



Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Develop- ment Regulations 2001, as amended

FOR

RESIDENTIAL DEVELOPMENT

AT

Old Dunleary Road, Cumberland Street, Dun Leary Hill,
Dun Laoghaire, Co. Dublin

November 2021

ON BEHALF OF

Ted Living Limited

Prepared by
Enviroguide Consulting

Dublin

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

Kerry

19 Henry Street
Kenmare, Co. Kerry

Wexford

Unit 11 Floor B
Westpoint Business Park
Clonard Road, Wexford

www.enviroguide.ie
 info@enviroguide.ie
 +353 1 565 4730



DOCUMENT CONTROL SHEET

Client	Ted Living Limited
Project Title	Residential Development at Old Dunleary Road, Cumberland Street, Dun Leary Hill, Dun Laoghaire, Co. Dublin
Document Title	Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended

Rev.	Status	Author(s)	Reviewed by	Approved by	Issue Date
0.0	Draft for client review	Laura Griffin <i>Environmental Consultant</i> & Kamala Yagubova <i>Environmental Consultant</i>	Colin Lennon <i>Technical Director</i>	Colin Lennon <i>Technical Director</i>	-
0.1	Final	Laura Griffin <i>Environmental Consultant</i>	Janet O'Shea <i>Technical Director</i>	Janet O'Shea <i>Technical Director</i>	16.11.2021

REPORT LIMITATIONS

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

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

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

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

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

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

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

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

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

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

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

TABLE OF CONTENTS

REPORT LIMITATIONS	2
1 INTRODUCTION	5
1.1 Background	5
2 PRINCIPAL FEATURES OF THE PROPOSED DEVELOPMENT	5
2.1 EIA Screening	5
3 ASSESSMENT OF RELEVANT EU LEGISLATION	7
3.1 Directive 92/43/EEC, The Habitats Directive	7
3.2 Directive 2000/60/EC, EU Water Framework Directive	8
3.3 Directive 2001/42/EC, SEA Directive	10
3.4 Directive 2002/49/EC, Environmental Noise Directive	12
3.5 Directive 2008/50/EC on ambient air quality and cleaner air for Europe	13
3.6 Directive 2007/60/EC on the assessment and management of flood risks	14
3.7 Other Relevant EU Legislation	15
3.7.1 Bern and Bonn Convention	15
3.7.2 Ramsar Convention	15
3.7.3 Directive 2006/21/EC on the management of waste from extractive industries	16
3.7.4 Directive (EU) 2018/850 on the landfill of waste	17
3.7.5 Directive 2008/98/EC on waste and repealing certain Directives	18
3.7.6 Directive 2010/75/EU on industrial emissions	19
3.7.7 Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register	20
3.7.8 Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors	21
3.7.9 Directive 2012/27/EU on energy efficiency	22
3.7.10 Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the EU	23
3.7.11 Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013	24
3.7.12 Regulation (EU) 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (Text with EEA relevance) Text with EEA relevance	25
3.7.13 Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources	26
3.7.14 Regulation (EU) No 517/2014 on fluorinated greenhouse gases	27
3.7.15 Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC	28

4 CONCLUSIONS

29

1 INTRODUCTION

1.1 Background

Enviroguide Consulting was retained by Ted Living Limited (the applicant) to prepare a Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended. This Statement is to be read in conjunction with the Environmental Impact Assessment (EIA) Screening Report that was prepared in relation to a proposed mixed-use development (the Proposed Development) at lands at Old Dunleary Road, Cumberland Street, Dun Leary Hill, Dun Laoghaire, Co. Dublin

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

2 PRINCIPAL FEATURES OF THE PROPOSED DEVELOPMENT

Ted Living Limited intend to apply to An Bord Pleanála for permission for a strategic housing development at a c. 0.55 ha site at the Former Ted Castles site at Old Dunleary Road, Cumberland Street, Dun Leary Hill, Dun Laoghaire, Co. Dublin. The site is bound by lands predominantly under residential and amenity use streets on three sides, with Old Dunleary Road to the north, Dunleary Hill and DeVesci Gardens to the south and Cumberland Street to the west, with an existing residential development bounding the site to the east.

