

Section 179A
Application
by South
Dublin County
Council

Environmental
Impact
Assessment
Screening
Report

Proposed Residential
Development and all
Associated and
Ancillary Works

In the townland of
Kilcarbery, Corkagh
Demense Deansrath,
and Nangor, at Upper
Nangor Road,
Kilcarbery Grange,
Dublin 22.

For South Dublin
County Council

DECEMBER 2023

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1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2 D02 X361, are instructed by our Client (the Applicant), South Dublin County Council, County Hall, Tallaght, Dublin 24, to prepare this Environmental Impact Assessment (EIA) Screening Report to accompany this planning application.

The proposal has been prepared on behalf of South Dublin County Council as an application pursuant to Section 179A of the Planning and Development Act 2000, as amended for a residential development which the Council intend to construct consisting of 88 residential units on lands zoned for residential development on a site measuring c. 2.02 Ha adjoining the Upper Nangor Road, Kilcarbery Grange, Dublin 22. We are satisfied that the steps that have been taken in the application process to date, which address the significant number of objectives in the South Dublin County Development Plan 2022 – 2028 which in turn went through an exhaustive Strategic Environmental Assessment and Appropriate Assessment process, result in a development that will not result in likely significant effects on the environment. Therefore, it is our professional opinion that there is no requirement for an Environmental Impact Assessment Report (EIAR) in this case.

The purpose of this EIA Screening Report is to provide the necessary information to enable the South Dublin County Council (SDCC) to determine whether or not the proposed development requires the submission of an EIAR.

There are four questions in determining the need for an Environmental Impact Assessment (EIA) for the current project which are set out in Section 5.1 below. Should any of the answers to these four questions be positive, an EIA is required for the project and an EIAR should be prepared.

2 QUALIFICATIONS AND COMPETENCE OF THE AUTHORS OF THIS REPORT

Stephen Little & Associates Chartered Town Planners and Development Consultants was established in 2003 by Stephen Little, Managing Director.

Stephen Little & Associates has extensive experience of providing planning consultancy advice on a range of commercial and residential developments. This includes the preparation and co-ordination of Large-scale Residential Developments planning applications and Environmental Impact Assessment Reports, in the context of the Planning & Development (Amendment) Act 2000 (as amended) and associated Planning Regulations and Guidelines for Planning Authorities.

This document has been prepared by Stephen Little and Michael O’Sullivan from Stephen Little & Associates.

Stephen Little, Dip. Env. Mgmt. (Dublin Institute of Technology), BA(Hons) Planning Studies, and Diploma in Town Planning (Oxford Brookes University), Diploma in EIA Management (UCD) is the Managing Director of Stephen Little & Associates, with ultimate responsibility for the planning inputs for this project. Stephen has over 30 years’ experience in the management and delivery of complex multidisciplinary projects, with particular experience in Town Planning and EIA. Stephen is a Corporate Member of the Irish Planning Institute and a Chartered Member of the Royal Town Planning Institute.

Michael O’Sullivan, BSc (Hons) Arch. Tech., MPlan, is employed as a Senior Planner at Stephen Little & Associates. Michael has 9 years’ professional experience in town planning in both the public sector and private consultancy in Ireland. He has qualifications in MPlan – master’s in planning & Sustainable Development at University College Cork and Advanced Diploma in Planning & Environmental Law at Kings Inn and is a Corporate Member of the Irish Planning Institute.

3 LEGISLATION & GUIDANCE

This EIA Screening exercise has been carried out in accordance with the following guidance documents: -

- Environmental Impact Assessment of Projects – Guidance on Screening (EU Commission, 2017).
- Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licensing Systems – Key Issues Consultation Paper (Department of Housing, Planning, Community and Local Government (DoHPCLG), 2017).
- Guidelines on the information to be contained in Environmental Impact Assessment Reports (Environmental Protection Agency (EPA), 2022).
- Environmental Impact Assessment – Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning & Local Government (DoHPLG), 2018).
- Preparation of Guidance Documents for the Implementation of EIA Directive (Directive 2011/92/EU as amended by 2014/52/EU) – Annex I to the Final Report (COWI, Milieu, 2017).
- Guidance for Consent Authorities regarding Sub-threshold Development (Department of the Environment, Heritage, and Local Government (DoEHLG), 2003).
- Environmental Impact Assessment Screening: OPR Advice Note PN02 (June 2021).

Directive 2014/52/EU has been transposed into Irish Legislation by the Planning & Development Act 2000, as amended (“the Act”), and the Planning & Development Regulations 2001, as amended (“the Regulations”). The methodology employed in this screening exercise is in accordance with the EIA Guidelines published in August 2018 by the DoHPLG and addresses the contents of both Schedule 7 and 7A of the Regulations.

Mitigation measures for the proposed development during the Construction and Operational Phase are set out in various Reports accompanying the application including but not limited to, the Construction Environmental Management Plan, Infrastructure Design Report, Site Specific Flood Risk Assessment, and Ecological Impact Assessment. For ease of reference, it is suggested that these mitigation measures can be described or referred to in the SDCC decision as the mitigation measures set out in this EIA Screening Report.

4 THE PROJECT – DESCRIPTION OF DEVELOPMENT

The subject site (2.02 Ha gross site area) is generally bounded by the Outer Ring Road / Grange Castle Road (R136) to the west, the Old Nangor Road (L5254) and Scoil Mochua and Spina Bifida Hydrocephalus Ireland immediately to the north, Kilcarbery Grange Avenue to the east and the permitted residential development at Kilcarbery Grange (under construction) to the south.

The lands are located approximately 2km west of Clondalkin village, and approximately 11km southwest of Dublin City Centre.

This application pursuant to Section 179A of the Planning and Development Act 2000, as amended is for a residential development which the Council intends to carry out comprising of 88no. units consisting of a variety of house and duplex types. The units proposed include 44no. 3bed 2 storey houses, 8no. 4 bed 2 storeys houses, 36no. duplex units (varying from 1 to 3 beds) within 3 storey duplex blocks. The development includes 100no. surface car park spaces and 110no. bicycle parking spaces, above ground sustainable urban drainage measures, an ESB kiosk, Irish Water below-ground foul pumping station, proposed new roads, footpath and cycle-paths (including works to provide a cycle-path along a portion of the Upper Nangor Road), public open space areas, landscape works, bin/bicycle stores and all associated ancillary site development works.

The lands are zoned Objective New Residential (RES-N) under the South Dublin County Development Plan 2022 – 2028 (“the Development Plan”), the objective of which is: -

“To provide for new residential communities in accordance with approved area plans.”

The proposed residential use is ‘permitted in principle’ under Objective RES-N of the Development Plan.

The lands are also identified in the Kilcarbery Grange Masterplan 2017 (“the Kilcarbery Masterplan”) for educational use. The Department of Education has confirmed to SDCC that there is no longer a requirement for an educational facility to be located at this site. As such, SDCC have decided to progress a residential proposal which will form an extension to the permitted residential development to the south (ABP Ref. ABP- 305267-19, as amended refers).

Demolition Phase

The development does not include a demolition phase.

Excavation & Construction Phase

The proposed development involves excavations for new foundations, site levelling and excavations for roads and services.

The works involved with the construction of the 88no. residential units and all associated and ancillary site works broadly include: -

- Site set up, welfare facilities and compound establishment, decommissioning and movement of site compound and facilities as needed.
- Set up of hoarding around compound and the site boundary.
- Erection of safety signage to all areas and implementation of traffic / pedestrian management plan.

Subject to detailed planning at the construction stage, it is currently envisaged that there will be one construction compound (including offices, staff parking and storage areas). The exact location is to be agreed with SDCC as set out in the Construction Environmental Management Plan, prepared by DBFL Consulting Engineers.

Further details of this will be set out in a final Construction Environmental Management Plan and Resource Waste Management Plan as prepared by an appointed contractor in line with best practice guidelines.

4.1 Cumulative Development

We have also considered other more recent development proposals on lands controlled by others located in proximity of the application site; in this taken to be 500m. The area to the north and east of the subject site comprise existing long established residential neighbourhoods. A new residential community (Kilcarbery Grange) is being developed to the south of the subject site and the lands to the west comprise of a golf course and business parks.

4.1.1 ABP ref. ABP-305267-19 (Kilcarbery Grange Residential Development)

Adwood Ltd. sought permission for 1,034 no. residential units comprising of (578no. houses, 456 no. apartments), 2no. childcare facilities (1no. temporary and 1no. permanent), 1no. retail unit, 1no. community facility and all associated site works.

An Bord Pleanála granted permission for the SHD on 5 December 2019.

That planning application was accompanied by an Environmental Impact Assessment Report and Appropriate Assessment Screening.

The development associated with this permission is currently under construction.

4.1.1.1 ABP Ref. ABP-321119-21 (Section 146B – House Type Changes)

Alteration to previously permitted ABP Ref. ABP- 305267-19 inclusion of the option of House Type A3, change of House Type F and F1, increase of bin store associated with blocks 1 and 8, addition of water tank structure in Block 2.

An Bord Pleanála approved the amendments by Order dated 11 April 2022.

The approved amendment did not alter the permitted number of units, provision of ancillary uses (childcare facilities, community facility and retail unit), provision of public open space, quantum of car or bicycle parking or infrastructure provisions.

4.1.1.2 SDCC Reg. Ref. LRD23A/0005 (LRD – Adjustments to Retail Unit and Bin / Bicycle Stores)

Amendments to the permitted Strategic Housing Development (An Bord Pleanála Ref. ABP-305267-19 as amended by ABP-312219-21) consisting of an increase in the size of the permitted retail unit at Ground Floor of Apartment Block 2 and replacement of 4 no. permitted bin / bicycle store structures with larger structures and associated localised adjustments to landscaping layout.

