

**Statement in accordance with Article 299B^{(1)(b)(ii)(II)(C)} of
the Planning and Development Regulations 2001-2022, as
amended for a proposed mixed-use development at a site on
Stradbroke Road, Mountashon, Blackrock, Co. Dublin.**



8TH JULY 2022

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On behalf of: Tetrarch Residential Ltd.

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1. INTRODUCTION

Altemar Ltd. at the request of Tetrarch Residential Ltd. have prepared this statement in accordance with Article 299B (l)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, (the "Planning Regulations") in relation to a proposed mixed-use development at a site on Stradbroom Road, Mountashton, Blackrock, Co. Dublin.. This statement is to provide information and assist An Bord Pleanála in completing an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations.

In particular, it is provided so that the Board may have regard to the "the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive" in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

It should be noted that Altemar Limited. has been requested to prepare this statement and is reliant on multiple parties for the provision of the information contained within this statement. Altemar is providing this information based on a summary of information to assist An Bord Pleanála and is not responsible for the original material that is referenced within the statement. Any matters in relation to the material contained within this statement should be referred to the authors of the original documentation that is referenced in this statement. It is based on the material provided to Altemar, in good faith, and the conclusions drawn in this statement are based on the provision of accurate and truthful reporting from other consultants.

BACKGROUND TO ALTEMAR LTD.

Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include residential, infrastructural, renewable, oil & gas, private industry, local authorities, EC projects and State/semi-State Departments. Bryan Deegan is the managing director of Altemar, is an environmental scientist and marine biologist with 27 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. He is currently contracted to Inland Fisheries Ireland as the sole "External Expert" to environmentally assess internal and external projects. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture).

2. LEGISLATIVE BACKGROUND

The proposed SHD development is below the 500 dwelling threshold at paragraph (1)(b)(i) of Part 2 of Schedule 5 to the Planning Regulations and is not accompanied by an Environmental Impact Assessment Report (EIAR). However, the Board is required to carry out a screening for EIA purposes, taking into account the EIA Screening report furnished by the applicant. The specific requirement for a SHD application to be accompanied by a statement in relation to assessments under EU legislation other than the EIA Directive for the purposes of EIA Screening is referred to (and highlighted in bold below) under Article 299B of the Planning Regulations, which provides as follows:

299B-Requirements in relation to environmental impact assessment for subthreshold development where no screening determination was made under section 7 of Act of 2016.

“1) a) Paragraph (b) applies where—

- (i) a planning application for a sub-threshold development is made and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, and*
- (ii) such application is not accompanied by an EIAR.*
- (b) (i) The Board shall carry out a preliminary examination of, at the least, the nature, size or location of the development.*
- (ii) Where the Board concludes, based on such preliminary examination, that—*
 - (I) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,*
 - (II) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided to the Board*
 - (A) the information specified in Schedule 7A,*
 - (B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and*
 - (C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.***
- (c) The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of 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.*
- (2) (a) Where the information referred to in sub-article (1)(b)(ii)(II) was not provided by the applicant, the Board shall refuse to deal with the application pursuant to section 8(3)(a) of the Act of 2016.*
- (b) (i) Where the information referred to in sub-article (1)(b)(ii)(II) was provided by the applicant, the Board shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.*
- (ii) The Board shall make a screening determination and—*
 - (I) if such 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, or*
 - (II) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall*
 - (A) determine that the development would be likely to have such effects, and*
 - (B) refuse to deal with the application pursuant to section 8(3)(a) of the Act of 2016.”¹(emphasis added)*

The requirement for the Board to consider for the purposes of EIA scening, where relevant, the available results of preliminary verifications or assessments under EU legislation other than the EIA

¹ Emphasis added.

Directive is referred to (and highlighted in bold below) under Article 299C of the Planning Regulations provide as follows:

299C-Requirements in relation to environmental impact assessment for subthreshold development where no screening determination was made under section 7 of Act of 2016.