The development will principally consist of:

- The provision of 146 no. apartment units (Build to Rent) and all associated ancillary facilities (including residential amenities) in a building with an overall height ranging from 6 storeys (with set backs from 4th & 5th storey) addressing Dun Leary Hill, to 5 and 8 storeys (with set back from 7th storey) addressing Old Dun Leary Road and 6-7 storeys (with set backs at 8th storey) addressing Cumberland Street. The proposal provides for private and communal open spaces in the form of balconies and terraces throughout;
- A retail unit (c.290m²) at ground floor level addressing Old Dun Leary Road and Cumberland Street;
- The refurbishment, partial removal and adaptation of a 4 storey building on site known as “DunLeary House” (a proposed Protected Structure) to provide co-working office suites (c.247m²) at Levels 01,02 and 03. The works will include partial removal of original walls and floors, removal of non original extensions to DunLeary House, repointing and repair of brickwork and granite fabric, reinstatement of timber sash windows, removal of existing roof, removal; alteration and reinstatement of internal floor layouts, reinstatement of entrance point on DunLeary Hill, removal of non original level 00 and linking the existing building to the new development from level 00 to level 03 with the construction of 3 new floors of development (with set back at roof level) above the existing building. It is proposed to repair, reinstate and improve the existing boundary treatment to DunLeary House;

- Provision of 52 no. car parking spaces in total - 44 no. car parking spaces provided at level 00. At Cumberland Street 11 no. existing on street car parking spaces will be removed and 8 no. on street car parking spaces provided. Provision of 277 bicycle parking spaces (94 no. cycle parking spaces accommodated in bicycle stands and 183 no. long term bicycle parking spaces within a secure storage area) and 4 no. motorbike parking spaces, all at Level 00. A new vehicular entrance/cycle path (off the Old Dun Leary Road), ancillary plant areas, ESB substation and storage areas;
- Extensive hard and soft landscaping throughout, green roof, public lighting, signage, boundary treatments and public realm improvements;
- The demolition of the existing open fronted shed on site and all associated ancillary site services and site development works.

2.1 EIA Screening

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

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

The EIA Screening Report concludes that having regard to:

- the nature and scale of the proposed development on an urban site served by public infrastructure,
- the absence of any significant environmental sensitivities in the area, and
- the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

The Proposed Development would not be likely to have significant effects on the environment. Therefore, a mandatory Environmental Impact Assessment Report (EIAR) has not been prepared for this Proposed Development.

3 ASSESSMENT OF RELEVANT EU LEGISLATION

3.1 Directive 92/43/EEC, The Habitats Directive

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	
Summary of Relevance	
<p>The EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive 1992) provides protection to designated species and habitats throughout Europe. The Habitats Directive has been transposed into Irish law through the EC (Birds and Natural Habitats) Regulations 2011.</p> <p>The Habitats Directive aims to protect some 220 habitats and approximately 1000 species throughout Europe. The habitats and species are listed in the Directives annexes, where Annex I covers habitats and Annex II, IV and V cover species. There are 59 Annex I habitats in Ireland and 33 Annex IV species which require strict protection wherever they occur. The Directive requires the designation of Special Areas of Conservation for areas of habitat deemed to be of European interest. The SACs together with the SPAs from the Birds Directive form a network of protected sites called Natura 2000.</p>	
Assessment Reports Completed as part of Application Process	
1.	<p>Appropriate Assessment Screening Report Prepared by: Openfield Ecological Services Report Date: June 2020</p>
2.	<p>Ecological Impact Assessment Prepared by: Openfield Ecological Services Report Date: June 2020</p>
3.	<p>Landscape Design Statement Prepared by: Cameo & Partners Report Date: June 2020</p>
Conclusions	
<p>According to the Appropriate Assessment Report that has been prepared to support the application for the Proposed Development, it is concluded that, there will be no possibility of significant effects on any of the qualifying interests of the identified Natura 2000 Sites.</p> <p>In relation to the biodiversity of the Proposed Development site, based on the full implementation of the proposed works and control measures outlined in the Ecological Impact Assessment, carried out in accordance with the proposed landscape plan; it is deemed that there will be no significant negative ecological impacts on site arising from Construction and Operational Phases of the Proposed Development. Furthermore, it is noted that the Proposed Development will likely have a positive impact on the ecology of the Site, producing a biodiversity net gain through the increased provision and enhancement of habitats present on site.</p>	