SDCC granted permission by Order dated 5 October 2023.

The overall number of residential units under An Bord Pleanála Ref. ABP-305267-19 as amended by ABP-312219-21 decreases by 1 no. unit from 1,034 no. to 1,033 no. units (578 no. houses and 455 no. apartments) because of the proposed development. The scheme is as otherwise permitted under An Bord Pleanála Ref. ABP-305267-19 as amended by ABP-312219-21.

4.1.1.3 SDCC Reg. Ref. LRD23A/0009 (LRD – Adjustments to Apartment Block 3 & 4)

Amendments to the permitted Strategic Housing Development (An Bord Pleanála Ref. ABP-305267-19 as amended by ABP-312219-21 and SDCC Reg. Ref. LRD23A/0005) comprising the addition of 1 no. storey to Apartment Blocks 3 & 4 (increasing the building height to part 5, part 6 storey per Block) accommodating an additional 3 no. 1 beds and 4 no. 2 beds per Block (14 no. additional units in total); And all associated and ancillary site development and landscape works.

SDCC granted permission by Order dated 20 November 2023.

The scheme is as otherwise permitted under An Bord Pleanála Ref. ABP-305267-19 as amended by ABP-312219-21 and SDCC Reg. Ref. LRD23A/0005 increases by 14 no. units from 1,033 no. to 1,047 no. units because of the proposed development.

4.1.2 SDCC Reg. Ref. SD23A/0121

Lidl Ireland GmgH sought permission for the construction of a discount food store supermarket with ancillary off-license and café. This is located on lands immediately west of the application site in this case and is bounded by Kilcarbery Grange Avenue and the Upper Nangor Road; with the Kilcarbery Grange Avenue separating the two sites.

SDCC issued a Notification of Decision to Grant Permission on 15 November 2023, subject to Conditions. At the time of writing this Report an appeal of the SDCC decision had not been submitted. There were no 3rd Party Observations submitted in that case.

5 SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development was screened early in the planning design phase to establish the requirement for an EIA. In accordance with the EIA Directive, EU Guidelines (2017), EPA Guidelines (2022) and applicable legislation, the project was examined in the context of 'type of development' and 'thresholds'.

Article 4(1) and Annex I of the EIA Directive (2014/52/EU) lists projects for which an EIA is mandatory, whereas Article 4(2) and Annex II lists project types for which an EIA may be required.

The requirement for Environmental Impact Assessment of certain projects under the EIA Directive is transposed into Irish legislation by Part X of the Act. The specified categories of development in respect of which EIA is required are set out under the Fifth Schedule of the Regulations.

The Fifth Schedule of the Regulations lists classes of development where an EIA is mandatory under Part 1 or Part 2, where the project exceeds the relevant threshold, and where an EIA may be required where the proposed development falls short of the relevant threshold but is likely to have significant effects on the environment.

There are four steps in determining need for EIA for a project which are set out below. Should any of the answers to these four questions be positive, then an EIA is required for the project and an EIAR should be prepared.

5.1 Schedule 7 EIA Screening Exercise

Schedule 7 of the Regulations identify the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA. The Schedule 7 criteria are noted as being as follows: -

1. Characteristics of proposed development

The characteristics of proposed development, in particular—

- a) *the size and design of the whole of the proposed development,*
- b) *cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,*
- c) *the nature of any associated demolition works, the use of natural resources, in particular land, soil, water and biodiversity,*
- d) *the production of waste, pollution and nuisances,*
- e) *the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and*
- f) *the risks to human health (for example, due to water contamination or air pollution).*

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

- (a) *the existing and approved land use,*
- (b) *the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,*
- (c) *the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - (i) *wetlands, riparian areas, river mouths;*
 - (ii) *coastal zones and the marine environment;*
 - (iii) *mountain and forest areas;*
 - (iv) *nature reserves and parks;*

- (v) *areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;*
 - (vi) *areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;*
 - (vii) *densely populated areas;*
 - (viii) *landscapes and sites of historical, cultural or archaeological significance. Types and characteristics of potential impacts*
3. Types and characteristics of potential impacts
- The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—*
- (a) *the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),*
 - (b) *the nature of the impact,*
 - (c) *the transboundary nature of the impact,*
 - (d) *the intensity and complexity of the impact,*
 - (e) *the probability of the impact,*
 - (f) *the expected onset, duration, frequency and reversibility of the impact,*
 - (g) *the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and*
 - (h) *the possibility of effectively reducing the impact.*

5.1.1 Q1A) Is the Project an Annex I or Annex II Project as prescribed in the Directive 97/11/EC (after 85/337/EC) as amended in 2003, 2009 or 2014)?

The proposed development comprises a residential scheme of 88no. residential units and ancillary site development works all within an overall site measuring 2.02 Ha.

As such, we consider that the relevant categories of development to be considered, are those contained in Schedule 5, Part 2 of the Regulations.

Specifically, Class 10 (b) – Infrastructure Projects, includes: -

“(i) Construction of more than 500 dwelling units...

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, ‘business district’ means a district within a city or town in which the predominant land use is retail or commercial use.)”

Class 15 in Part 2 of Schedule 5 is also relevant in so far as it refers to: -

“15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

We will consider each one in turn as follows: -

- **Construction of more than 500 dwelling units.**

The threshold at which a mandatory EIAR is required to be prepared is 500no. dwellings.

The proposed development is for 88no. dwellings, or just 18% of the specified threshold. This is substantially below the threshold where a mandatory EIAR would be required.

- **Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of a development.**

The proposed development is residential, as opposed to a car park. Any parking proposed as part of the development is incidental to the primary residential purposes of the development. As a result, this criterion is not considered relevant to the proposed development and an EIAR is not required on this basis.

- **Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.**

The proposed development is solely for residential uses. It does not include a shopping centre or any commercial / retail elements. Therefore, these criteria are not considered relevant to the proposed development and an EIAR is not required on this basis.

- **Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.**

The application site comprises approximately 2.02 Ha (extent of the red line).

The area of proposed residential development amounts to just 2.02 Ha. The site in question is not within a 'business district' as defined by the Regulations. Given the context of application site in a greenfield setting within the Development Plan / the Kilcarbery Masterplan it is unclear whether a threshold of 10Ha, or 20Ha is the more appropriate one to apply. In any event, the development site is significantly below even the lowest of those thresholds that could trigger a mandatory requirement for an EIAR.

Having regard to the nature and quantum of development at the present application site, where the 'new' element relates to just 2.02 Ha and where the remainder has been considered under various EIAR it is therefore our considered opinion that **the proposed development now being proposed does not meet or exceed the relevant thresholds for mandatory EIA**, identified above.

Therefore, it can be concluded that a mandatory EIAR is not required in this case.

5.1.2 Q1B) Is the project likely to have a significant effect on a Natura 2000 site?

We refer to the **Screening for Appropriate Assessment Report (AA Screening)**, prepared by JBA Consulting. The Report generally concludes: -

"In carrying out this AA screening, mitigation measures have not been taken into account.

On the basis of the screening exercise carried out above, it can be concluded that the possibility of any likely significant effects on the Natura 2000 sites within the ZoI, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available."

It is evident from this conclusion of the AA Screening exercise that it is reasonable to conclude that the project is not likely to have a significant effect on a Natura 2000 site.

5.1.3 Q2) Is the project on a mandatory list for which EIA is always required?

Already addressed under Q1 above (section 5.1.1). The project is not on a mandatory list for which EIA is always required.

5.1.4 Q3) Is the project on an exclusion list of projects for which EIA is not required?

The proposed development is not exempted from the requirement for EIA.

Please refer to responses to Q1 above and Q4 below, relevant to EIA screening for this project.

5.1.5 Q4) Is the Project likely to have significant effects on the environment?

Based on the information above, the proposed development is considered to be outside the mandatory requirements for EIA.

The next step in the screening process is then to determine whether there is a requirement for an EIA, where the proposed development is sub-threshold but falls within the scope of one of the categories of specified development under Schedule 5 Part 2 of the Regulations. Where the likelihood of significant effects cannot be readily excluded, further information should be provided to facilitate the Competent Authority in determining whether sub-threshold EIA is required.

Article 4(4) of Directive 2011/92/EU, as amended by 2014/52/EU requires the developer to provide information on the characteristics of the project and its likely significant effects on the environment (which information is specified in Annex IIA), to allow the Competent Authorities to make a determination on the requirement for sub-threshold EIA. The relevant criteria to which the competent authority must have regard in determining whether an EIA is required is set out at Annex III of the Directive.

Under Irish law, Schedule 7A of the Planning & Development Regulations identifies the information required to be submitted to allow the Competent Authority to assess whether an EIA is required for subthreshold projects. The relevant criteria to which the Competent Authority is required to have regard are set out in Schedule 7 of the Regulations under the following headings: -

- Characteristics of Proposed Development.
- Location of the Proposed Development.
- Types and Characteristics of Potential Impacts.

The following sections of this report address these requirements and provide the necessary information to enable SDCC, as the Competent Authority, to assess whether the proposed development is likely to give rise to significant environmental effects, and thereby to conclude whether a sub-threshold EIAR is required in this case.

5.2 Sub-Threshold EIA Considerations

This section examines the need for an EIA on a discretionary basis under the Regulations.

The proposed development and the likely potential requirement for sub-threshold EIA, is assessed below in the context of the criteria noted above.

An EIAR is required to accompany an application for permission for a residential development of a class set out in Schedule 5 of the Regulations which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. As seen above, the relevant thresholds for mandatory EIA have not been exceeded in the present case.