(1) (a) The Board shall, in carrying out its screening determination under article 299B(2)(b) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to—

(i) the criteria set out in Schedule 7,

(ii) the information submitted pursuant to Schedule 7A,

(iii) the information referred to in article 299B(1)(b)(ii)(II) and the description, if any, referred to in article 299B(1)(c),

(iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and

(v) in respect of a proposed development which would be located on, or in, or have the potential to impact on—

(I) a European site,

(II) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No.38 of 2000),

(III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

(IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976).

(V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,

(VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or

(VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website, the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

(b) The Board shall—

(i) include, or refer to, in its screening determination under article 299B the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which the determination is based, and

(ii) cause such determination to be placed and kept with the documents relating to the planning application.

(2) (a) Paragraph (b) applies where the screening determination is that the proposed development would not be likely to have significant effects on the environment and the applicant has provided, under article 299B(1)(c), a description of 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.

(b) The Board shall specify such features, if any, and such measures, if any, in the screening determination. (3) Article 299B and this article shall not apply to an application for a proposed strategic housing development in respect of which a determination under section 7(1)(a)(i)(I) of the Act of 2016 has been made.

(3) Article 299B and this article shall not apply to an application for a proposed strategic housing development in respect of which a determination under section 7 (1)(a)(i)(I) of the Act of 2016 has been made.”

3. STATEMENT IN ACCORDANCE WITH ARTICLE 299B

A) DESCRIPTION OF THE PROPOSED PROJECT

Tetrarch Residential Ltd. intend to apply to An Bord Pleanála (the Board) for permission for a proposed mixed-use development at a site on Stradbroom Road, Mountashon, Blackrock, Co. Dublin.

The proposed mixed-use development at a site of some 0.4813 ha on Stradbroom Road, Mountashon, Blackrock, Co. Dublin will comprise: the demolition of existing buildings and surface car park, and the construction of: 108 No. Build-to-Rent serviced residential senior living apartments (83 No. 1-bed apartments and 25 No. 2-bed apartments), with balconies / winter gardens at all elevations, across 2 No. blocks ranging between 3 to 7-storeys with set back at sixth-floor level and additional basement . The proposal also includes for 148 No. secure bicycle parking spaces, 55 No. underground car parking spaces, a two-way vehicular entrance ramp and bin storage, circulation areas and associated plant at basement level; a self-contained office unit, a residential staff management suite, resident's facilities, residents' communal amenity rooms, and residents' communal open space, as well as 13 No. surface car parking spaces (incl. 1 No. accessible commercial car parking space and 12 No. car parking spaces for use by the adjoining creche (incl. 1 No. accessible)), 24 No. secure cycle spaces within separate bike store, separate bin store for office use, 30 No. short-term bicycle parking spaces, and 3 No. ESB substations at ground floor level; additional communal amenity rooms at first, second, third, fourth and fifth-floor levels; roof gardens / terraces at third, fourth and sixth-floor levels; PV panels on third, fourth and sixth-floor roof-level; and associated site landscaping, lighting and servicing, and all associated works above and below ground..

B) EIAR SCREENING

An Environmental Impact Assessment (EIA) Screening is submitted by Tom Phillips + Associates (TPA), Town Planning Consultants on behalf of Tetrarch Residential Ltd., in respect of the proposed development. The EIA Screening states that *'In summary, it is considered that a mandatory EIA would not be required and that a sub-threshold EIA is not triggered as appropriate measures are in place to avoid, reduce or mitigate any likely impacts such that it is not likely to have a significant impact on the environment.'* The report concludes that *'based on general terms (and having regard to the broad scope and purpose of the EIA Directive), it is our opinion that by virtue of its nature, size, and location, the subject project would not be likely to have significant impacts on the environment and thus EIA is not required.'*

B) ASSESSMENT OF RELEVANT EU LEGISLATION

The following section details the assessments other (Non EIA Directive) EU Directives relevant to the proposed development and the results thereof for the purposes of EIA screening, which have been taken into account in the EIA Screening Report submitted by the applicant. This section details the relevant studies and reports that deal with the corresponding Directives:

- 1) DIRECTIVE 92/43/EEC, THE HABITATS DIRECTIVE & BIRDS DIRECTIVE (DIRECTIVE 2009/147/EC on the conservation of wild birds). The EU Directives on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive 1992) and Directive 2009/147//EC of the European Parliament and of the Council of November 2009 on the conservation of wild birds (Birds Directive) provide protection to designated species, birds and habitats throughout Europe. The Habitats and Birds Directives have been transposed into Irish law primarily through the EC (Birds and Natural Habitats) Regulations 2011 (S. I. No. 477 of 2011) (as amended) (the “2011 Regulations”).