3.2 Directive 2000/60/EC, EU Water Framework Directive

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

Summary of Relevance

The EU Water Framework Directive (WFD) 2000/60/EC 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.

Assessment Reports Completed as part of Application Process

1.	Appropriate Assessment Screening Report Prepared by: Openfield Ecological Services Report Date: June 2020
2.	Ecological Impact Assessment Prepared by: Openfield Ecological Services Report Date: June 2020
3.	Site Specific Flood Risk Assessment (Draft) Prepared by: DBRL Consulting Engineers Report Date: June 2021
4.	Preliminary Construction Management Plan (CMP) Prepared by: DBRL Consulting Engineers Report Date: June 2021
5.	Construction and Demolition Waste Management Plan (Technical Note) Prepared by: AWN Consulting Report Date: 23rd June 2020

Conclusions

According to the Assessment Reports and Technical Notes that have been prepared to support the pre-application planning submission for the Proposed Development, it is concluded that appropriate surface water management and discharge measures will be undertaken to ensure no significant impacts arise. Furthermore, it is considered that there is an adequate intervening distance between the Proposed Development and the nearest surface watercourse.

According to the Site-Specific Flood Risk Assessment, the development complies with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) and the site is appropriate for development when assessed against the requirements of 'The Planning System and Flood Risk

Management' as issued by the Department of the Environment, Heritage and Local Government in November 2009.

It is not anticipated that there will be adverse impacts to groundwater or any watercourses in the vicinity of the Proposed Development due to adherence to appropriate control measures, as outlined in the Site-Specific Flood Risk Assessment, Construction Management Plan and the Construction and Demolition Waste Management Plan.

3.3 Directive 2001/42/EC, SEA Directive

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

Summary of Relevance

The SEA Directive pertains to a broad range of public plans and programmes. The public plans and programmes covered by the Strategic Environmental Assessment (SEA) Directive are subject to an environmental assessment during their preparation prior to their adoption.

The SEA Directive seeks to ensure a high level of environmental protection. The aim is to ensure that environmental considerations are regarded in the preparation, adoption and implementation of such plans.

The Dublin City Development Plan 2016-2022 sets out policies and objectives to guide how and where development will take place in the city over the lifetime of the Plan. The Plan has been prepared in accordance with the requirements of the Planning and Development Act, 2000 (as amended), the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 as amended. The content of the core strategy of the Development Plan has been informed by Strategic Environmental Assessment (SEA).

Assessment Reports Completed as part of Application Process

- | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Environmental Impact Assessment Screening Report
Prepared by: Enviroguide Consulting
Report Date: August 2021 |
| 2. | Statement of Consistency
Prepared by: Brock McClure Planning and Development Consultants
Report Date: June 2020 |
| 3. | Material Contravention Statement
Prepared by: Brock McClure Planning and Development Consultants
Report Date: July 2021 |

Conclusions

The Dun Laoghaire Rathdown Development Plan 2016-2022 and the Draft Dun Laoghaire Rathdown Development Plan 2022-2028 has been consulted when preparing the relevant Assessment Reports. The content of the core strategy detailed in the Dun Laoghaire Rathdown Development Plan has been informed by Strategic Environmental Assessment (SEA) and Draft Strategic Environmental Assessment (SEA). No further assessment is required.

The Statement of Consistency report identified the compliance of the scheme with relevant objectives of the development plan and the Material Contravention Statement addresses elements of the scheme that are not fully in accordance with the development plan and demonstrates how the proposed building heights, residential mix, density, car parking and private open space provision for this development accords with the provisions of SPPR1 and SPPR8 of the Apartment Guidelines 2020.

