
Relevant Assessments Regulation 299B Statement

Project Proposed Residential Development At Raven
Rock Road, Sandyford, Co. Dublin

Subject Regulation 299B (1)(b)(ii)(II)(C) Statement

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1.0 INTRODUCTION

In accordance with the provisions of Regulation 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended; hereafter referred to as 'the Regulations'), this document provides a 'statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive (Directive 2014/52/EU) have been taken into account in respect of this application.

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

The development will consist of the demolition of the existing 2 no. storey building (c.717sqm) and hard surface parking area on the site and construction of a Build to Rent residential development comprising 101 no. residential apartments as follows:

- 101 no. build to rent apartments within a part 5, part 6 to part 11 no. storey building over partial basement comprising 65 no. 1 bedroom apartments and 36 no. 2 bedroom apartments (balconies on all elevations);
- 734sqm of external communal amenity space provided in the form of a podium courtyard at first floor level and a series of rooftop terraces at fifth, sixth and tenth floor levels, c. 514sqm of public open space provided fronting Carmanhall Road;
- 511 sqm of resident support facilities/ services and amenities space provided at ground and first floor levels;

- Vehicular access to the development will be from the upgraded existing access from Ravens Rock Road;
- Provision of 10 no. car parking spaces [1 no. accessible] at surface level, 2 no. motorcycle spaces; and 234 no. cycle parking spaces;
- Provision of 4 no. Ø0.3m Microwave link dishes to be mounted on 2 No. steel support pole affixed to lift shaft overrun, all enclosed in radio friendly GRP shrouds, together with associated equipment at roof level;
- Provision of an ESB substation, switch room and plant room at ground floor level, hard and soft landscaped areas, public lighting, attenuation, service connections and all ancillary site development works.

2.0 HABITATS DIRECTIVE (DIRECTIVE 92/43/EEC) AND BIRDS DIRECTIVE (DIRECTIVE 2009/147/EC)

The main EU legislation for conserving biodiversity is the Directive 2009/147/EC of the European Parliament and of the Council of November 2009 on the conservation of wild birds (Birds Directive); and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

The Habitats Directive is the cornerstone of habitats and species protection in Ireland. The Habitats Directive (92/43/EEC) and the associated Birds Directive (2009/147/EC) are transposed into Irish legislation by Part XAB of the 2000 Act and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) as amended.

The main aim of the Habitats Directive is the conservation of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status. These annexes list habitats (Annex I) and species (Annexes II, IV and V) which are considered threatened in the EU territory. The listed habitats and species represent a considerable proportion of biodiversity in Ireland and the Directive itself is one of the most important pieces of legislation governing the conservation of biodiversity in Europe.

Articles 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on non-Natura 2000 areas as features that connect the Natura 2000 network. Articles 12 and 16 of the Habitats Directive establish a system of strict protection for the animal species listed in Annex IV(a), but also allow for derogation from these provisions under defined conditions.

2.1 RELEVANT ASSESSMENTS

Appropriate Assessment (AA) Screening

An Appropriate Assessment (AA) Screening has been undertaken for proposed development by Enviroguide (2022). This takes into account the requirements of the objectives of the Habitats Directive and the Birds Directive. This is included with the planning documentation. The AA Screening concludes:

“The Proposed Development at Ravens Rock Road, Sandyford, Dublin 18, has been assessed taking into account:

- *the nature, size and location of the proposed works and possible impacts arising from the construction works.*

- *the qualifying interests and conservation objectives of the European sites*
- *the potential for in-combination effects arising from other plans and projects.*

*Upon examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that, on the basis of objective scientific information, the possibility that the Proposed Development, either on its own or in combination with other plans or projects, will have a significant effect on any of the European Sites listed below [section 4 of the AA Report] (or any other European Site), **may be excluded.***

The conclusions of the AA Screening have been adopted within the EIA Screening Report (Sections 4.2 and Section 5.3) when considering the ecological sensitivity of the site and determining the likelihood of significant effects on the environment arising from the proposed development with particular attention to potential impacts on European Sites.

3.0 WATER FRAMEWORK DIRECTIVE (DIRECTIVE 2000/60/EC)

The Water Framework Directive (WFD) (Directive 2000/60/EC) requires all Member States to protect and improve water quality in all waters. The WFD is one of the key overarching instruments in the protection of waters and includes subordinate directives or water-related legislation that complement or have been developed in response to, or coherent with, the requirements of the Water Framework Directive.