The Habitats Directive aims to protect some 220 habitats and approximately 1000 species throughout Europe. The habitats and species are listed in the Directives annexes, where Annex I covers habitats and Annex II, IV and V cover species. There are 59 Annex I habitats in Ireland and 33 Annex IV species which require strict protection wherever they occur. The Directive requires the designation of Special Areas of Conservation for areas of habitat deemed to be of European interest. The SACs together with the SPAs from the Birds Directive form a network of protected sites called Natura 2000.

The 2011 Regulations were amended by:

a) Relevant Assessment Reports

- i) **Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for a proposed mixed-use development at a site on Stradbrog Road, Mountashon, Blackrock, Co. Dublin.**

Appropriate Assessment Screening

The concluding statement of the Appropriate Assessment Screening carried out by Altamar Limited for the purposes of Article 6(3) of the Habitats Directive (which is also relevant to consideration of the impacts on biodiversity in the EIA screening report submitted with the application) states that “*An initial screening of the proposed works, using the precautionary principle (without the use of any mitigation measures) and the Source/Pathway/Receptor links between the proposed works and Natura 2000 sites with the potential to result in significant effects on the conservation objectives and qualifying interests of the Natura 2000 sites was carried out. Based on best scientific knowledge and objective information and assessment, the possibility of significant effects caused by the proposed project was excluded for the following Natura 2000 sites in addition to sites beyond 15km:*

<i>Site Code</i>	<i>NATURA 2000 Site</i>
<i>Special Areas of Conservation</i>	
<i>IE003000</i>	<i>Rockabill to Dalkey Island SAC</i>
<i>IE000206</i>	<i>North Dublin Bay SAC</i>
<i>IE000713</i>	<i>Ballyman Glen SAC</i>
<i>IE001209</i>	<i>Knocksink Wood SAC</i>
<i>IE002122</i>	<i>Wicklow Mountains SAC</i>

IE000202	Howth Head SAC
IE000714	Bray Head SAC
IE000199	Baldoyle Bay SAC
IE002193	Ireland's Eye SAC
IE001209	Glenasmole Valley SAC
<i>Special Protection Area</i>	
IE004172	Dalkey Islands SPA
IE004006	North Bull Island SPA
IE004113	Howth Head Coast SPA
IE004040	Wicklow Mountains SPA
IE004016	Baldoyle Bay SPA
IE004117	Ireland's Eye SPA

Given the proposed demolition, the site clearance and excavation works and the fact that the surface water network on Stradbroke Road discharges to the Brewery/ Stradbroke Stream, out of an abundance of caution it is considered that the Zone of Influence (ZOI) of the proposed project extends beyond the site outline to include this Natura 2000 sites within the marine environment of South Dublin Bay. It is considered that there is an indirect hydrological pathway to this South Dublin Bay SAC and South Dublin Bay and River Tolka SPA. In the absence of mitigation, there is the potential for dust, pollution and contaminated surface water runoff to enter the Brewery/ Stradbroke Stream with the potential for downstream impacts on the qualifying interests of this South Dublin Bay SAC and South Dublin Bay and River Tolka SPA. During operation surface water will be directed to the surface water network in Stradbroke Road which discharges to the Brewery/ Stradbroke Stream. Mitigation measures are required to ensure that dust, pollution and contaminated surface water runoff does not enter the Brewery/ Stradbroke Stream and, by extension, the marine environment at Dublin Bay.