3.4 Directive 2002/49/EC, Environmental Noise Directive

Directive 2002/49/EC on the assessment and management of environmental noise	
Summary of Relevance	
<p>The Environmental Noise Directive relates to the assessment and management of environmental noise. The Directive has been transposed into Irish law through the Environmental Noise Regulations 2006, as amended, which came into effect on 3rd April 2006.</p> <p>These Regulations apply to environmental noise to which people are exposed, in particular in built up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, near hospitals, and near other noise-sensitive buildings and areas. They are intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise.</p>	
Assessment Reports Completed as part of Application Process	
1.	Outward Noise Impact Assessment Prepared by: AWN Consulting Report Date: 19th June 2021
2.	Preliminary Construction Management Plan (CMP) Prepared by: DBRL Consulting Engineers Report Date: June 2021
Conclusions	
<p>During construction, temporary and intermittent impacts are predicted due to potential noise and dust, however these impacts will be localised and last only for the duration of this phase. The control measures identified in the Construction Management Plan such as complying with the best practice mitigation techniques of BS 5228 (2009 +A1 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2 during the construction phase of the development, the use of a noise complaint procedure to investigate and where necessary, ameliorate the source of the noise complaint, as well as signage for HGV drivers informing them not to leave engines idle for prolonged periods of time and that the use of horns is banned, will ensure that there will be no nuisance or impacts from the Construction Phase of Proposed Development beyond the Site boundary.</p> <p>A Outward Noise Impact Assessment has been carried out by AWN Consulting in respect of the Proposed Development. This report considers the Site is suitable for residential development subject to the provision of the noise control recommendations as outlined within the report.</p>	

3.5 Directive 2008/50/EC on ambient air quality and cleaner air for Europe

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

Summary of Relevance

The ambient air quality and 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.

Assessment Reports Completed as part of Application Process

- | | |
|-----------|---------------------------------------------------------------------------------------------------------------------------|
| 1. | Preliminary Construction Management Plan (CMP)
Prepared by: DBRL Consulting Engineers
Report Date: June 2021 |
| 2. | Traffic and Transport Assessment Report
Prepared by: DBRL Consulting Engineers
Report Date: June 2021 |

Conclusions

The Proposed Development involves construction and demolition works which may temporarily impact on air quality due to dust and exhaust emissions. Construction and demolition 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 CMP to minimise potential effects on air quality from construction.

In accordance with the Traffic and Transport Assessment Report, the impact on the surrounding road network, as a result of the Proposed Development will be minimal. Due to the predicted volume of increased traffic as a result of the Proposed Development, it is considered unlikely for significant air quality impacts to occur as a result of increased traffic flow, and an associated air quality assessment is not required.

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

Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Text with EEA relevance)

Summary of Relevance

The Directive on the assessment and management of flood risks establishes a framework for measures to reduce the risk of floods within the EU and requires EU countries to assess the risk of flooding in coastal regions and river basins by collecting historical data and defining the natural / physical environment. EU countries must also establish flood-risk management plans that are coordinated at the level of the river basin or coastal districts. These plans establish objectives for the management of flood risks, focusing mainly on prevention (e.g., avoiding construction in areas that may flood), protection (measures to reduce the likelihood of floods in a specific place) and preparedness (informing the public about flood risks and what to do in the event of flooding). The Directive was transposed into Irish legislation by the European Communities (Assessment and Management of Flood Risks) Regulations 2010.