The WFD requires 'Good Water Status' for all European waters to be achieved through a system of river basin management planning and extensive monitoring by 2015 or, at the least, by 2027. 'Good status' means both 'Good Ecological Status' and 'Good Chemical Status'.

3.1 RELEVANT ASSESSMENTS

The Hydrological and Hydrogeological Risk Assessment, EIA Screening, and AA Screening has been informed by the water quality status as defined by the monitoring program and assessment undertaken by the EPA pursuant to the obligations to the WFD. The results of the monitoring program and assessment undertaken by the EPA as extracted from the Hydrological and Hydrogeological Risk Assessment are summarised below:

"The nearest surface water receptors are the Carrickmines Stream (Surface Waterbody code IE_EA_10C040350, EPA code: 10C04), which is located c. 360m to the south of the Proposed Development site and the Brewery Stream (Surface Waterbody code IE_EA_09B130400, EPA code: 09B13)

The Environmental Protection Agency (EPA, 2022) on-line mapping presents the available water quality status information for water bodies in Ireland. The Brewery Stream has no recorded water quality information; but it has a 'Moderate' WFD status based on expert judgement (EPA, 2022) and its WFD risk score is 'Under Review'. The Coastal Waterbody Dublin Bay has a WFD status (2013 – 2018) of 'Good' and a WFD risk score of 'Not at risk'. The ecological status (which comprises biological and chemical status) of transitional and coastal water bodies during 2013-2018 for Dublin Bay is classed as 'good'. The most recent surface water quality

data for Dublin Bay for the 2015–2017 assessment on trophic status of estuarine and coastal waters indicate that they are ‘Unpolluted’ (based on Water Quality in Ireland, EPA, 2021)’. Under the 2015 ‘Trophic Status Assessment Scheme’ classification of the EPA, ‘Unpolluted’ means there have been no breaches of the EPA’s threshold values for nutrient enrichment, accelerated plant growth, or disturbance of the level of dissolved oxygen normally present.

...The proposed development is within the ‘Kilcullen’ groundwater body and is classified under the WFD Status 2013-2018 (EPA, 2021) as having ‘Good status’. The WFD Risk Score system indicates the GWB as ‘At risk’.

The results of this assessment provided by the EPA have been used to determine the current water body status of the aquifer and receiving waters for any discharge from the proposed development site.

The current water body status has informed EIA Screening (Section 4.2.1) and also the Appropriate Assessment (AA) Screening undertaken for the proposed development by Envrioguide (2022).

The current water body status has been considered in the Hydrological and Hydrogeological Risk Assessment in the examination of the likelihood of significant effects on water quality in the Tolka Estuary and in Dublin Bay having regard to potential indirect impacts from surface water and foul water arising from the proposed development during the construction and operational phases.

The Hydrological and Hydrogeological Risk Assessment (Section 4) concludes that there are no pollutant linkages as a result of the construction or operation of the Proposed Development which could result in a water quality impact which could alter the habitat requirements of the Natura sites within Dublin Bay.

4.0 THE FLOODS DIRECTIVE (DIRECTIVE 2007/60/EC)

The Floods Directive (Directive 2007/60/EC) establishes a framework for the assessment and management of flood risks, with the aim to reduce the adverse consequences on human health, the environment and material assets.

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 Floods Directive also reinforces the rights of the public to access this information and to have a say in the planning process.

The Floods Directive must be implemented in tandem with the WFD. In Ireland, the OPW is the national authority assigned with the implementation of the Floods Directive, which was transposed into Irish law by the EU (Assessment and Management of Flood Risks) Regulations SI 122 of 2010.

4.1 RELEVANT ASSESSMENTS

Dún Laoghaire-Rathdown County Council (DLRCC) as part of the preparation of the Dún Laoghaire-Rathdown Development Plan 2016 – 2022 (as varied), and Dun Laoghaire Rathdown County Development Plan 2022-2028 undertook Strategic Flood Risk Assessment (FRA), which assessed the flood risk indicators in relation to land use proposals pursuant to the Floods Directive.

