

**Statement in accordance with Article 299B^{(1)(b)(ii)(II)(C)} of
the Planning and Development Regulations 2001-2021, as
amended for the proposed Strategic Housing Development at
Clonkeen Road, Blackrock, Co. Dublin.**



3RD SEPTEMBER 2021

Prepared by: Bryan Deegan (MCIEEM) of Altemar Ltd.

On behalf of: Clonkeen Investments DAC.

Document Control Sheet			
Client	Clonkeen Investments DAC.		
Project	Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, as amended for the proposed Strategic Housing Development at Clonkeen Road, Blackrock, Co. Dublin.		
Report	Statement in accordance with Article 299B of the Planning and Development Regulations 2001		
Date	3 rd September 2021		
Version	Author	Reviewed	Date
Draft 01	Bryan Deegan	SC	25 th August 2021
Planning	Bryan Deegan		3 rd September 2021

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1. INTRODUCTION

Altemar Ltd. at the request of Clonkeen Investments DAC have prepared this statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended, (the "Planning Regulations") in relation to the proposed Strategic Housing Development (SHD) with a total application site area of c. 3.3 ha, on a site located at Lands Adjoining Clonkeen College, Clonkeen Road, Blackrock, Co. Dublin. This statement is to provide information and assist An Bord Pleanála in completing an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations.

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

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

BACKGROUND TO ALTEMAR LTD.

Since its inception in 2001, Altemar has been delivering ecological and environmental services to a broad range of clients. Operational areas include residential, infrastructural, renewable, oil & gas, private industry, local authorities, EC projects and State/semi-State Departments. Bryan Deegan is the managing director of Altemar, is an environmental scientist and marine biologist with 25 years' experience working in Irish terrestrial and aquatic environments, providing services to the State, Semi-State and industry. He is currently contracted to Inland Fisheries Ireland as the sole "External Expert" to environmentally assess internal and external projects. Bryan Deegan (MCIEEM) holds a MSc in Environmental Science, BSc (Hons.) in Applied Marine Biology, NCEA National Diploma in Applied Aquatic Science and a NCEA National Certificate in Science (Aquaculture).

2. LEGISLATIVE BACKGROUND

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

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

“1) a) Paragraph (b) applies where—

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

The requirement for the Board to consider for the purposes of EIA screening, where relevant, the available results of preliminary verifications or assessments under EU legislation other than the EIA Directive is referred to (and highlighted in bold below) under Article 299C of the Planning Regulations provide as follows:

¹ Emphasis added.

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

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

(i) the criteria set out in Schedule 7,

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

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

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

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

(I) a European site,

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

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

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

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

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

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

(b) The Board shall—

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

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

(2) (a) Paragraph (b) applies where the screening determination is that the proposed development would not be likely to have significant effects on the environment and the applicant has provided, under article 299B(1)(c), a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

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

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

3. STATEMENT IN ACCORDANCE WITH ARTICLE 299B

A) DESCRIPTION OF THE PROPOSED PROJECT

Clonkeen Investments DAC intend to apply to An Bord Pleanála (the Board) for permission for a Strategic Housing Development with a total application site area of c. 3.3 ha, on a site located at Lands Adjoining Clonkeen College, Clonkeen Road, Blackrock, Co. Dublin. The development, with a total gross floor area of c 33,851 sq m, will provide 299 no. residential units and a 1 no. storey 353 sq m childcare facility with dedicated play area 231 sq m. The development will consist of 18 no. ground floor 3 bedroom duplex apartments and 18 no. 2 bedroom apartments above and 12 no. ground floor 2 bedroom apartments with 12 no. 3 bedroom duplex apartments above. The 60 no. duplex units are arranged in 6 no. three storey blocks. The development will also consist of 239 no. apartment units (111 no. 1 bedroom apartments, 120 no. 2 bedroom apartments and 8 no. 3 bed apartments) arranged in 4 no. 6 storey blocks over 1 no. storey basement; public open space, communal open space and private open space (including all balconies, terraces and individual unit gardens at all levels); 614 sq m communal resident facilities including concierge and welcome area (195 sq m), residents' flexible work facility (219 sq m), residents' lounge (100 sq m) and residents' gym area (100 sq m).

The proposed development also provides for the demolition of the 2 no. storey office building ('St. Helen's', Meadow Vale - 470 sq m) to facilitate new vehicular, pedestrian and cyclist access to the site, to the north of the proposed development via Meadow Vale.