An EIAR will nonetheless be required in respect of sub-threshold residential development where the Competent Authority (in this case South Dublin County Council) considers that the proposed development would be likely to have significant effects on the environment.¹

Sub-threshold development means “*development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development*”.

¹ See Section 172(1)(b) of the Planning & Development Act 2000, as amended.

Schedule 7A of the Regulations outlines the information to be provided by the Applicant or Developer for the purposes of screening sub-threshold development for environmental impact assessment, as set out below: -

“1. A description of the proposed development, including in particular—

(a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and

(b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—

(a) the expected residues and emissions and the production of waste, where relevant, and

(b) the use of natural resources, in particular soil, land, water, and biodiversity.

4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.”

Schedule 7A paragraph (4) refers to Schedule 7 of the Regulations which, as already discussed above, provides a list of criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA.

Schedule 7 of the Regulations sets out the criteria that must be considered by the Competent Authority to screen sub-threshold development for EIA, under the following main headings: -

- The physical characteristics of the full extent of the proposed development (See Section 5.2.1 below).
- The location, in particular its environmental sensitivity, likely to be affected by the Proposed Development (See Section 5.2.2 below).
- Types and characteristics of the likely significant impacts on the environment, arising from waste, emissions, use of natural resources, etc. (See Section 5.2.3 below).

As the information to be provided for the purposes of Schedule 7 of the Regulations is more detailed and necessarily includes all information to be furnished under Schedule 7A, the headings under Schedule 7 will be used below and should be taken to meeting the requirements under Schedule 7A.

The Regulations provide for preliminary screening for EIA. The Departmental Guidelines (August 2018) state as follows in relation to such a preliminary screening: -

“3.4. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This is initiated by the competent authority following the receipt of a planning application or appeal.

3.5. A preliminary examination is undertaken, based on professional expertise and experience, and having regard to the ‘Source – Pathway – Target’ model, where appropriate. The examination should have regard to the criteria set out in Schedule 7 to the 2001 Regulations.”

This application for a residential development comprises 88no. units consisting of a variety of house and duplex types. The units proposed include 44no. 3bed 2 storey houses, 8no. 4 bed 2 storeys houses, 36no. duplex units (varying from 1 to 3 beds) within 3 storey duplex blocks. The development includes 100no. surface car park spaces and 110no. bicycle parking spaces, above ground sustainable urban drainage measures, an ESB kiosk, Irish Water below-ground foul pumping station, proposed new roads, footpath and cycle-paths (including works to provide a cycle-path along a portion of the Upper Nangor Road), public open space areas, landscape works, bin/bicycle stores and all associated ancillary site development works.

A variety of environmental assessments have been undertaken in respect of the proposed development and accompany this planning application. These address a range of issues and not only relating to adherence to the EU EIA, Birds, or Habitats Directives. The proposed development is sub-threshold for EIA, and an **AA Screening** and an **Ecological Impact Assessment**, prepared by JBA Consulting is enclosed within this application.

The EPA Guidelines on the information to be contained in EIAR (2022) requires that the direct, indirect, cumulative, and residual impacts of the proposed development for both the construction and operational stages are described.

The terminology for categorising the significance of effects is found in *Table 3.4: Descriptions of Effects* contained in the *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (EPA 2022), as shown below: -

Table 3.4 Descriptions of Effects

<p>Quality of Effects</p> <p>It is important to inform the non-specialist reader whether an effect is positive, negative or neutral.</p>	<p>Positive Effects</p> <p>A change which improves the quality of the environment (for example, by increasing species diversity, or improving the reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).</p>
	<p>Neutral Effects</p> <p>No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.</p>
	<p>Negative/Adverse Effects</p> <p>A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem, or damaging health or property or by causing nuisance).</p>
<p>Describing the Significance of Effects</p> <p>'Significance' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i>).</p>	<p>Imperceptible</p> <p>An effect capable of measurement but without significant consequences.</p>
	<p>Not Significant</p> <p>An effect which causes noticeable changes in the character of the environment but without significant consequences.</p>
	<p>Slight Effects</p> <p>An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.</p>
	<p>Moderate Effects</p> <p>An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.</p>
	<p>Significant Effects</p> <p>An effect which, by its character, magnitude, duration or intensity, alters a sensitive aspect of the environment.</p>
	<p>Very Significant</p> <p>An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment.</p>
	<p>Profound Effects</p> <p>An effect which obliterates sensitive characteristics.</p>
<p>Describing the Extent and Context of Effects</p> <p>Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.</p>	<p>Extent</p> <p>Describe the size of the area, the number of sites and the proportion of a population affected by an effect.</p>
	<p>Context</p> <p>Describe whether the extent, duration or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)</p>

Describing the Probability of Effects Descriptions of effects should establish how likely it is that the predicted effects will occur so that the CA can take a view of the balance of risk over advantage when making a decision.	Likely Effects The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.
	Unlikely Effects The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.
Describing the Duration and Frequency of Effects 'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.	Momentary Effects Effects lasting from seconds to minutes.
	Brief Effects Effects lasting less than a day.
	Temporary Effects Effects lasting less than a year.
	Short-term Effects Effects lasting one to seven years.
	Medium-term Effects Effects lasting seven to fifteen years.
	Long-term Effects Effects lasting fifteen to sixty years.
	Permanent Effects Effects lasting over sixty years.
	Reversible Effects Effects that can be undone, for example through remediation or restoration.
	Frequency of Effects Describe how often the effect will occur (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually).
Describing the Types of Effects	Indirect Effects (a.k.a. Secondary or Off-site Effects) Effects on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.
	Cumulative Effects The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects.
	'Do-nothing Effects' The environment as it would be in the future should the subject project not be carried out.
	'Worst-case' Effects The effects arising from a project in the case where mitigation measures substantially fail.
	Indeterminable Effects When the full consequences of a change in the environment cannot be described.
	Irreversible Effects When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.
	Residual Effects The degree of environmental change that will occur after the proposed mitigation measures have taken effect.
	Synergistic Effects Where the resultant effect is of greater significance than the sum of its constituents (e.g. combination of SO _x and NO _x to produce smog).

5.2.1 Characteristics of the Development ²

Under the heading of characteristics of the proposed development, there are a number of relevant matters to be addressed with reference to Schedule 7, as set out below.

5.2.1.1 Size and design of the whole of the Proposed Development

We refer also to Section 4 above for the description of the proposed development. The overall site area for this development is 2.02 Ha, on lands zoned for residential use within the Development Plan.

88no. residential units are proposed. This falls significantly below the 500no. unit threshold for EIA under Class 10(b)(i), Part 2 of Schedule 5 of the Regulations.

Built Form

The proposed development comprises 88no. residential units accommodated in a mix of houses and duplexes, ranging from 2 – 3 storeys in height. The site is currently greenfield in nature and is zoned for residential development in the Development Plan, which itself was subject of a rigorous Strategic Environmental Assessment, a Natura Impact Report and a Strategic Flood Risk Assessment where adverse environmental effects were mitigated.

Site Works

The proposed development of 88no. dwellings includes all associated and ancillary site development works, hard and soft landscaping, external public lighting, and boundary treatment works, including: -

- Areas of public open space (2,320 sq. m).
- 100no. car parking spaces and 110no. bicycle parking spaces.
- Bin and bicycle stores.
- ESB kiosk.
- Irish Water below-ground foul pumping station.
- The development proposed includes Sustainable Urban Drainage measures, connections to water services (wastewater, surfacewater and water supply) and connections to permitted cycle / pedestrian paths.
- Vehicular access to serve the development is provided via two new vehicular access points on the existing Old Nangor Road and also two new vehicular access points on Rowan Avenue which forms part of the Kilcarbery Grange development that is currently under construction.

For further detail on the physical characteristics and design of the proposed development we refer the Board to the following plans and particulars that accompany the application: -

- Architectural Drawings, prepared by Burke Kennedy Doyle Architects.
- Schedule of Areas, prepared by Burke Kennedy Doyle Architects.
- Architectural Design Rationale, prepared by Burke Kennedy Doyle Architects.
- Engineering Drawings, prepared by DBFL Consulting Engineers.
- Infrastructure Design Reports, prepared by DBFL Consulting Engineers.

² This section addresses the information required under **paragraph 1(a) of Schedule 7A** of the Planning & Development Regulations 2001, as amended, as well as considering the criteria under paragraph 1 of Schedule 7.

- Site Specific Flood Risk Assessment, prepared by DBFL Consulting Engineers.
- Traffic & Transport Assessment, prepared by DBFL Consulting Engineers .
- Construction & Environmental Management Plan, repaired by DBFL Consulting Engineers.
- Screening for Appropriate Assessment, prepared by JBA Consulting.
- Ecological Impact Assessment Report, prepared by JBA Consulting.
- Outdoor Lighting Report, prepared by O'Connor Sutton Cronin Consulting Engineers.
- Site Lighting Layout Report, prepared by O'Connor Sutton Cronin Consulting Engineers.
- Landscape Drawings, prepared by Ronan MacDiarmada & Associates Landscape Architects & Consultants.
- Landscape Rationale, prepared by Ronan MacDiarmada & Associates Landscape Architects & Consultants.

5.2.1.2 Nature of any Associated Demolition Works

The proposal does not include any demolition works.

5.2.1.3 Use of Natural Resources (Soil, Land, Water, Biodiversity)

Due to the nature of the proposed development, there will be excavation required on site. Spoil generated during excavation will be tested for reuse or disposed of in accordance with the Waste Management Act 1996, as amended.

We refer to the **Construction Environmental Management Plan (CEMP)**, prepared by DBFL Consulting Engineers which accompanies this application. This identifies preliminary methodology for addressing the process of excavation, re-use, and transportation of spoil as necessary. The CEMP will be updated when the main contractor is appointed.