The subject lands are located outside the 1,000-year flood zones identified in the Strategic FRA, and is therefore Flood Zone C.

In addition to the DLRCC Strategic FRA, available flooding information also includes the Office of Public Works (OPW) Eastern Catchment Flood Risk Assessment and Management (CFRAM) Study. The Eastern CFRAM tidal and fluvial studies was commissioned in order to meet the requirements of the Floods Directive, as well as to deliver on core components of the 2004 National Flood Policy, in the Eastern district. The Strategic FRA study identified that the subject lands are located outside the 1,000-year flood zones identified and is therefore the site is within Flood Zone C. Eastern CFRAM tidal and fluvial studies indicate that the development is not at risk of fluvial or tidal flooding.

A Site-Specific Flood Risk Assessment (FRA) has been prepared by CS Consulting Engineers and is included with the application documentation. This Site-Specific FRA relies upon, and is informed by, the available DLRCC Strategic FRA and Eastern CFRAM study, including the Flood Zone C designation. The Site-Specific FRA confirms that the subject site is within Flood Zone C, with a low probability of flooding. The potential impact of climate change has been allowed for in the design of the surface water drainage network - as is a requirement of both DLRCC, Greater Dublin Strategic Drainage Study (DCC 2005), and The Planning System and Flood Risk Management, Guidelines for Planning Authorities (OPW, 2019).

The Site-Specific FRA considers that the proposed development is appropriate for the Flood Zone C locations and therefore, further assessment and justification test is not required under The Planning System and Flood Risk Management, Guidelines for Planning Authorities (OPW, 2019).

The results of the Site-Specific FRA have been adopted within the EIA Screening Report in the examination of the risk of major accidents and/or disasters (Section 3.7) and the likelihood of significant effects on the environment arising from the proposed development as a consequence of flooding, which has the potential to affect human health and material assets.

5.0 SEVESO DIRECTIVE 82/501/EEC, SEVESO-II DIRECTIVE 96/82/EC, SEVESO-III DIRECTIVE 2012/18/EU

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

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

5.1 RELEVANT ASSESSMENTS

The proposed development is of a type not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under Seveso Directive or COMAH Regulations, and the site is not located near any existing sites notified to the Health and Safety Authority.

The nearest notified Seveso sites to the proposed development are the Upper and Lower tier sites located at Dublin Port, over 8 km from the development site. The largest consultation distance (700m) is Indaver Ireland, Tolka Quay Road, this is an upper tier site the proposed development site. The proposed development site is not located within the consultation zones of any existing Seveso site; therefore, the o does not form a constraint to the proposed development at this location.

Due to the separation distance from the proposed development site to the nearest site controlled under the Seveso site Directive, and the fact that it lies outside the consultation zone are no specific assessments required by the Applicant under the Seveso Directive or COMAH Regulations.

6.0 CLEAN AIR FOR EUROPE (CAFE) DIRECTIVE (DIRECTIVE 2008/50/EC)

The Clean Air for Europe (CAFE) Directive 2008/50/EC is the prevailing legislation to improve the quality of air in Europe and limit exposure to air pollution. The CAFE Directive set rules including how to monitor, assess, and manage ambient air quality.

Overall, the main objective of the CAFE Directive is to reduce human and environmental exposure to air pollutants and ensure that the limits of values and thresholds are not exceeded. The CAFE Directive was transposed into Irish legislation by S.I. No. 180/2011 - Air Quality Standards Regulations 2011.

The CAFÉ Directive mandates the location and quantity of air monitoring stations that Environmental Protection Agency (EPA) should undertake ambient air monitoring. If there is an exceedance of the ambient limit value an Air Quality Action Plan must be developed by Local Authorities in conjunction with the EPA.

In Ireland there is only one monitoring site that has exceedance of the EU Air Quality limit value for nitrogen dioxide, this is located at St. John's Road West station Dublin. An annual average concentration of 43 µg/m³ was measured in 2019. This is above the EU annual limit value for NO₂ of 40 µg/m³. This exceedance of an air pollution standard is as a result of the heavy traffic passing this monitoring station. In response to this an Air Quality Action Plan will be developed Dublin Local Authorities in conjunction with the EPA..