The development will also include the provision of 2 no. designated play areas; internal roads and pathways; bin stores; 248 no. car parking spaces, including 167 no. at basement level and 2 no. shared vehicle (GoCar) spaces, 388 no. bicycle parking spaces, and 10 no. motorcycle parking spaces at basement and surface level; hard and soft landscaping; plant; boundary treatments including the repair and replacement of some existing boundary treatments; the provision of new surface water and foul drainage pipes and any required pipe diversion works; internal foul pumping station; a new internal access road and paths; changes in level; services provision and related pipework, ducting and cabling; electric vehicle charging points; 4 no. stormwater attenuation tanks; 1 no. ESB substation; photovoltaic panels; SUDS including green roof provision; signage; provision for future pedestrian access to Monaloe Park to the east of the development, including the provision of a pedestrian bridge, extending over the drainage ditch; public lighting and all site development and excavation works above and below ground.

B) EIAR SCREENING

An Environmental Impact Assessment Report (EIAR) Screening is submitted by Tom Phillips + Associates (TPA), Town Planning Consultants on behalf of our Client, Clonkeen Investments DAC, in respect of the proposed residential development. The EIAR Screening states that *“there are no “significant effects” associated with the proposed development, primarily due to its characteristics (being significantly below all of the appropriate thresholds) and location (substantially within the existing built context of a well-established residential area). Therefore, the issues which Schedule 7 lists as being important to have particular regard to, including, inter alia, ‘the extent of the impact (geographical area and size of the affected population)’ and ‘the transfrontier nature of the impact’ are not considered to be applicable in this context.”*

B) ASSESSMENT OF RELEVANT EU LEGISLATION

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

- 1) DIRECTIVE 92/43/EEC, THE HABITATS DIRECTIVE & BIRDS DIRECTIVE (DIRECTIVE 2009/147/EC on the conservation of wild birds). The European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011) transpose the Habitats Directive and the Birds Directive. The 2011 Regulations were amended by:
 - S.I. No. 290 of 2013
 - S.I. No. 499 of 2013
 - S.I. No. 355 of 2015
 - Planning, Heritage and Broadcasting (Amendment) Act 2021 (no.11 of 2021), Chapter 4
 - S.I. No. 293 of 2021
- a) Assessment Reports
- i) **Appropriate Assessment Screening and Natura Impact Statement Reports (MKO)** supported by wintering bird assessments (2019/2020 (Scott Cawley) and 2020/2021 (MKO).

Appropriate Assessment Screening

The concluding statement of the Appropriate Assessment Screening carried out by MKO for the purposes of Article 6(3) of the Habitats Directive (which is particularly relevant to consideration of the impacts on biodiversity in the EIA Screening report. in the EIA screening report submitted with the application) states that “*It cannot be excluded 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, in the absence of any mitigation, individually or in combination with other plans and projects, would be likely to result in likely significant effects on the Rockabill to Dalkey Island SAC, South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA, North Bull Island SPA and Baldoyle Bay SPA.*

As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared in respect of the proposed development. It can be excluded 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, in the absence of any mitigation, individually or in combination with other plans and projects, would be likely to result in likely significant effects on any other European Sites. In carrying out this AA screening, mitigation measures have not been taken into account. Standard best practice construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account.”

Natura Impact Statement

The Natura Impact Statement was prepared by MKO for the purposes of facilitating an appropriate assessment by the Board pursuant to Article 6(3) of the Habitats Directive and is particularly relevant to consideration of the impacts on biodiversity in the EIA Screening report. The conclusion or Residual Impact Assessment as contained in the NIS states that “Taking cognisance of measures to avoid impacts and best practice/mitigation measures incorporated into the project design which are considered in the preceding section, the proposed project will not have an adverse effect on the integrity of any European Site.

The proposed project will not prevent the QIs/SCIs of European Sites from achieving/maintaining favourable conservation status in the future as defined in Article 1 of the EU Habitats Directive. A definition of Favourable Conservation Status is provided below:

‘Conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2;

The conservation status will be taken as ‘favourable’ when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.’