Assessment Reports Completed as part of Application Process

- | | |
|-----------|------------------------------------------------------------------------------------------------------------------------|
| 1. | Site Specific Flood Risk Assessment (Draft)
Prepared by: DBRL Consulting Engineers
Report Date: June 2021 |
|-----------|------------------------------------------------------------------------------------------------------------------------|

Conclusions

A Site Specific Flood Risk Assessment (SSFRA) has been carried out for the Site of the Proposed Development. This Assessment has determined that the proposed development is deemed appropriate as it is located within Flood Zone C indicating a low probability of flooding. The development is outside of 'Flood Zone A & B', therefore, a Justification test is not required for the proposed development in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. This site specific assessment flood risk assessment considers - the likelihood and impact of overland flows, which may occur onto the site from flood sources. The site is appropriate for development when assessed against the requirements of 'The Planning System and Flood Risk Management' as issued by the Department of the Environment, Heritage and Local Government in November 2009

3.7 Other Relevant EU Legislation

3.7.1 Bern and Bonn Convention

Convention on the Conservation of European Wildlife and Natural Habitats - Bern Convention Convention on the Conservation of Migratory Species of Wild Animals – Bonn Convention	
Summary of Relevance	
The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982) was enacted to conserve all species and their habitats. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was introduced to give protection to migratory species across borders in Europe.	
Assessment Reports Completed as part of Application Process	
1.	Ecological Impact Assessment Prepared by: Openfield Ecological Services Report Date: June 2020
Conclusions	
According to the EclA Report, the Site of the Proposed Development does not host significant species populations as designated under the Bern and Bonn Convention. Therefore, no adverse impacts are expected in this regard.	

3.7.2 Ramsar Convention

The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat	
Summary of Relevance	
The Ramsar Convention on Wetlands is an intergovernmental treaty signed in Ramsar, Iran, in 1971. The treaty is a commitment for national action and international cooperation for the conservation of wetlands and their resources. In Ireland there are currently 45 Ramsar sites which cover a total area of 66,994 Ha.	
Assessment Reports Completed as part of Application Process	
1.	Ecological Impact Assessment Prepared by: Openfield Ecological Services Report Date: June 2020
Conclusions	
According to the EclA report, the Site of the Proposed Development is not located within, or in close proximity to, a Ramsar site. Therefore, no adverse impacts are expected in this regard.	

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

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

Summary of Relevance

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

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

Assessment Reports Completed as part of Application Process

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

Conclusions

Not relevant to the Proposed Development.

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

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

Summary of Relevance

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

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

Assessment Reports Completed as part of Application Process

- | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Preliminary Construction Management Plan (CMP)
Prepared by: DBRL Consulting Engineers
Report Date: June 2021 |
| 2. | Construction and Demolition Waste Management Plan (Technical Note)
Prepared by: AWN Consulting
Report Date: 23rd June 2020 |
| 3. | Operational Waste Management Plan (Technical Note)
Prepared by: AWN Consulting
Report Date: 23rd June 2021 |

Conclusions

A CDWMP, CMP and OWMP have been prepared for the Proposed Development. 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).

3.7.5 Directive 2008/98/EC on waste and repealing certain Directives

Directive 2008/98/EC on waste and repealing certain Directives as amended by Directive 2018/851/EU

Summary of Relevance

Directive 2008/98/EC has applied since December 2010 and Amending Directive 2018/851/EU has applied since July 2020. This Directive establishes a legal framework for treating waste in the EU and is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use.

Assessment Reports Completed as part of Application Process

- | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Preliminary Construction Management Plan (CMP)
Prepared by: DBRL Consulting Engineers
Report Date: June 2021 |
| 2. | Construction and Demolition Waste Management Plan (Technical Note)
Prepared by: Awn Consulting
Report Date: 23rd June 2020 |
| 3. | Operational Waste Management Plan (Technical Note)
Prepared by: Awn Consulting
Report Date: 23rd June 2020 |

Conclusions

A CDWMP and CMP has been prepared for the Proposed Development and has been designed to ensure the highest possible levels of waste reduction, waste reuse, and waste recycling are achieved for the Proposed Development during the Construction Phase. The CDWMP/CMP has estimated the category and quantity of waste generated by the Proposed Development and includes recommendations for the bespoke management of various waste streams and refuse removal. The plan provides 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).