In a strict application of the precautionary principle, it has been concluded that significant effects on the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA are likely, in the absence of mitigation measures, from the proposed works as a result of the indirect hydrological connection to the sites from the proposed project, which involves demolition, excavation and construction works. Acting on a strictly precautionary basis, NIS is required in respect of the effects of the project on South Dublin Bay SAC, and South Dublin Bay and River Tolka Estuary SPA because it cannot be excluded on the basis of best objective scientific information following screening, in the absence of control or mitigation measures, that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the named European Site/s.

An NIS or Stage 2 Appropriate Assessment is not required for the effects of the project on all other listed Natura sites above and those beyond 15km because it can be excluded on the basis of the best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on the European Site/s.'

Natura Impact Statement

The Natura Impact Statement was prepared by Altemar Limited. for the purposes of facilitating an appropriate assessment by the Board pursuant to Article 6(3) of the Habitats Directive and is particularly relevant to consideration of the impacts on Natura 2000 sites in the EIA Screening report. The conclusion or Residual Impact Assessment as contained in the NIS states that *“The mitigation measures outlined above will ensure that the drainage network that leads to European sites will be protected from silt and pollution. Ecological supervision will be in place. A robust series of mitigation measures will be carried out. These will ensure that the works and surface water runoff from the proposed works site will not impact on the surface water network and that dust from the works would not significantly impact on the Stradbroke Road drainage network which leads to the Brewery/ Stradbroke stream and downstream Natura 2000 sites (South Dublin Bay SAC and South Dublin Bay and River Tolka SPA) . It should be noted that the early*

implementation of ecological supervision on site will be prior to the initial mobilisation and enabling works and prior to any site clearance. This is seen as an important element to the project, particularly in relation to the implementation of surface water runoff mitigation strategies.

With the successful implementation of the mitigation measures to limit surface water and dust impacts on the Stradbroke Road drainage network, including mitigation/ supervision, no significant impacts are foreseen from the demolition, site clearance, construction works and operational phases of the proposed project. Residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works and would not impact on the integrity of proximate Natura 2000 sites.

The construction and operational mitigation proposed for the development satisfactorily addresses the mitigation of potential impacts on South Dublin Bay SAC, and South Dublin Bay and River Tolka Estuary SPA, through the application of the standard construction and operational phase controls as outlined above. In particular, the mitigation measures to prevent silt, dust and pollution entering the Brewery/ Stradbroke Stream will satisfactorily address the potential impacts on downstream biodiversity and Natura 2000 sites immediately downstream of the subject site. No significant adverse impacts on the conservation objectives of Natura 2000 sites are likely following the implementation of the mitigation measures outlined above and, for the avoidance of doubt, it is confirmed that there will be no adverse effect on the integrity of any European Site from the project, either alone or in combination with any other plan or project. There is no reasonable scientific doubt as to this conclusion.

These measures are to protect the surface water, which is the primary vector of impacts from the site, and to ensure that it is not impacted during construction and operational phases of development.'

ii) Ecological Impact Assessment including bat assessment (Altemar)

The EcIA has been prepared by Altemar Ltd. at the request of Tetrarch Residential Ltd. and is relevant to consideration of the impacts on biodiversity in the EIA Screening report. The EcIA includes a desk-based assessment of the potential species and habitats of conservation importance and field surveys including a bay assessment carried out by Altemar. The EcIA concludes *'The proposed site is located in a suburban environment 0.9 km from the nearest Natura 2000 site. There is an indirect hydrological pathway to designated conservation sites in Dublin Bay. There is an indirect pathway to designated sites in Dublin Bay via foul water and Ringsend WWTP. Uncontrolled and unmitigated surface runoff, dust and silt generated during construction and unmitigated surface water during operation entering the Stradbroke Road surface water network are seen as the main potential pathway for impacts on the biodiversity outside the site.*

Having taken into consideration the proposed works, the development, the extensive mitigation measures, effluent discharge from the proposed development, the distance between the proposed development site to designated conservation sites, it is concluded that following the implementation of mitigation measures outlined the development would not give rise to any significant effects. The construction and operation of the proposed development will not significantly impact on, the conservation objectives of qualifying interests of Natura 2000 sites, aquatic biodiversity, bats and the heronry on site.