6.1 RELEVANT ASSESSMENTS

There are no Air Quality Action Plans published in Ireland. Furthermore, the proposed development is not located within an area has an identified exceedance in the EU air quality limits; therefore, there are no specific assessments under the CAFE Directive relevant to the proposed development at this location.

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

The Waste Framework Directive 2008/98/EC has applied since December 2010 and amending Directive (2018/851/EU) was adopted on 30 May 2018. The Waste

Framework Directive was transposed into national legislation by the European Union (Waste Directive) Regulations 2011-2020, which includes amendments to the Environmental Protection Agency Act 1992 (as amended) and the Waste Management Act 1996 (as amended).

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

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

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

7.1 RELEVANT ASSESSMENTS

The Eastern-Midlands Region Waste Management Plan 2015-2021 published by the Dublin City Council on behalf of the Eastern-Midland Waste Region is the overarching policy document set out how the requirements of the Waste Framework Directive are met. Furthermore, the development of the policies and objectives within the *Wicklow County Development Plan 2016 – 2022*, and Wicklow County Council (WCC) Bye-Laws for the Segregation, Storage and Presentation of Household and Commercial Waste (2018) has taken into account *Eastern-Midlands Region Waste Management Plan 2015-2021*.

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction and Waste Management Plan (Enviroguide, 2022), Construction & Demolition Waste Management Plan (CS Consulting Group, 2022), and Operational Waste Management Plan (AWN, 2022) prepared by is included with the planning documentation. The principles set out in the Waste Framework Directive have been taken into account thorough the design of the proposed development and the mitigation measures set out in these reports.

8.0 STRATEGIC ENVIRONMENTAL ASSESSMENT (DIRECTIVE 2001/42/EC)

Directive 2001/42/EC, the SEA Directive, on the assessment of the effects of certain plans and programmes on the environment requires that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment. Public plans and programmes that are likely to have significant effects on the environment must have a Strategic Environmental Assessment (SEA).

The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes)

Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/ 2004), as amended.

8.1 RELEVANT ASSESSMENTS

The proposed development is located within the administrative boundary of Dún Laoghaire Rathdown (DLR) County Council, and as such, has been informed and, where applicable, complies with any assessments undertaken as part of DLR planning and development guidelines. The DLR documents which guide development in the area of the proposed development are the Dún Laoghaire Rathdown County Development Plan 2016– 2022, and the Dun Laoghaire Rathdown County Development Plan 2022-2028. Strategic Environmental Assessment (SEA) has been undertaken by the relevant Authorities through the development of the following these plans and programmes:

SEA is the formal, systematic study of the likely significant environmental effects of executing a plan or programme. The purpose of the SEA is to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the Plan.

The Environmental considerations raised were integrated into each plan through:

- Consultations with environmental authorities;
- Communication of environmental sensitivities through the SEA and associated Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) processes; and
- Suggestions/recommendations of plan provisions to mitigate effects.

8.2 DÚN LAOGHAIRE RATHDOWN COUNTY DEVELOPMENT PLAN 2016– 2022

DLR County Council as part of the DLR County Development Plan undertook a SEA to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the Plan.

The development of the policies and objectives within the DLR CDP has taken into account the findings of the SEA. Section 8.5 of the SEA for the DLR CDP sets out the determined Residual Adverse Effects after the implementation of the CDP and summarised in Table 1 below.

Table 1 DLR County Development Plan SEA Residual Adverse Effects

Aspect	Residual Adverse Effects
Biodiversity, Flora and Fauna	Loss of an extent of non-protected habitats arising from the replacement of semi-natural land covers with artificial surfaces.
Population and Human Health	None.
Soil	Loss of an extent of soil function arising from the replacement of semi-natural land covers with artificial surfaces.
Water	Flood related risks remain due to uncertainty with regard to extreme weather events.
Air and Climatic Factors	None
Material Assets	Residual wastes to be disposed of in line with higher level waste management policies.
Architectural Heritage	Potential alteration to the context and setting of architectural heritage (Protected Structures) however these will occur in compliance with legislation

Aspect	Residual Adverse Effects
Archaeological Heritage	Potential alteration to the context and setting of archaeological heritage (Recorded Monuments) however this will occur in compliance with legislation Potential loss of unknown archaeology however this loss will be mitigated by measures integrated into the Plan
Landscape	None

The residual effects of particular relevance to the proposed development are those that relate to Water, in respect of the potential for increased loadings as a result of development, and flooding in respect of the increase in areas of hardstanding, and Material Assets in relation to waste management.