An OWMP has been prepared to ensure that the management of waste during the Operational Phase of the Proposed Development is undertaken in accordance with the current legal and industry standards as outlined within the report. The aim of the OWMP is to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. Furthermore, the OWMP will provide guidance on the appropriate collection and transport of waste to prevent issues associated with litter or more serious environmental pollution (contamination of land or water resources). The plan will estimate the type and quantity of waste to be generated from the Proposed Development during the Operational Phase and will provide a strategy for managing the different waste streams.

3.7.6 Directive 2010/75/EU on industrial emissions

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

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

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

Conclusions

Not relevant to the Proposed Development.

3.7.8 Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

1. Outline Construction Management Plan (CMP)

Prepared by: AWN Consulting
Report Date: 23rd June 2020

2. Outward Noise Impact Assessment

Prepared by: AWN Consulting
Report Date: 19th June 2021

Conclusions

In accordance with the CMP, all reasonable precautions will be taken for the operation of plant and equipment to avoid nuisance and excess noise impact on the surrounding residents. The Proposed Development will comply with BS 5228 "Noise Control on Construction and open sites Part 1: Code of practice for basic information and procedures for noise control" and all works will be limited to normal daytime working hours.

Excavations and concrete works will be among the most significant activities. The activities which are likely to generate the most noise over prolonged periods will be demolition and concrete activities. Appropriate control measures will be implemented as outlined within the CMP to reduce the likelihood of noise impacts occurring.

The application of binding noise limits, hours of operation, along with implementation of appropriate noise and vibration control measures, will ensure that noise and vibration impact is kept to a minimum for this short-term phase as outlined in the Outward Noise Impact Assessment.

3.7.9 Directive 2012/27/EU on energy efficiency

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

Summary of Relevance

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

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

Assessment Reports Completed as part of Application Process

1. Energy and Sustainability Report (Draft)

Prepared by: OCSC
Report Date: 18th June 2021

Conclusions

A Sustainability Statement has been prepared for the Proposed Development which sets out various energy conservation measures which will be incorporated into the Development design in order to aid in the reduction of energy consumption, carbon emissions, and costs. The report further states that the development complies with the Part L requirements. Therefore, it is considered that the Proposed Development will make a positive contribution towards 2030 energy efficiency and climate goals and towards the Energy Union strategy.

3.7.10 Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the EU

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

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

Conclusions

Not relevant to the Proposed Development.

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

1. Energy and Sustainability Report (Draft)

Prepared by: OCSC
Report Date: 18th June 2021

Conclusions

A Sustainability Statement has been prepared for the Proposed Development which sets out various energy conservation measures which will be incorporated into the Development design in order to aid in the reduction of energy consumption, carbon emissions, and costs. The report further states that the development complies with the Part L requirements.

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

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

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

Conclusions

The Site of the Proposed Development currently consists of made ground and GHG emissions as a result of land-use change are deemed insignificant in this instance. Therefore, this regulation is not relevant to the Proposed Development.

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

1. Energy and Sustainability Report (Draft)

Prepared by: OCSC
Report Date: 18th June 2021

Conclusions

The Sustainability Statement outlines the renewable technologies which will be employed by the Proposed Development. The proposed air source and water source heat pumps shall provide hot water, heating, and ventilation as an integrated system. This system would provide an economic return and provide significant carbon savings.

The Irish Building Regulations Part L for Buildings other than Dwellings was updated in 2017 to implement the European Energy Performance Buildings Directive (EPBD). This directive introduces requirements for Nearly Zero Energy Buildings (NZEB) which the Proposed Development will comply with in full. Therefore, it is considered that the Proposed Development will make a positive contribution towards the increased use of energy from renewable sources.

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

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

Conclusions

Not relevant to the Proposed Development.

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

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

Summary of Relevance

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

Assessment Reports Completed as part of Application Process

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

Conclusions

Not relevant to the Proposed Development.

4 CONCLUSIONS

This Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, details how the available results of all relevant assessments of the effects on the environment from the Proposed Development have been carried out pursuant to relevant European Legislation. This Statement, in conjunction with the EIA Screening, has determined that, based on best scientific knowledge, the Proposed Development is unlikely to result in significant effects on the environment and, as such, an Environmental Impact Assessment is not required.