Based on the successful implementation of standard mitigation measures in relation to biodiversity no significant ecological impacts would be likely outside the immediate vicinity of the proposed development. Impacts within the site would be considerable due to the removal of the majority existing interior habitats. Mitigation is required in relation to watercourses, dust, surface, runoff pollution, lighting, loss of bird nesting habitat and to carry out pre construction surveys for bats.

No significant environmental impacts are likely in relation to the construction or operation of the proposed development.'

1) DIRECTIVE 2007/60/EC, FLOODS DIRECTIVE

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.

Relevant Assessment Reports As outlined in the conclusion of the Flood Risk Assessment provided by CS Consulting: (Section 5)

- *‘The site historically has no recorded flood events as noted in the OPW’s flood maps. The Dun Laoghaire Rathdown County Council Flood Risk Map A.13 from Appendix 15 of the Strategic Flood Risk Assessment by DLRCC (2022-2028), has indicated that the subject lands are located outside the 0.1% AEP Zone i.e. Flood Zone C.*
 - *Predicted flood mapping for pluvial/ tidal & fluvial flood events shall not affect the subject lands.*
 - *The proposed development shall have a 240m³ storm water attenuation tank to address a 1 in 100 year extreme storm events increased by 30% for predicated climate change values to prevent flooding occurring onsite.*
 - *Stormwater flow from the development site shall be limited to 1.5 l/s. This shall significantly reduce the volume of storm water leaving the site during extreme storms which in turn shall have the effect of reducing the pressure on the existing public drainage system and reduce the occurrence of downstream flooding.*
 - *The likelihood of onsite flooding from the hydrogeological ground conditions are deemed to be negligible.*
 - *During construction the contractor shall be responsible for the mitigating the risk of flooding on and offsite and shall agreed these measures with the local authority prior to construction.’*
- 2) DIRECTIVE 2002/49/EC, ENVIRONMENTAL NOISE DIRECTIVE.

The Environmental Noise Directive relates to the assessment and management of environmental noise. The Directive has been transposed into Irish law through the Environmental Noise Regulations 2006, as amended, which came into effect on 3rd April 2006. These Regulations apply to environmental noise to which people are exposed, in particular in built up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, near hospitals, and near other noise-sensitive buildings and areas. They are intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.

Relevant Assessment Reports:

A Construction Management Plan has been prepared by CS Consulting to accompany this planning application. This report outlines the following in relation to potential noise impacts, and measures planned to mitigate against these potential impacts:

“Noise monitoring shall be established on site throughout the project. Noise monitoring shall be carried out for a period of at least 2 weeks prior to any works commencing, in order to establish a baseline, and communicating the results to DLR Co Co in the form of baseline reports.

Variation of noise levels from those experienced as part of everyday life in an area can result in extreme disruption. The Contractor shall implement measures to eliminate where possible and reduce noise levels where not.

All construction activities shall be carried out in compliance with the recommendations of BS 5228, “Noise Control on Construction and open site’s part 1 and comply with BS 6187 Code of Practice for Demolition. These measures are employed to ensure compliance shall include: -

- Noise monitoring stations, which shall be monitored daily, shall be located on site and at recommended locations in the vicinity of the site to record background and construction noise activity. The plan layout of the monitoring stations shall be submitted to DLR Co Co for agreement by the contractor.*
- Monitoring data shall be compiled into monthly technical reports by the contractor*
- The best means practical shall be used to minimize the noise produced by all on site operations.*
- Proper maintenance of all operating plant to ensure noise emission compliance.*
- All operating plant shall be selected on the basis of incorporating noise reducing systems, and at a minimum be fitted with effective exhaust silencers.*
- Compressors shall be fitted with acoustically lined covers, which shall remain closed while the machines are in operation.*
- Plant such as pumps and generators which are required to work outside of normal working hours shall be enclosed with acoustic enclosures.*
- There shall be strict adherence to the site working hours stipulated in the Planning Conditions.*
- A log of all complaints due to noise to be recorded and actioned, see section 3.10”.*

3) Directive 2000/60/EC, Water Framework Directive

The EU Water Framework Directive (WFD) 2000/60/EC 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 Water Framework Directive 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 second (current) cycle runs from 2016 – 2021. The aim of the WFD is to prevent any deterioration in the existing status of water quality, including the protection of good and high water quality status where it exists. The WFD requires member states to manage their water resources on an integrated basis to achieve at least ‘good’ ecological status, through River Basin Management Plans (RBMP), by 2027.

Relevant Assessment Reports:

The requirements of the WFD are assessed and considered in both the EIA Screening Report and EcIA, as highlighted below.

As outlined in the EIA Screening Report ‘Foul water will discharge to the existing public sewer. Surface water will discharge to the existing surface water sewer network and attenuation tank. No impact on water quality is envisaged due to the nature and scale of the project.’

As outlined in the EcIA ‘Uncontrolled and unmitigated surface runoff, dust and silt generated during construction and unmitigated surface water during operation entering the Stradbroke Road surface water network are seen as the main potential pathway for impacts on the biodiversity outside the site.’

‘Having taken into consideration the proposed works, the development, the extensive mitigation measures, effluent discharge from the proposed development, the distance between the proposed development site to designated conservation sites, it is concluded that following the implementation of mitigation measures outlined the development would not give rise to any significant effects. The construction and operation of the proposed development will not significantly impact on, the conservation objectives of qualifying interests of Natura 2000 sites, aquatic biodiversity, and bats on site.’

Based on the successful implementation of standard mitigation measures in relation to biodiversity no significant ecological impacts would be likely outside the immediate vicinity of the proposed development. Impacts within the site would be considerable due to the removal of the majority existing interior habitats.’ Following the implementation of the

above referenced measures the proposed development will not cause any significant effect on surface water or coastal water status.

4) DIRECTIVE 2001/42/ EC, SEA DIRECTIVE

Strategic Environmental Assessment or SEA is the term which has been given to the environmental assessment of plans and programmes, which help determine the nature and location of individual projects taking place. Directive 2001/42/EC of the European Parliament and of the Council of Ministers, of 27th June 2001, on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive). The SEA Directive was transposed into Irish Law through the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (Statutory Instrument Number (SI No. 435 of 2004) and the Planning and Development (Strategic Environmental Assessment).

Relevant Assessment Reports:

The enclosed EIAR Screening Statement, prepared by Tom Phillips and Associates notes that “*A Strategic Environmental Assessment (SEA) Environmental Report has been prepared for the Dún Laoghaire-Rathdown County Development Plan 2022-2028. It has been undertaken by CAAS Ltd. on behalf of Dún Laoghaire-Rathdown County Council. The Plan sets out an overall strategy for the proper planning and sustainable development of the functional area of Dún Laoghaire- Rathdown County Council for the period 2022- 2028.*

Reports in the current submission that are relevant to this Directive include the Environmental Impact Assessment Screening Report, Planning Report, Statement of Consistency and the Material Contravention Statement, all of which have been written by Tom Philips Associates.

The Dún Laoghaire-Rathdown County Development Plan 2022-2028 has been consulted throughout the process of the design and preparation of assessment reports for this project. The Dún Laoghaire-Rathdown County Development Plan 2022-2028 has been informed by the SEA Environmental Report for the Dún Laoghaire-Rathdown County Development Plan 2022-2028. As a result, no further assessment in relation to DIRECTIVE 2001/42/ EC, SEA DIRECTIVE is required.”

5) DIRECTIVE 2008/50/EC, AIR QUALITY & Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

The ambient air quality and CAFÉ 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.

Relevant Assessment Reports

EIA Screening

As outlined in the EIA Screening ‘*The development will be constructed in accordance with best practice and specific controls will be put in place to manage the release of pollutants, particularly dust management practices.*’

Stage 1 Construction Management Plan (CMP)

The CMP has been prepared by CS Consulting on behalf of Tetrarch Residential Ltd. In relation to pollution the CMP states that “*Dust prevention measures shall be included for control of any site airborne particulate pollution. Prior to commencement the contractor shall draw up an Air Quality Mitigation Plan for demolition, excavation and construction works which shall be constantly monitored during the lifetime of the works. If air quality targets set out in the plan are constantly exceeded the contractor shall cease that activity causing the dust and implement alternative working methods.*

The Contractor shall provide dust sampling points. The plan layout of the monitoring stations shall be submitted to DLR Co Co for agreement by the contractor. Monitoring data shall be compiled into monthly technical reports by the contractor and maintained on site.