The potential residual effects in respect of Water and Flooding that have been identified in the SEA have addressed by the Site-Specific Flood Risk Assessment (CS Consulting Engineers, 2022) for the proposed development. The potential residual effects in respect of Material Assets in relation to waste management that have been identified in the SEA have addressed in the Construction & Demolition Waste Management Plan (CS Consulting Engineers, 2022). The results of these assessments have been considered within the EIA Screening Report in the examination of the likelihood of significant effects on the environment arising from the proposed development on the water and material assets.

The application is accompanied by a Statement of Consistency prepared by John Spain Associates, which demonstrates that proposed development is broadly consistent with the DLR County Development Plan 2016-2022, which itself was subject to SEA. Overall, the proposed development is line with the objectives of the Development Plan and the land use zoning. The Material Contravention Statement addresses any elements of the scheme, which are not fully in accordance with the Development Plan.

8.2.1 Dún Laoghaire Rathdown County Development Plan 2016– 2028

DLR County Council as part of the Draft DLR County Development Plan 2022-2028 undertook a SEA to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the Plan.

Table 2 DLR County Development Plan 2022-2028 SEA Residual Adverse Effects

Aspect	Residual Adverse Effects
Biodiversity, Flora and Fauna	Loss of an extent of non-protected habitats and species arising from the replacement of semi-natural land covers with artificial surfaces. Losses or damage to ecology (these would be in compliance with relevant legislation).
Population and Human Health	Potential interactions with residual effects on environmental vectors – please refer to residual adverse effects under “Soil”, “Water” and “Air and Climatic Factors” below.
Soil	Loss of an extent of soil function arising from the replacement of semi-natural land covers with artificial surfaces. Coastal and riverbank erosion will continue to occur naturally over time and is likely to be enhanced by climate change
Water	Any increased loadings as a result of development to comply with the River Basin Management Plan. Flood related risks remain due to uncertainty with regard to extreme weather events – however such risks will be mitigated by measures that have been integrated into the Plan.
Air and Climatic Factors	An extent of travel related greenhouse gas and other emissions to air. This has been mitigated by provisions which have been integrated into the Plan, including those relating to sustainable compact growth and sustainable mobility.

Aspect	Residual Adverse Effects
	Interactions between noise emissions and sensitive receptors. Various provisions have been integrated into the Plan to ensure that noise levels at sensitive receptors will be minimised.
Material Assets	Exceedance of capacity in critical infrastructure risks remain, including due to uncertainty with regard to climate – however, such risks will be mitigated by: measures, including those requiring the timely provision of critical infrastructure, and compliance with the Water Framework Directive and associated River Basin Management Plan. Residual wastes to be disposed of in line with higher-level waste management policies. Any impacts upon public assets and infrastructure to comply with statutory planning/consent-granting framework.
Cultural Heritage	Potential effects on known architectural and archaeological heritage and unknown archaeology however, these will occur in compliance with legislation.
Landscape	Landscapes will change overtime as a result of natural changes in vegetation cover combined with new developments that will occur in compliance with the Plan's landscape protection measures.

The residual effects of particular relevance to the proposed development are those that relate to Water, in respect of the potential for increased loadings as a result of development, and flooding in respect of the increase in areas of hardstanding, and Material Assets in relation to waste management. In addition to the potential interactions with those factors and Population and Human Health.

The potential residual effects in respect of Water and Flooding that have been identified in the SEA have addressed by the Site-Specific Flood Risk Assessment (CS Consulting Engineers, 2022) for the proposed development. The potential residual effects in respect of Material Assets in relation to waste management that have been identified in the SEA have addressed in the Construction & Demolition Waste Management Plan (CS Consulting Engineers, 2022). The results of these assessments have been considered within the EIA Screening Report in the examination of the likelihood of significant effects on the environment arising from the proposed development on the water and material assets.

The application contains a statement by Stephen Little and Associates setting out how the proposal is consistent with the objectives of the Dún Laoghaire - Rathdown County Development Plan 2016 – 2026 and the Draft Dún Laghaire - Rathdown Development Plan 2022 - 2028. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant