li>■ Construction Environmental Management Plan</li> <li>■ Architectural Design Statement (McCauley Daye O'Connell Architects)</li> </ul>

Title of Legislation	Where addressed
	<ul style="list-style-type: none"> <li>■ EIAR - Chapter 9</li> </ul>

## Conclusions

During construction, temporary and intermittent impacts are predicted due to the kinds of activities involved including traffic movements and heavy machinery. However, these impacts will be localised and last only for the duration of the construction phase of the project. The Construction and Environmental Management Plan includes provision for a noise monitoring and assessment to be carried out by the main contractor during this stage, and for control measures to be implemented should they be required.

The Architectural Design Statement sets out the suitability of the Proposal in terms of issues such as standard of amenity. The proposed SHD has been designed to prevent sound transmission by appropriate acoustic insulation or layout.

### 4.1.6 Directive 2000/14/EC on Noise Emission in the Environment by Equipment for Use Outdoors

#### Aim of the Directive

This Directive, also known as the Outdoor Noise 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.

The aim of this Directive is the harmonization of the laws of the Member States relating to noise emission standards, conformity assessment procedures, marking, technical documentation and collection of data concerning the noise emission in the environment of equipment for use outdoors.

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

A summary of the ways in which this development addresses the requirements of the Environmental Noise Directive is detailed in Table 6.

**Table 6: Reports of relevance to the Directive on Noise Emissions from Outdoor Equipment**

Title of Legislation	Where addressed
Directive 2000/14/EC, Noise Emission in the Environment by Equipment for Use Outdoors	<ul style="list-style-type: none"> <li>■ Construction Environmental Management Plan</li> <li>■ EIAR – Chapter 9</li> </ul>

## Conclusions

During construction, temporary and intermittent impacts are predicted due to the kinds of activities involved including traffic movements and heavy machinery. However, these impacts will be localised and last only for the duration of the construction phase of the project. The Construction Environmental Management Plan includes provision for a noise assessment to be carried out by the main contractor during this stage, and for control measures to be implemented should they be required.

## 4.1.7 Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe

### Aim of the Directive

The Directive on ambient air quality and cleaner air for Europe, also known as the Clean Air For Europe (CAFE) Directive 2008/50/EC, was published in May 2008 by the EU in order to improve the quality of air in Europe and limit exposure to air pollution. These rules include how we should monitor, assess, and manage the ambient air quality. The CAFE Directive outlines the appropriate measures to be adopted at a local, regional or national level to provide for the attainment of air quality objectives, including:

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

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

A summary of the ways in which this development addresses the requirements of the CAFE Directive is detailed in Table 7.

**Table 7: Reports of relevance to the CAFE Directive**

Title of Legislation	Where addressed
Directive 2008/50/EC on ambient air quality and cleaner air for Europe	<ul style="list-style-type: none"> <li>■ Construction Environmental Management Plan</li> <li>■ Traffic and Transport Assessment (Waterman Moylan)</li> <li>■ EIAR – Chapter 8</li> <li>■ Climate Change Impact Assessment (CCIA) Report (Enviroguide)</li> </ul>

### Conclusions

The Proposed Development involves construction works which may temporarily impact on air quality due to dust and fine particle generation. 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 Environmental Management Plan to minimise potential effects on air quality from construction.

The Traffic and Transport Assessment demonstrates that the proposed development will be consistent with the objectives for Sustainable Travel and Transport set out in the DLR County Development Plan and the Sandyford Urban Framework Plan. Therefore, it is considered that the Proposed Development will facilitate reduced reliance on private cars and a reduction in associated air emissions.

## 4.1.8 Directive 2007/60/EC on the Assessment and Management of Flood Risks

### Aim of the Directive

The Directive on the assessment and management of flood risks, or the Floods Directive, requires Member States to assess if all watercourses and coastlines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to participate in the planning process.

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 do to in the event of flooding).

The Directive was transposed into Irish legislation by the European Communities (Assessment and Management of Flood Risks) Regulations 2010. The Floods Directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to participate in the planning process.

### Assessment Reports Completed as part of Application Process

A summary of the ways in which this development addresses the requirements of the Floods Directive is detailed in Table 8.

**Table 8: Reports of relevance to the Floods Directive**

Title of Legislation	Where addressed
Directive 2007/60/EC on the assessment and management of flood risks	<ul style="list-style-type: none"> <li>■ Flood Risk Assessment (Waterman Moylan)</li> <li>■ Engineering Assessment Report (Waterman Moylan)</li> <li>■ Construction Environmental Management Plan</li> </ul>

### Conclusions

A flood risk assessment has been carried out in respect of the Proposed Development. In relation to Flood Zones as defined by the OPW Guidelines, the assessment considers that the majority of flood risk highlighted in the Sandyford Business District and surrounding area is shown to be Flood Zone B, with small pockets indicated to be Flood Zone A. As such, Section 6.2.13 Carysfort Maretimo of the Strategic Flood Risk Assessment in Appendix 13, DLR Development Plan 2022-2028 advises that a site-specific flood risk assessment is required. The flood risk assessment undertaken for the application site has concluded that, through careful design and appropriate mitigation measures, the risks and consequences of flooding have been mitigated across the development.

The site has been analysed for risks from flooding from the Irish Sea / Dublin Bay, fluvial flooding, pluvial flooding, groundwater and failures of mechanical systems. Through design and appropriate mitigation measures described in the Engineering Assessment Report, the risks and consequences of flooding have been mitigated across the development Sustainable urban Drainage System (SUDS) measures are specified to ensure run-off

is treated before discharge at a restricted rate to the local network. Measures are also contained within the Construction Environmental Management Plan to protect ground and surface water quality during construction.

#### 4.1.9 Directive 2008/56/EC, Marine Strategy Directive

##### Aim of the Directive

The Marine Strategy Framework Directive (MSFD) aims to protect the marine environment. It requires the application of an ecosystem-based approach to the management of human activities, enabling a sustainable use of marine goods and services. The directive is very similar to the Water Framework Directive, but the focus is on the marine environment. The aim is for European member states, including Ireland, to reach good environmental status (GES) in the marine environment. Good environmental status in the marine environment means that the seas are clean, healthy and productive and that human use of the marine environment is kept at a sustainable level.

Ireland's Marine Atlas is a database that was developed to assist the implementation of the MSFD, as well as the 2014 Marine Spatial Planning Directive and is a valuable source of spatial information for all marine stakeholders. The atlas contains information of the marine environment and its ecosystems as well as on the location of various human activities and installed infrastructure. The Marine Spatial Planning Directive entails a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives that have been specified through a political process.

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

A summary of the ways in which this development addresses the requirements of the MSFD is detailed in Table 9.

**Table 9: Reports of relevance to the MSFD**

Title of Legislation	Where addressed
Directive 2008/56/EC, Marine Strategy Directive	<ul style="list-style-type: none"> <li>■ EIAR (Chapter 5, Chapter 7)</li> </ul>

##### Conclusions

As a housing development, the Marine Strategy Directive is not directly relevant to the current proposal. However, impact to nearby water bodies has been assessed as part of the EIAR and it has been found that there were no marine protected sites with direct hydrological connections to the Proposed Development.

#### 4.1.10 Directive 2012/27/EU on Energy Efficiency

##### Aim of the Directive

The Directive on energy efficiency aimed to further stimulate EU efforts to promote energy efficiency and achieve energy savings in the fight against climate change. It seeks to introduce a higher target for reducing primary (39%) and final (36%) energy consumption by 2030 now binding at EU level. 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

A summary of the ways in which this development addresses the requirements of the Directive on energy efficiency is detailed in Table 10.

**Table 10: Reports of relevance to the Directive on energy efficiency**

Title of Legislation	Where addressed
Directive 2012/27/EU on Energy Efficiency	<ul style="list-style-type: none"> <li>■ Architectural Design Statement (McCauley Daye O'Connell Architects)</li> <li>■ Energy Efficiency Report (IN2)</li> <li>■ Site Lighting Report (IN2)</li> <li>■ Climate Change Impact Assessment (CCIA) (Enviroguide)</li> </ul>

## Conclusions

The Architectural Design Statement introduces measures to ensure emissions at the operational stage of the Proposed Development are minimised. Such measures include design using passive solar principles to reduce the need for artificial lighting and building fabric, which is highly insulated, meeting the requirements of the current Part L of the Building Regulations.