As part of the grant of planning permission for the adjoining Kilcarbery Grange residential development (ABP Ref. ABP-305267-19, as amended refers), Condition 15 required the submission of a Construction & Demolition Waste Management Plan (now referred to as Resource Waste Management Plan) for agreement with SDCC prior to the commencement of development. An RWMP was submitted and subsequently agreed with SDCC via planning compliance. It is anticipated that waste disposal will continue to be managed in accordance with all relevant waste legislation via the RWMP prepared by the appointed contractor upon receipt of the required approval for this development.

The appointed contractor will be required to prepare a **Resource Waste Management Plan (RWMP)** in line with best practice guidelines. The purpose of this plan is to provide information necessary to ensure that the management of construction and demolition (C&D) waste at the site is undertaken in accordance with the current legal and industry standards. This plan aims to ensure maximum recycling, reuse, and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and/or water). The RWMP will include information on the legal and policy framework for C&D waste management in Ireland, estimates of the type and quantity of C&D waste to be generated by the proposed development and makes recommendations for management of different waste streams.

Ecological assessments of the subject site have been prepared to determine the likely presence of flora, fauna and habitats that would require protection. We refer to the accompanying **AA Screening and Ecological Impact Assessment**, prepared by JBA Consulting which accompany this application. Given the greenfield nature of the development site, there will be a temporary loss of habitat. However, mitigation measures are proposed, and the successful implementation of the mitigation measures set out in these reports will lead to no long-term significant impact as a result of the proposed development.

Operationally the proposed development requires water resources which will be met via a connection to existing foul drainage mains and the necessary water connections. We refer to the **Infrastructure Design Report**, prepared by DBFL Consulting Engineers for further detail on this.

In our opinion, the proposed development is representative of the sustainable development of well serviced, zoned development lands.

5.2.1.4 Production of Waste

During the construction phase, appropriate measures will be introduced on site so as to minimise waste arising from this phase of the development. Details of this will be set out in a **RWMP** which will be prepared by the appointed contractor in line with best practice guidelines.

The proposed residential development, at this scale, is considered likely to generate normal quantities of household waste when operational. Bin stores have been provided for all units to cater for typical household waste to be collected by waste operators and disposed of accordingly.

No significant impacts are expected from the production of waste from the proposed development.

5.2.1.5 Pollution & Nuisance

Potential short-term nuisances (such as dust and noise etc.) associated with construction of the proposed development and proposed mitigation measures to address them are detailed in the **CEMP**, prepared by DBFL Consulting Engineers with significant inputs from JBA Consulting.

The potential for soil / and or water pollution during the operation phase is also addressed in the **CEMP** (prepared by DBFL Consulting Engineers with significant inputs from JBA Consulting) and mitigation measures are proposed to ensure that the impact is insignificant. Therefore, it is considered highly unlikely that the development will result in significant pollution or nuisances.

5.2.1.6 Risk of Major Accidents and / or Disaster

The proposed development would not involve the use of technologies or substances that would present a significant risk of major accident or environmental disaster at this location.

The application site is not proximate to any Seveso / COMAH designated sites. The nearest appearing to be the Brenntag Chemicals Distribution, Rathcoole, Dublin 24, (4.3 km to southwest) and the British Oxygen Company (BOC) facilities in Bluebell, Dublin 12 (5.2 km to northeast). The subject site is outside the 300m consultation distance of these establishments.

5.2.1.7 Risk to Human Health

Similar to all construction sites, construction works giving rise to air and noise emissions that have the potential to impact human health. Appropriate mitigation measures will be identified in the **CEMP** submitted with this application.

In terms of water integrity, the subject site is serviceable via existing infrastructure. Therefore the development can be connected to public foul (via a proposed temporary pumping station on site) and surface water systems and will not result in the diminution of water quality as a result.

The Confirmation of Feasibility received from Irish Water confirms that there is sufficient capacity for water supply and foul water without infrastructure upgrades.

5.2.2 Location of Proposed Development ³

5.2.2.1 Existing Land Use

The proposed development is located on a greenfield and zoned for residential use in the Development Plan. The Kilcarbery Masterplan provides the framework for the development of a residentially led community which is being implemented under ABP Ref. ABP-305267-19, as amended refers. The subject site is identified for educational use Kilcarbery Masterplan, however, the Department of Education has confirmed to SDCC that there is no longer a requirement for an educational facility to be located at this site.

As such, it is considered that the proposed development is consistent with the existing land use zoning and the wider land uses in the surrounding area.

The Applicant has engaged a qualified ecological consultant (JBA Consulting) to assess whether proposed development is likely to have a significant environmental impact on any European sites. We refer to the **AA Screening** and the **Ecological Impact Assessment** (both of which accompany this application) which conclude that significant effects are not likely to arise, either alone or in combination with any other plans or projects resulting in significant effects on the integrity of the Natura 2000 network.

5.2.2.2 Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area

The proposed development does not require significant additional natural resources. The proposed development is compliant with the implementation of Development Plan. The subject site is zoned for the type of development proposed (residential use).

The Development Plan has been the subject of Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) as part of the statutory Plan preparation.

Adequate water and power are available for the needs of the proposed development.

5.2.2.3 Absorption Capacity of the Natural Environment

The proposed development is not within or directly connected to any of the following environmentally sensitive geographical areas: -

- Wetlands.
- Coastal zones.
- Mountain and forest areas.
- Nature reserves and parks.
- Areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.
- Areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded.
- Densely populated areas.
- Landscapes of historical, cultural, or archaeological significance.

The lands in question are not located within a wetland, river mouth, coastal zone, mountain, forest or nature reserve.

³ This section addresses the information required under **paragraph 1(b) of Schedule 7A** of the of the Planning & Development Regulations 2001, as amended.

The lands have been deemed capable of absorbing the nature and extent of development proposed through the exhaustive Development Plan making process, including a process of SEA and AA.

The site is not within, adjacent to, or near any Natura 2000 sites, so there is no risk of loss, fragmentation, direct damage or direct disturbance to qualifying habitat types within any Natura 2000 sites, nor to any qualifying species populations.

The **AA Screening** prepared by JBA Consulting concludes that the development will have no likely significant effect on any European site. The Applicant has engaged a qualified ecological consultant (JBA Consulting) to assess whether proposed development is likely to have a significant environmental impact on any European sites. We refer to the **AA Screening** and the **Ecological Impact Assessment** (both of which accompany this application) which conclude that significant effects are not likely to arise, either alone or in combination with any other plans or projects resulting in significant effects on the integrity of the Natura 2000 network.

The lands are not located in a densely populated area. The density of development proposed is in line with the requirements of the adopted County Development Plan.

The lands in question are not located in a landscape or site of historical, cultural or archaeological significance.

The various reports that do / will accompany this application in relation to ecology, transportation, lighting, flood risk, noise and daylight/sunlight set out that the development is capable of being absorbed into the existing natural environment. This has also been displayed in the EIAR which accompanied a planning application for the residential development on adjoining lands to the south (ABP Ref. ABP-305267-19, as amended refers). In particular, that EIAR established that the lands at Kilcarbery Grange, including the application site in question are not located in a landscape or site of historical, cultural or archaeological significance and can be relied upon here.

In the case of EIA screening for sub-threshold, we note that the EIAR Guidelines (Section 3, pg. 22) provide that in a case where an applicant identifies that: -

“If the authority identifies that effects are likely under some factors but that, having regard to the prescribed screening criteria, these effects are insufficient to require an EIA, then they may suggest providing a separate report (or reports) on the affected factors.”

In respect of the potentially environmentally sensitive aspects of the site and surrounds identified above, we refer to Section 5.2.3 below for further detail. A range of expert reports accompany the application, which addresses the likely significant effects on the environment of the proposed development in relation to the criteria set out in Schedule 7 and 7A of the Regulations, having regard to any recommended mitigation measures.

The third section of Schedule 7, refers to *“the likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i) (I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account”* the characteristics of the impacts, which are addressed further below.

5.2.3 Aspects of the Environment Likely to be Affected by the Proposed Development ⁴

As indicated above, a range of expert reports have addressed a number of different aspects of the environment that could potentially be affected by the proposed development. These reports describe the aspects of the environment likely to be affected in so far as these are relevant to the particular circumstances of the proposed development.

A summary of these reports is set out below: -

⁴ This section addresses the information required under **paragraph 2 of Schedule 7A** of the of the Planning & Development Regulations 2001, as amended.

5.2.3.1 Housing Standards

A **Schedule of Areas**, prepared by Burke Kennedy Doyle Architects is enclosed with the application. The **Schedule of Areas** identifies that each of the proposed dwellings exceeds the minimum floor areas for apartments / duplexes and standard houses prescribed by the Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and Quality Housing for Sustainable Communities (2007).

5.2.3.2 Construction & Environmental Management Plan

A **CEMP**, prepared by DBFL Consulting Engineers accompanies this application. The **CEMP** explains the construction techniques and methodologies which will be implemented during construction. The report also outlines mitigation measures will be implemented to ensure that pollution and nuisances arising from site clearance and construction activities is prevented where possible and managed in accordance with best practice environmental protection. JBA Consulting have inputted to the environmental strategy of this document to ensure that the necessary environmental considerations are an integral part of the CEMP.

The final CEMP and strategy will be prepared by the appointed contractor in accordance with the measures detailed in this report.

5.2.3.3 Resource Waste Management Plan

As part of the grant of planning permission for the adjoining Kilcarbery Grange residential development (ABP Ref. ABP-305267-19, as amended refers), Condition 15 required the submission of a Construction & Demolition Waste Management Plan (now referred to as Resource Waste Management Plan) for agreement with SDCC prior to the commencement of development. An RWMP was submitted and subsequently agreed with SDCC via planning compliance. It is anticipated that waste disposal will continue to be managed in accordance with all relevant waste legislation via the RWMP prepared by the appointed contractor.