The Contractor shall monitor dust levels in the vicinity of the site using a Bergerhoff gauge instrument or in accordance with DLR Co Co Planning conditions. Records shall be kept of such monitoring for review by the Planning Authority. The minimum criteria to be maintained shall be the limit for Environmental Protection Agency (EPA) specification for licensed facilities in Ireland, which is 350mg/m²/day.’

As outlined in the EcIA ‘Based on the successful implementation of standard mitigation measures in relation to biodiversity no significant ecological impacts would be likely outside the immediate vicinity of the proposed development. Impacts within the site would be considerable due to the removal of the majority existing interior habitats. Mitigation is required in relation to watercourses, dust, surface, runoff pollution, lighting, loss of bird nesting habitat and to carry out pre construction surveys for bats.

No significant environmental impacts are likely in relation to the construction or operation of the proposed development.’

6) SEVESO III DIRECTIVE (2012/18/EU)

The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU) was developed by the EU after a series of catastrophic accidents involving major industrial sites and dangerous substances. Such accidents can give rise to serious injury to people or serious damage to the environment, both on and off the site of the accident.

The Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015) (the “COMAH Regulations”), implements the latest Seveso III Directive (2012/18/EU). The purpose of the COMAH Regulations is to transpose the Seveso Directive into Irish law and lay down rules for the prevention of major accidents involving dangerous substances, and to seek to limit as far as possible the consequences for human health and the environment of such accidents, with the overall objective of providing a high level of protection in a consistent and effective manner.

The proposed development site is within the DMR east Garda region. Following an assessment of the Seveso sites proximate to the proposed development site no Seveso Sites are within the DMR East Region². The nearest Seveso sites are located at Ringsend (i.e. Dublin Bay Power, N.O.R.A., Dublin Waste to Energy and ESB Poolbeg). The proposed development is not proximate to a Seveso site and there is no pathway to these sites. The proposed development will not cause any significant effect on Seveso sites.

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

² <https://www.arcgis.com/apps/webappviewer/index.html?id=a01b5a0a6ff24f10adff30beaa3b6fd0>

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

The Waste Framework Directive sets long-term objectives for the Union’s waste management and gives economic operators and Member States a clear direction for the investments to achieve those objectives. The overall goal of the directives is to improve EU waste management. This will contribute to the protection, preservation, and improvement of the quality of the environment as well as encourage the prudent and rational use of natural resources.

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

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

Relevant Assessment Reports

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

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction & Demolition Waste Management Plan has been prepared by CS Consulting along with an Operational Waste Management Plan (together, the Waste Management Plans) is included with the planning documentation. The principles set out in the Waste Framework Directive have been taken into account thorough the design of the proposed development and the mitigation measures set out in these reports.

The Waste Management Plans have been prepared to demonstrate how it is proposed during the construction and operational phase to comply with the following relevant legislation and guidelines including:

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

A Stage 1 Demolition and Construction Waste Management Plan has been prepared by Cronin & Sutton Consulting as part of this application. *“This document outlines the principles and measures by which the waste generated during the demolition and construction phases of the proposed development shall be managed and disposed of in compliance with the provisions of the Waste Management Acts 1996 to 2013 and the Eastern-Midlands Region (EMR) Waste Management Plan 2015-2021. It describes the measures by which optimum levels of waste reduction, re-use and recycling shall be achieved.”*

CONCLUSION

This Statement has been carried out in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, as amended, for a proposed mixed-use development at a site on Stradbrook Road, Mountashton, Blackrock, Co. Dublin.. This statement summarises the assessments carried out for the purposes of the EIA Screening Report in relation to the proposed development and identifies that there is no *“the subject project would not be likely to have significant impacts on the environment and thus EIA is not required.”* This statement should be read in conjunction with the reports referred to in this statement.