### 4.1.11 Directive 2018/851/EU Waste Framework Directive

Directive 2008/98/EC on waste and repealing certain Directives, as amended by Directive 2018/851/EU, has applied since December 2010 and Amending Directive 2018/851/EU has applied since July 2020. The Waste Framework Directive establishes a legal framework for treating waste in the EU and is designed to protect the environment and human health by emphasizing 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

A summary of the ways in which this development addresses the requirements of the Waste Framework Directive is detailed in Table 11.

**Table 11: Reports of relevance to the Waste Framework Directive**

Title of Legislation	Where addressed
Directive 2008/98/EC on waste and repealing certain Directives	<ul style="list-style-type: none"> <li>■ Resource &amp; Waste Management Plan (RWMP) for Construction &amp; Demolition Waste (Waterman Moylan)</li> <li>■ Preliminary Construction Demolition Waste Management Plan (Waterman Moylan)</li> <li>■ Operational Waste Management Plan (AWN Consulting)</li> <li>■ Construction Environmental Management Plan</li> </ul>

## Conclusions

A Resource & Waste Management Plan (RWMP) has been prepared for the Proposed Development and has been designed to ensure the highest possible levels of waste prevention, reduction, reuse, and recycling are achieved for the Proposed Development during the Construction Phase. The RWMP has estimated the categories of waste to be generated by the Proposed Development, with quantities to be confirmed by the

Resource Waste Manager. The Plan provides further information in relation to future waste management, including attributing responsibility for implementation of measures and identifying appropriate procedures.

An Operational Waste Management Plan (OWMP) has been prepared for the Proposed Development. The plan has estimated the type and quantity of waste to be generated from the Proposed Development during the Operational Phase and provides a strategy for managing the different waste streams. All waste will be collected by appropriately authorised waste collection contractors and will be consigned to appropriately authorised waste facility for treatment.

The aim of these plans is to ensure maximum recycling, reuse, and recovery of waste with diversion from landfill, wherever possible. The plans provide further 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).

#### 4.1.12 Directive 92/57/EEC on the Minimum Safety and Health Requirements at Temporary or Mobile Construction Sites

##### Aim of the Directive

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

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

**Table 12: Reports of relevance to the H&S of Construction Sites Directive**

Title of Legislation	Where addressed
Directive 92/57/EEC on health and safety at construction sites	<ul style="list-style-type: none"> <li>■ Preliminary Construction Management Plan (Waterman Moylan)</li> </ul>

#### Conclusions

The Preliminary Construction Management Plan (pCMP) sets out the role of the project team and Main Contractor including ensuring that all Health and Safety legislation is complied with at the Application Site during construction.

## 5.0 CONCLUSION

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

This statement identifies the directly relevant Directives which have informed the proposed project. European Directives that are not directly relevant to the project (e.g. the Seveso III Directive (2012/18/EU) have been considered but not been specially mentioned to ensure appropriate focus of the statement. The relevant assessments have been identified as they relate to the Proposed Development, the results of those assessments, and how those results have been taken into account in determining the significance of the Proposed Development on the environment.

This statement should be read in conjunction with the Environmental Impact Assessment Report document prepared and enclosed with the application.

ABP may complete an examination for the purposes of a screening determination in accordance with Article 299B of the Planning Regulations and, in particular, may have regard to all of the matters prescribed at Article 299B(1)(b) of the Planning and Development Regulations 2001 to 2021.

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

This statement supports the conclusion in the EIAR document that the design of the Proposed Development takes environmental constraints and considerations into account, with embedded design mitigation that enables many potential environmental impacts to be avoided entirely. Where environmental impacts cannot be avoided by embedded mitigation, additional mitigation and monitoring measures have been recommended in the EIAR.