The appointed contractor will prepare a **RWMP** will be prepared by the appointed contractor in accordance with best practice guideline. This will provide information necessary to ensure that the management of construction and demolition (C&D) waste at the site is undertaken in accordance with the current legal and industry standards. In particular, this Plan aims to ensure maximum recycling, reuse, and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and / or water). This RWMP will include information on the legal and policy framework for Construction & Demolition waste management in Ireland, estimates of the type and quantity of Construction & Demolition waste to be generated by the proposed development and makes recommendations for management of different waste streams.

This report will be viewed as a live document and will be regularly revisited throughout the project life cycle.

5.2.3.4 Site Specific Flood Risk Assessment

We refer to the **Site Specific Flood Risk Assessment (SSFRA)**, prepared by DBFL Consulting Engineers. The Report reviewed various sources of flooding and assessed the flood risk of each source. Where necessary, mitigation measures have been proposed. The Report determines that all proposed dwellings are located in Flood Zone C and the proposed residential development is appropriate for the site's flood zone category.

5.2.3.5 Appropriate Assessment Screening

We refer to the **AA Screening**, prepared by JBA Consulting, enclosed with this planning.

This Report concludes that the proposed development individually or in combination with another plan or project, will not have a significant effect on any European sites.

5.2.3.6 Ecological Impact Assessment

We refer to the **Ecological Impact Assessment**, prepared by JBA Consulting, enclosed with this application. The **Ecological Impact Assessment** was prepared in order to: establish the baseline ecological data for the proposed development site; determine the ecological value of the identified ecological features; assess the impact of the proposed development on ecological features of value (flora and fauna); and identify any necessary mitigation measures to avoid, reduce, remedy, or compensate impacts.

This Report concludes that with the implementation of the required mitigation identified in the report (summarised in Table 9-1 of the Ecological Impact Assessment), there is no anticipated significant adverse impact arising from the development being proposed.

5.2.3.7 Transportation Assessment

The **Traffic & Transportation Assessment (TTA)**, prepared by DBFL Consulting Engineers has been prepared in accordance with TII's Traffic & Transport Assessment Guidelines. It provides a robust assessment of traffic impact arising from the proposed development on the local road network.

The report provides a comprehensive review of all the potential transport impacts of the developments at the development site including detailed assessment of the existing and future transportation systems and the impact of the proposed development on the surrounding environment and transportation network. It also discusses the accessibility of the site for vehicles, pedestrians, cyclists and local public transportation to achieve sustainable travel targets.

5.2.3.8 Daylight / Sunlight

Burke Kennedy Doyle Architects confirm in the Architectural Design Statement that all units are dual aspect and comply with the current sunlight / daylight requirements as set out in the Development Plan.

The proposed development is located in an area characterised predominantly by 2 storey suburban style development and the scheme itself does not exceed 3 storeys. As such, no significant impacts on daylight / sunlight to neighbouring properties are anticipated.

5.2.4 Likely Significant Effects on the Environment ⁵

The Third Section of Schedule 7 of the Regulations, refers to: -

"... the likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in section 171A of the Act."

Under Section 171A of the Planning and Development Act, 2000, as amended the effects of the proposed development on the following factors needs to be evaluated: -

- i. *population and human health;*
- ii. *biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;*
- iii. *land, soil, water, air and climate;*

⁵ This section addresses the information required under **paragraph 3 of Schedule 7A** of the of the Planning & Development Regulations 2001, as amended as well as considering the criteria under paragraph 3 of Schedule 7.

- iv. *material assets, cultural heritage and the landscape;*
- v. *the interaction between the factors mentioned in clauses (I) to (IV)."*

Having regard to the brief description of the characteristics and location of the proposed development (Sections 5.2.1 and 5.2.2 above) and relevant aspects of the environment likely to be affected (Section 5.2.3) already identified, we do not consider it necessary to repeat these descriptions again for each of the factors above. Having regard also to the mitigation measures contained in the relevant expert environmental assessments, we proceed then to identify below the likely significant effects on the environment in respect to items I-V above.

5.2.4.1 (i) Population & Human Health

European Commission guidance relating to the implementation of the 2014 Directive, in reference to Human Health, states: -

*"Human health is a very broad factor that would be highly project dependent. The notion of human health should be considered in the context of other factors in Article 3(1) of the EIA Directive and thus environmentally related health issues (such as health effects caused by the release of toxic substances to the environment, health risks arising from major hazards associated with the project, effects caused by changes in disease vectors caused by the project, changes in living conditions, effects on vulnerable groups, exposure to traffic noise or air pollutants) are obvious aspects to study."*⁶

The EPA Guidelines on the information to be contained in environmental impact assessment reports states that *"in an EIAR, the assessment of impacts on population and human health should refer to the assessments of those factors under which human health effects might occur, as addressed elsewhere in the EIAR e.g. under the environmental factors of air, water, soil etc."*⁷

By way of description of this aspect of the environment in the context of the proposed development, the following should be noted.

Planning Policy Context

The proposed development is consistent with relevant land use zoning policies of the Development Plan.

The Traffic and Transportation Assessment, Site Specific Flood Risk Assessment and Infrastructure Design Report, prepared by DBFL Consulting confirms that the scheme adhered to relevant transportation and water services objectives of the Development Plan.

As noted above, the lands are also identified in the Kilcarbery Masterplan for educational use. The Department of Education has confirmed to SDCC that there is no longer a requirement for an educational facility to be located at this site.

The proposed development is consistent with the relevant National Policy Objectives of the National Planning Framework – Ireland 2040 (NPF) which promotes the consolidation of existing residential areas.

The proposed development is similarly consistent with the strategic planning objectives of the Regional Spatial and Economic Strategy for Eastern & Midlands (RSES) and Dublin Metropolitan Area Strategic Plan (DMASP), which seek to implement the growth targets and national policy objectives of the NPF at a regional level. The RSES also promote sustainable development in 'Dublin and Suburbs' through the achievement compact growth to achieve strategic growth and accommodate the population projections of the NPF.

⁶ Environmental Impact Assessment of Projects: Guidance on the Preparation of the Environmental Impact Assessment Report, European Commission, 2017 <http://ec.europa.eu/environment/eia/ria-support.htm>

⁷ Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, EPA, 2022

The proposed development is consistent with the relevant Ministerial Guidelines for planning authorities, which set out Special Planning Policy Requirements aimed at achieving sustainable urban development. The following Guidelines are relevant to the assessment of the proposed development:

- Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009).
- Urban Design Manual – A Best Practice Guide (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- Quality Housing for Sustainable Communities (2020).
- The Planning System and Flood Risk Management (2009).
- Design Manual for Urban Roads and Streets (2013).

Housing Quality Assessment

A **Schedule of Accommodation**, prepared by Burke Kennedy Doyle Architects is enclosed with the application. The **Schedule of Accommodation** identifies that each of the proposed dwellings exceeds the minimum floor areas for apartments / duplexes and standard houses prescribed by the Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and Quality Housing for Sustainable Communities (2007).

No significant adverse impact on human health is therefore predicted arising from the design of the proposed dwellings, at the operational phase of the project.

Construction and Construction Waste Management

It is anticipated that any potential construction related nuisance will be appropriately controlled, short-term and not significant with respect to human health. This will be further discussed and outlined in the **CEMP**, prepared by DBFL Consultant Engineers.

The construction phase of the proposed development will provide for the temporary employment of construction workers which is likely to provide benefits for local businesses providing retail or other services to construction workers and potentially could create some additional employment in the area.

Flood Risk

In the first instance, we refer to the **Site Specific Flood Risk Assessment**, prepared by DBFL Consulting Engineers. The Flood Risk Assessment proposes several mitigation measures and because of these the residual risk of flooding from any source is low.

Therefore, it does not pose a threat to population and human health.

5.2.4.1.1 Assessment of Likely Significant Effects on Population & Human Health

Magnitude and Spatial Extent of the Impact

Potential impacts include changes to population and impacts on human health receptors in the vicinity of the site, in particular during the construction phase. The magnitude and scale of the proposed development is significantly below the appropriate EIA threshold for residential development and development in an urban setting. It comprises a development of an additional 88no. residential units within an area zoned for the development.

Nature of the Impact

The proposed development will have a positive impact on the local population by providing new residential units along with private open space. The Development Plan, as adopted, is in accordance with strategic planning policy and guidelines and it follows that any application which in compliance with that Development Plan, is also consistent with strategic planning policy and guidelines and is otherwise consistent with the proper planning and sustainable development of the area.

The development is not considered to be the type of development that can pose a significant risk to human health. There is the potential for negative impacts to arise associated with the construction phase, but these can be managed using appropriate construction methodologies and mitigation as are set out in the CEMP, RWMP and the other reports accompanying this application in line with best practice.

Transboundary Nature of Impact

The proposed development will be confined to the boundary of the 2.02 Ha site. There are no transboundary effects to be considered.

Intensity and Complexity of the Impact

There are no intense or complex impacts associated with the proposed development in this case. The character / quality of any of the environmental factors discussed in this section of the EIA Screening Report have the potential to impact population and human health will not change to any significant degree.

Probability of the Impact

The probability for significant negative effects on the environment or impacts on population and human health is considered unlikely. This conclusion is based upon the scale of the development in this case (88no. dwellings), its location and the nature of potential impacts identified in this section and the design measures incorporated into the project and the proposed mitigation measures contained in the various reports accompanying the application.

Expected Onset, Duration, Frequency and Reversibility of the Impact

The potential negative effects associated with the construction phase will be short-term. There are no negative effects anticipated within the operational phase of this development on human health. The positive effects identified that the proposed development could have on population with the operational phase will be permanent.

Cumulation of the Impact

Significant environmental effects from a cumulation of the proposed development with existing development is unlikely (Refer to Section 5.2.5 below).

Possibility of Effectively Reducing the Impact

Best practice and mitigation to reduce potential negative impacts has been set out in the various documents accompanying this application including the CEMP, Prepared by DBFL Consulting Engineers.

5.2.4.2 (ii) Biodiversity, with Particular Attention to Species and Habitats Protected under the Habitats Directive and the Birds Directive

By way of description of this aspect of the environment in the context of the proposed development, the following should be noted.

The subject site is not located within or directly adjacent to any SAC or SPA.

The potential impacts associated with the proposed development do not have the potential to affect the receiving environment in any European sites and, consequently, do not have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests (QIs/SCIs) of any European sites. Therefore, the proposed development is not likely to have significant effects on any European sites.

As the proposed development itself will not have any effects on the QIs/SCIs or conservation objectives of any European sites and taking into account the policies and objectives of the statutory plans and guidelines referred to above, it is considered that there is no potential for any other plan or project to act in combination with it to result in significant effects on any European sites.

We refer to the **AA Screening**, prepared by JBA Consulting, which concluded that the proposed development individually or in combination with any other project will not have an impact on any European Sites.

5.2.4.2.1 Assessment of Likely Significant Effects on Biodiversity

Magnitude and Spatial Extent of the Impact

The proposed development does not overlap with any European sites. The nearest site include: -

- North Bull Island SPA (13.5 km).
- North Dublin Bay SAC (16.6 km).
- South Dublin Bay & River Tolka Estuary SPA (14 km).
- South Dublin Bas SAC (14 km).
- North West Irish Sea cSPA (18.3).

The Applicant has engaged a qualified ecological consultant (JBA Consulting) to assess whether proposed development is likely to have a significant environmental impact on any European sites. We refer to the **AA Screening** and the **Ecological Impact Assessment** (both of which accompany this application) which conclude that significant effects are not likely to arise, either alone or in combination with any other plans or projects resulting in significant effects on the integrity of the Natura 2000 network.

The Article 6(3) **AA Screening**, prepared by JBA Consulting as part of this application concluded that the possibility of any significant effects on any European sites, whether arising from the project alone or in combination with other plans and projects, can be excluded.

Given that no potential pathway for significant effects on European Sites has been identified, there is no requirement for a Stage II Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).

The **Ecological Impact Assessment**, prepared by JBA Consulting concludes that the design of the proposed development, and the implementation of the mitigation measures proposed to avoid or minimise the effects of the proposed development on the receiving ecological environment, no significant residual ecological effects are predicted, either alone or cumulatively with any other projects.

The magnitude and scale of the proposed development is significantly below the appropriate EIA threshold for residential development and development in an urban setting. The proposed development will be confined to the boundary of the 2.02 Ha site. The proposed development and

whether it would be likely to have significant effects on the environment through cumulation of other existing developments is considered in Section 5.2.5 below.

Nature of the Impact

Impacts of flora and fauna are addressed in the **Ecological Impact Assessment**, prepared by JBA Consulting which describes the nature of the potential negative impacts. These relate to construction impacts and operational phase impacts. Impacts on biodiversity associated with the construction phase of the proposed development are anticipated to be negative. This will be due to the loss of habitat such as hedgerow as a result of site clearance works. Impacts during the operational phase are anticipated to be neutral.

With respect to potential impacts on European Sites, the **AA Screening**, prepared by JBA Consulting concluded beyond reasonable scientific doubt, in view of best practice knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have any significant effect on any European Designated Sites.

Transboundary Nature of Impact

The proposed development will be confined to the boundary of the 2.02 Ha site. There are no transboundary effects to be considered.

The **AA Screening**, prepared by JBA Consulting concluded beyond reasonable scientific doubt, in view of best scientific knowledge, and on the basis of objective information and in light of conservation objectives of the relevant European site, that the Proposed Development, individually or in combination with other plans or projects, will not have a significant effect on any European Sites.

Intensity and Complexity of the Impact

There are no intense or complex impacts associated with this residential development. Standard construction techniques are proposed. The character / quality of any of the environmental factors discussed in this section of the EIA Screening Report having the potential to impact biodiversity will not change scientifically. The proposed development will not result in a significant effect on the environment provided the project design and mitigation measures are implemented.

The negative effect as outlined in the 'Nature of the Impact' Section above will be imperceptible provided that the control measures outlined in the accompanying documents are implemented at the site.

Probability of the Impact

The probability for significant effects on the environment or impacts on biodiversity may be negative. However, the landscape design will ensure that the biodiversity value of the habitats to be retained and created as part of the proposed development are maximised.

The **Ecological Impact Assessment**, prepared by JBA Consulting concludes that provided the proposed development is constructed and operated in accordance with the design and best practice that is described within this application, and mitigation measures are followed significant effects on biodiversity are not anticipated at any geographical scale.

The **AA Screening**, prepared by JBA Consulting concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the Proposed Development, individually or in combination with other plans and projects, will not have any significant effect on any European Designated Sites.

Expected Onset, Duration, Frequency and Reversibility of the Impact

The impacts associated with the construction phase will be permanent (habitat loss). The impacts associated with the operational phase will be long-term. However, it has been concluded that the proposed development will not result in a significant effect on the environment provided the project design and mitigation measures are implemented.

Cumulation of the Impact

Significant environmental effects from a cumulation of the proposed development with existing development is unlikely (Refer to Section 5.2.5 below).

Furthermore, the **Ecological Impact Assessment** and the **AA Screening**, prepared by JBA Consulting has concluded that significant environmental effects from a cumulation of the proposed development with existing development is unlikely.

Possibility of Effectively Reducing the Impact

The **Ecological Impact Assessment**, prepared by JBA Consulting outlines the following measures are to be implemented during the construction and operational phases in order to mitigate risks to flora and fauna are identified at Section 7.0 of the Report. These include mitigation in respect of the following: -

Construction Stage

- Project Hedgerow Removal.
- Hedgerow Transferral.
- Mitigation for final clearance of the trees and hedgerows.
- Dust generation management for adjacent habitats.
- Pollution Control and Spill Prevention.
- Noise and Vibration.
- General Avoidance Measures.
- Adjacent Habitats.

Operational Stage

- Remedial Tree and Hedge Planting.
- Habitat Creation.
- Bats – Site Lighting.
- Installation of Remedial Bat Boxes and Bird Boxes.

Arising from these mitigation measures the **Ecological Impact Assessment** concludes in respect of the construction phase that: -

“With the proposed mitigation implemented the residual impact during the construction phase is assessed to be of temporary negative impact on account of the removal to habitats of high local ecological importance, as well as the local protected species.”

Arising from these mitigation measures the **Ecological Impact Assessment** concludes in respect of the operational phase that: -

“Overall, the works will have a slight, positive residual impact on the biodiversity within and adjacent to the site, given the efforts to relocate sections the hedgerow, and that the remedial planting will restore ecological function to the site, and the creation of habitats will add new resources to the area.”

5.2.4.3 (iii) Land, Soil, Water, Air and Climate

Soil

The EIAR submitted with ABP Ref. ABP-305267-19 and included an assessment of Land, Soil & Geology (Chapter 7). A Site Investigation Report informed the baseline of Chapter 7 and included testing within the subject site. Site Investigation Report confirmed that no contamination was found within the wider Kilcarbery – Grange landbank (including the subject site).

In line with best practice, during the excavation works, should evidence of contamination be encountered which was not identified within the site investigation report, the soil in question shall be tested and an independent Waste Classification Report issued confirming the status of the material. The Waste Classification Report shall detail methods and recommendations of how to dispose of the contaminated material and these shall be adhered to by the contractor.

Most construction waste materials generated will be soil from excavation works. Material will be removed from site regularly to ensure there is minimal need for stockpiling.

Flood Risk

We refer to the **Site Specific Flood Risk Assessment**, prepared by DBFL Consulting Engineers. The Site-Specific Flood Risk Assessment proposes several mitigation measures and as a result of these the residual risk of flooding from any source is low.

Climatic Effects

The proposed development will meet the recommendations of the BRE Guidelines in respect of likely impact to daylight and sunlight from the proposed development on the surrounding environment.

Measures have and will be taken in the detailed design and construction of the building to ensure energy efficiency and use of renewable and passive energy technologies are implemented to achieve an A2 Energy Rating. No significant adverse impact on climate arising from the proposed development is therefore predicted.

Arising from the above no significant impacts are expected in respect of land, soil, water, air and climate arising from the development proposed.

5.2.4.3.1 Assessment of Likely Significant Effects on Land, Soil, Water, Air and Climate

Magnitude and Spatial Extent of the Impact

The proposed development will be confined to the extents of the 2.02 Ha site. The magnitude and scale of the proposed development is below the appropriate EIA threshold for residential developments and development in an urban setting. The proposed development and whether it would be likely to have significant effects on the environment through cumulation with other existing developments is considered in Section 5.2.5 below.

Nature of the Impact

The proposed development site within the application is 2.02 Ha in size. The lands are greenfield in nature with a norther boundary of existing trees and hedgerow. The subject site is being used for the stockpiling of soil for the adjoining development.

The site for the housing will be stripped as part of the construction works with some disruption to soils and subsoils during the works to accommodate foundations for the houses. A development of this nature will not have any operational impact on land and soils as the general use of the land as a residential amenity is not of a project class that has the potential to have significant effects on land and soils. Therefore, impacts during the operational phase are anticipated to be not imperceptible and neutral.

There is potential for negative impacts during the construction phase as a result of excavation works. Surface waters and groundwaters may be impacted by the proposed construction works through run off of silt laden surface or pollution events associated with hydrocarbon spillages. Appropriate mitigation has been proposed to block pathways to the sensitive receptors. These measures are outlined in the **CEMP**, prepared by DBFL Consulting which accompanies this application.

The construction phase will utilise mechanical excavators and plant. This equipment will potentially use fossil fuels, but the possible impact on air and climate associated with this is not significant and will be short-term in nature.

For the operational phase, the proposed development is not a recognised emitter of greenhouse gases with the potential to effect climate change.

Transboundary Nature of Impact

The proposed development will be confined to the boundary of the 2.02 Ha site. There are no transboundary effects to be considered.

Intensity and Complexity of the Impact

There are no intense or complex impacts associated with this residential development. The character / quality of any of the environmental factors discussed in this section of the EIA Screening Report having the potential to impact land, soil, water and air & climate will not change significantly. There will be a negative, impact on land, soil, water, air & climate during the construction phase. The impact will be imperceptible provided the project design and mitigation measures are implemented.

The negative effect as outlined in the 'Nature of the Impact' Section above will be imperceptible provided that the control measures outlined in the accompanying documents are implemented at the site.

Probability of the Impact

The probability for significant effects on the environment of impacts on land, soil, water and air & climate is unlikely. This conclusion is based on the value of the sensitive receptors, the scale, nature and location of the project, the project design proposals incorporated into the project design and the proposed mitigation measures.

Expected Onset, Duration, Frequency and Reversibility of the Impact

The impacts associated with the construction phase will be short-term. Imperceptible impacts during the operational phase are anticipated to be long term in nature. However, it has been concluded that the proposed development will not result in a significant effect on the environment provided the project design and mitigation measures are implemented.

Cumulation of the Impact

Significant environmental effects from a cumulation of the proposed development with existing development is unlikely (Refer to Section 5.2.5 below).

Possibility of Effectively Reducing the Impact

Mitigation measures to reduce the likelihood of negative impacts on land, soil, water, air and climate during both the construction and operational phase have been outlined in the **CEMP**, prepared by DBFL Consulting Engineers.

5.2.4.4 (iv) Material Assets, Cultural Heritage, and the Landscape

With regard to Material Assets, the EIAR Guidelines (2022) published by the EPA state: -

“In Directive 2011/92/EU this factor included architectural and archaeological heritage. Directive 2014/52/EU includes those heritage aspects as components of cultural heritage. Material assets can now be taken to mean built services and infrastructure. Traffic is included because in effect traffic consumes transport infrastructure. Sealing of agricultural land and effects on mining or quarrying potential come under the factors of land and soils.”

Landscape & Visual Impact Assessment

The EIAR submitted with ABP Ref. ABP-305267-19, as amended and included an assessment of Landscape & Visual Impact (Chapter 13). Two Photomontage Views were taken from Nagor Road showing that scheme (ranging in height from 1 – 6 storeys) in the background and the subject site (undeveloped) in the foreground. The visual impact was described as moderate in the short term and neutral in the long term and this was considered acceptable by An Bord Pleanála as part of their assessment of that development. The Inspector generally concluded that: -

“I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts.”



Figure 1: Extract from Proposed View 2 of the Photomontages prepared as part of ABP Ref. ABP-305267-19, as amended with subject site indicated with red dashed line (Overlay by SLA).



Figure 2: Extract from Proposed View 2 of the Photomontages prepared as part of ABP Ref. ABP-305267-19, as amended with subject site indicated with red dashed line (Overlay by SLA).

The proposed building will range from 2 – 3 storeys. The building heights proposed respect the scale of the existing development both to the north and east of the subject site and the scale of the permitted new residential community along its northern edge.

When considered in the context of the extracts from the Photomontage Views used for ABP Ref. ABP-305267-19, as amended the scale of the proposed development is consistent with the emerging pattern of development in the area.

Arising from the above no significant impacts are expected in respect of landscape and visual impact arising from the development proposed.

Cultural Heritage

There are no Recorded Monuments within the subject site. The closest Recorded Monuments is the site of Nangor Castle (RMP DU017-037), c. 450m to the north west.

There are no Protected Structures within or in the immediate vicinity of the subject site. The closest Protected Structures is Deansrath House (RPS 142), located c. 300m to the north.

The EIAR submitted with ABP Ref. ABP-305267-19, as amended and included an assessment of architectural and archaeological heritage (Chapter 16). A Geophysical Survey informed the baseline of that Chapter and included testing within the subject site. A total of 9no. potential archaeological features were identified in the southern half of the Kilcarbery – Grange landbank (i.e. not within the subject site), which were excavated in March to April 2018. The features excavated represented activity dating from the Bronze Age to the post-mediaeval period. No significant impacts were identified as part of the assessment with An Bord Pleanála concurring in their assessment.

Arising from the above no significant impacts are expected in respect of architectural, archaeological or cultural heritage arising from the development proposed.

Transportation

The **Traffic and Transportation Assessment**, prepared by DBFL Consulting Engineers demonstrates that the proposed development can be accommodated without causing an adverse effect on the transportation environment of the area.

Utilities

We refer to the description of existing and proposed drainage and water supply contained in the **Infrastructure Design Report**, prepared by Waterman Moylan Consulting Engineers.

The lands are serviced, and the proposed development would use the water and drainage services, upon which its effects are likely to be marginal.

Flood Risk

In the first instance, we refer to the **Site Specific Flood Risk Assessment**, prepared by DBFL Consulting Engineers.

It concluded that the proposed development does not contribute to flood risk and is not at risk of being flooded.

5.2.4.4.1 Assessment of Likely Significant Effects on Material Assets, Cultural Heritage, and the Landscape

Magnitude and Spatial Extent of the Impact

The proposed development will be confined to the extents of the 2.02 Ha site. The magnitude and scale of the proposed development is below the appropriate EIA threshold for residential developments and development in an urban setting. The proposed development and whether it would be likely to have significant effects on the environment through cumulation with other existing developments is considered in Section 5.2.5 below.

Nature of the Impact

Material assets as considered as regards existing services and utilities which may be negatively impacted by the proposed development.

The works and in particular, the excavation works have the potential to come into contact and impact previously unidentified underground services should they exist.

Material assets are also considered in terms of traffic management and impacts associated with the proposed development and the existing and proposed road network. There will be a potential negative impact on material assets, cultural heritage and the landscape during the construction phase.

There will be a neutral, impact on material assets, cultural heritage and the landscape during the operational phase.

Transboundary Nature of Impact

There are no transboundary impacts associated with material assets, cultural heritage and the landscape for consideration.

Intensity and Complexity of the Impact

There are no intense or complex impacts associated with this residential development. The character / quality of any of the environmental factors discussed in this section of the EIA Screening Report having the potential to impact material assets, cultural heritage and landscape will not change significantly.

The impact will be imperceptible provided the project design and mitigation measures are implemented.

Probability of the Impact

The probability for significant effects on the environment or impacts on material assets, cultural heritage and landscape are unlikely. This conclusion is based on the scale, nature and location of the project, the project design proposals incorporated into the project design and the proposed mitigation measures.

Expected Onset, Duration, Frequency and Reversibility of the Impact

The impacts associated with the construction phase will be short-term. Imperceptible impacts during the operational phase are anticipated to be long term in nature. However, it has been concluded that the proposed development will not result in a significant effect on the environment provided the project design and mitigation measures are implemented.

Cumulation of the Impact

Significant environmental effects from a cumulation of the proposed development with existing development is unlikely (Refer to Section 5.2.5 below).

Possibility of Effectively Reducing the Impact

Mitigation measures to reduce the likelihood of negative impacts on land, soil, water, air and climate during both the construction and operational phase have been outlined in the **CEMP**, prepared by DBFL Consulting Engineers.

5.2.4.5 (v) The Interaction between the Factors Mentioned in Clauses (I) to (IV)

There is potential for interaction of impacts as identified in the grouping of topics above under Items (I) to (IV) above.

No significant adverse environmental impacts are predicted in relation to these interactions.

5.2.4.6 (vi) Vulnerability of the Project to Risks of Major Accidents and / or Disasters

There is no significant risk of major accidents and / or disasters arising for the proposed development at this site.

The proposed development would not involve the use of technologies or substances that would present a significant risk of major accident or environmental disasters at this location.

The application site is not proximate to any Seveso / COMAH designated sites. The nearest appearing to be the Brenntag Chemicals Distribution, Rathcoole, Dublin 24, and the British Oxygen Company (BOC) facilities in Bluebell, Dublin 12. The application site is outside the 300m consultation distance of these establishments.

The application site is not at risk of flooding in any form, as confirmed by the **Site Specific Flood Risk Assessment**, prepared by DBFL Consulting.

5.2.5 Cumulative Development

As part of the assessment of the proposed development, the likelihood of potential cumulative impact of the proposed development has been considered with any future development (as far as practically possible) and the cumulative impacts with developments in the locality (including planned and permitted developments).

The review of the online planning tool noted a large number of insignificant small extensions, changes of use, retention and other minor alterations in the vicinity of the proposed development. These proposed and consented development have been, where relevant, considered as a part of the overall project impact (See Section 4.1 above).

Cumulative impacts are those impacts that relate to incremental / additive impacts of the planned development in addition to historical, present or foreseeable future actions. Cumulative impacts can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

Each project currently permitted in the wider area is subject to planning conditions which include appropriate mitigation measures to minimise environmental impacts. Provided that mitigation measures for other developments are implemented as permitted, there will be no significant cumulative effects.

There is potential for significant cumulative effects, in respect of traffic, noise and dust during a simultaneous construction phase, and traffic impacts during the operational phase with the following permitted developments: -

- **ABP Ref. ABP-305267-19, as amended** (1,033no. units, 2no. childcare facilities and a community building).
- **SDCC Reg. Ref. SD23A/0121** (A discount food store supermarket).

ABP Ref. ABP-305267-19, as amended

Mitigation is included in the project design of this permitted development and pertinent conditions on the grant of permission are set out below: -

- **Condition 2:** Mitigation measures set out in Chapter 17: Summary of Mitigation measures shall be implemented in full.
- **Condition 6(j):** Stage 3 Road Safety Audit to be carried out on completion of scheme and all recommendations to be implemented.
- **Condition 6(k):** Requires the agreement and implementation of a detailed construction traffic management plan.
- **Condition 7:** Requires the Developer to enter into an agreement with Irish Water (now Uisce Éireann) regarding water supply and wastewater connections.
- **Condition 15:** Requires the agreement and implementation of a construction waste and demolition management plan including methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with best practice guidance.
- **Condition 18:** Requires the agreement and implementation of archaeological monitoring.
- **Condition 19:** Standard working hours (Mon-Fri: 07.00 – 19.00 and Sat. 08.00 – 17.00) to be implemented.
- **Condition 19:** Requires the agreement and implementation of a Construction Management Plan including mitigation measures for noise, dust and vibration.

SDCC Reg. Ref. SD23A/0121

Mitigation is included in the project design of this permitted development and pertinent conditions on the grant of permission are set out below: -

- **Condition 6:** Requires the agreement and implementation of archaeological monitoring.
- **Condition 7:** Requires the Developer to enter into an agreement with Irish Water (now Uisce Éireann) regarding water supply and wastewater connections.
- **Condition 12:** Requires the agreement and implementation mitigation measures for noise, dust and vibration.
- **Condition 13:** Hours for goods deliveries.
- **Condition 14:** Hours of operation.

Any future development will be required to incorporate appropriate mitigation measures (e.g. noise management, dust management, traffic management, management of water quality in run-off water, landscape, etc.) during the construction phase as such any cumulative development will not have a significant effect on human health, material assets, land, soils, geology, hydrogeology, and hydrology.

Any future development proposed on the surrounding lands should be cognisant with the zoning and will be subject to EIA and / or planning conditions which include appropriate mitigation measures to minimise environmental impacts.

Having regard to the foregoing, there is no likelihood of significant effects on the environment arising from the proposed development and the surrounding developments being constructed concurrently in respect of cumulative impacts during the construction or operational phases. Therefore, a requirement for sub-threshold EIA does not arise.

5.2.6 Conclusion

It is evident having examined the proposed development having regard to the Schedule 7 and Schedule 7A criteria that the development is a project of a type referred to in Class 10 (b) of Schedule 5, Part 2 of the Regulations and is therefore a sub-threshold development for the purposes of EIA.

6 OTHER ASSESSMENTS

A statement indicating how the available results of other relevant assessment of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directives has been prepared as part of this EIA Screening to provide the competent authority with the necessary information to reach an appropriate conclusion.

That statement is provided in this section.

6.1 European Union Legislation

The following sections outline the various EU Directives (other than the EIA Directive) considered to be relevant to this proposed development. It highlights the nature of assessment carried out in accordance with the said directives. Where individual assessments have influenced the details of the proposed scheme, this is also described below, to show how the results of those assessments have been taken into account.

The Directives examined in this report and considered within the wider application are as follows: -

- Directive 92/43/EEC, Habitats Directive.
- Directive 2009/147/EC Birds and Habitats.
- Directive 2001/42/EC, SEA Directive.
- Directive 2007/60/EC, Floods Directive.
- Directive 2012/18/EU, Seveso-III Directive.
- Directive 2008/98/EC, EU Waste Framework Directive.

6.1.1 Directive 92/43/EEC, Habitats Directive and Directive 2009/147/EC Birds Directive

Directive
Directive 92/43/EEC, Habitats Directive and Directive 2009/147/EC Birds Directive
Summary of Relevance
<p>Adopted in 1992, the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.</p> <p>The Birds Directive (Directive 2009/147/EC on the conservation of wild birds), first adopted by the Member States in 1979, is the European Union's oldest piece of nature legislation.</p>
Assessments carried out as part of this Application
<p>Appropriate Assessment Screening Report</p> <p>Article 6.3 of the Habitats Directive 92/43/EEC requires that an Appropriate Assessment (AA) should be carried out where plans or projects are likely to have a significant effect on any European site. An AA Screening, prepared by JBA Consulting accompanies this application. The Report concludes that examination, analysis and evaluation of the relevant data and information set out within this Screening Report, it can be concluded beyond reasonable scientific doubt, in view of the best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the Proposed Development, individually or in combination with other plans and projects, will not have any significant effect on any European designated sites.</p> <p>Given that no potential pathway for significant effects on European sites has been identified, there is no requirement for Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).</p>
Statement
We refer to the AA Screening and EclA , prepared by JBA Consulting.

6.1.2 Directive 2001/42/EC, SEA Directive

Directive
Directive 2001/42/EC, SEA Directive
Summary of Relevance
<p>Strategic Environmental Assessment (SEA) is a process for evaluating at the earliest appropriate stage the likely environmental effects of implementing a plan or other strategic action in order to ensure that environmental considerations are appropriately addressed in the decision-making process, both during the preparation of and prior to the adoption of a plan.</p> <p>The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 2004). The legislation requires that the Plan-making Authority must make available an SEA Statement summarising how the SEA and consultations have been taken into account in the making of the Plan.</p>
Assessments carried out as part of this Application
The application for the proposed development is consistent with the relevant objectives of the South Dublin County Development Plan 2022 – 2028.
Statement
Refer to Section 5.2.4.1 of this Report.

6.1.3 Directive 2007/60/EC, Floods Directive

Directive
Directive 2007/60/EC, Floods Directive
Summary of Relevance
The Floods directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to participate in the planning process.
Assessments carried out as part of this Application
A SSFRA, prepared by DBFL Consulting Engineers is included with this application for consideration. The Report determines that all proposed dwellings are located in Flood Zone C and the proposed residential development is appropriate for the site's flood zone category.
Statement
We refer to SSFRA , prepared by DBFL Consulting Engineers.

6.1.4 Directive 2012/18/EU, Seveso-III Directive

Directive
Directive 2012/18/EU, Seveso-III Directive
Summary of Relevance
The Seveso-III Directive (2012/18/EU) aims at the prevention of major accidents involving dangerous substances. However, as accidents may nevertheless occur, it also aims at limiting the consequences of such accidents not only for humans health but also for the environment.
Assessments carried out as part of this Part 8 Application
None. The application site is not proximate to any Seveso / COMAH designated sites. The nearest appearing to be the Brenntag Chemicals Distribution, Rathcoole, Dublin 24, (4.3 km to southwest) and the British Oxygen Company (BOC) facilities in Bluebell, Dublin 12 (5.2 km to northeast). The subject site is outside the 300m consultation distance of these establishments.
Statement
Refer to Section 5.2.4.6 of this Report.

6.1.5 Directive 2008/98/EC, EU Waste Framework Directive

Directive
Directive 2008/98/EC, EU Waste Framework Directive
Summary of Relevance
This Waste Framework Directive requires that Member States take the necessary measures to achieve a minimum target of 70% recycling and recovery of non-hazardous materials from the construction and demolition of a development.
Assessments carried out as part of this Application
Refer to the CEMP, prepared by DBFL Consulting Engineers which sets out how construction waste during the development of the scheme will be managed, in accordance with the relevant local environmental EU legislation.
Statement
We refer to CEMP , prepared by DBFL Consulting Engineers.

7 CONCLUSION

Environmental Impact Assessments are required for development proposals of a class specified in Part 1 or 2 of Schedule 5 of the Regulations that are sub-threshold where the Competent Authority determines that the proposed development is likely to have a significant effect on the environment.

This EIA Screening Report seeks to assist the Competent Authority in its determination of the likelihood of significant effects on the environment arising from the proposed development.

The proposed development is an urban development project comprising 88no. residential units in a mix of houses and duplexes ranging in height from 2 – 3 storeys. The proposed residential development is located on a greenfield site, measuring c. 2.02 Ha located on lands adjacent Upper Nangor Road, Dublin 22.

The proposed development is below the thresholds for a mandatory EIA. Class 15 in Part 2 of Schedule 5 of the Regulations is however also relevant in so far as it refers to: -

“15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

The criteria set out in Schedule 7 of the Regulations, and those at Annex III of the EIA Directive 2011/92/EU as amended by 2014/52/EU therefore must be applied regarding the characteristics and location of the proposed development, and the type and characteristics of its potential impact.

Having regard to: -

- a) the nature and scale of the proposed development, on zoned lands served by public infrastructure.
- b) the absence of any significant environmental sensitivities in the area.
- c) the location of the development outside of any sensitive location specified in Article 109(3) of the Regulations.

Having regard to the limited nature and size of the proposed development, its location on lands zoned for residential development, the proposed development is in line with the emerging pattern of development in this area, the nature and extent of the proposed development is not considered likely to result in any long-term significant impacts on its surrounding environment. Construction practices in line with eventual Construction and Environment Management Plan and mitigation outlined in the Ecological Impact Assessment will further reduce the long-term impacts of this development. The temporary impact in respect of noise, dust and traffic will be predominantly contained within the development site, and in any case would be consistent of any similar development of this nature. The need for environmental impact assessment can, in our professional opinion, therefore be excluded.

We acknowledge however that the Competent Authority in this matter is South Dublin County Council.

Stephen Little & Associates are committed to progressing and achieving sustainable development goals.

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