Based on the evidence and considerations referred to in this report, it can be concluded in view of best scientific knowledge, on the basis of objective information that the proposed development will not adversely affect the QIs/SCIs associated with the following European Sites or any other European Sites:

- Rockabill to Dalkey Island SAC
- South Dublin Bay and River Tolka Estuary SPA
- Dalkey Islands SPA
- North Bull Island SPA
- Baldoyle Bay SPA

The NIS concludes “*NIS has provided an assessment of all potential direct or indirect pathways for adverse effects on the QI habitat and species of Rockabill to Dalkey Island SAC and the SCIs of South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA, North Bull Island SPA and Baldoyle Bay SPA. Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European Sites.*

Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.”

ii) Ecological Impact Assessment including bat assessment (Altemar)

The EcIA has been prepared by Altemar Ltd. at the request of Clonkeen Investments DAC and is particularly relevant to consideration of the impacts on biodiversity in the EIA Screening report. The EcIA includes a desk-based assessment of the potential species and habitats of conservation importance and field surveys carried out by Altemar, Scott Cawley and MKO. The EcIA concludes “*The proposed site is located in a suburban environment 2.8 km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on biodiversity outside of the site. The site is proximate to drainage ditch which flows into the Kill Of The Grange Stream which flows to Killiney Bay. However, no designated sites are located downstream of the proposed development and foul water will discharge to the Shanganagh WWTP. There is no direct or indirect hydrological pathway from the proposed development site to a designated site. Mitigation measures have been developed to reduce impacts on biodiversity to non significant levels. The overall impact on the ecology of the proposed development will result in a Negligible/ adverse/ international/ negative impact/ Not significant/ long term residual impact on the ecology of the site and locality overall.*

Qualifying interests of SPA’s within Dublin Bay were noted on or adjacent to the proposed development site As outlined in the NIS “This NIS has provided an assessment of all potential direct or indirect pathways for adverse effects on the QI habitat and species of Rockabill to Dalkey Island SAC and the SCIs of South Dublin Bay and River Tolka Estuary SPA, Dalkey Islands SPA, North Bull Island SPA and Baldoyle Bay SPA.

Where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within this report and its appendices. The measures ensure that the construction and operation of the proposed development does not adversely affect the integrity of European Sites.

Therefore, it can be objectively concluded that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

The construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of Natura 2000 sites. In addition, no in-combination effects are foreseen.”

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

2) DIRECTIVE 2007/60/EC, FLOODS DIRECTIVE

Flood Risk Assessment

As outlined in the Flood Risk Assessment provided by CS Consulting: (Section 6) “Historically, the site has not been subject to flooding events, as noted by the OPW’s historical flood maps. Dún Laoghaire-Rathdown County Council’s Development Plan locates the site in Flood Zone C. Due to the proposed nature of the development, a Justification Test is not required. Pluvial flooding has been assessed and the proposed use of an attenuation tank to limit the storm water discharge rate from the site to 2l/s/Ha will aid in increasing the capacity of the public combined sewer adjacent to the site. The increased capacity will allow the public drainage system to deal with pluvial flows during extreme storm events. Tidal mapping for the current 1-in-200-year flood & the predicted 1-in-200-year flood (based on the predicted effect of climate change) indicates that no dwelling will have a finished floor level in the tidal zone. The risk of the site contributing to offsite flooding, or the site’s vulnerability to flooding from the public drainage network, is mitigated by the installation of an attenuation tank to retain the storm volumes experienced on site during high intensity storm events & the existing topography of the site. The sites local geology & hydrogeological conditions do not indicate that flooding from groundwater is an issue at the site.”

3) DIRECTIVE 2002/49/EC, ENVIRONMENTAL NOISE DIRECTIVE.

Noise and Vibration Impact assessment

A Noise and Vibration Impact assessment has been carried out by AWN Consulting for the purposes of the above Directive. This is of particular relevance to the consideration of the significance of effects on human health in the context of the EIA Screening report. The AWN assessment concludes that “*The existing noise environment has been quantified by way of an environmental noise survey consisting of attended and unattended measurements. Existing noise levels have been found to be typical of a suburban area.*

When considering a development of this nature, the potential noise and vibration effects on the surroundings must be considered for two stages: the short-term construction phase and the permanent operational phase.

The assessment of construction noise and vibration and has been conducted in accordance best practice guidance contained in BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration. Subject to good working practice as recommended in the ELAR Chapter, noise associated with the construction phase is not expected to exceed the recommended limit values for noise-sensitive locations beyond 30m from the site boundary and therefore no significant effects are expected. At distances less than 30m from the boundary, construction noise has the potential to exceed the recommended limit values, however the duration of such works will be limited. A variety of standard proven best practice noise mitigation is proposed together with noise monitoring to ensure that limit values are adhered to.

This chapter demonstrates that the predicted noise levels associated with the operational phase of the proposed development will be within best practice noise limits recommended in Irish guidance, therefore it is not considered that a significant effect is associated with the development.”

Construction Environmental Management Plan (CEMP)

The CEMP has been prepared by AWN Consulting (AWN) on behalf of Clonkeen Investments DAC and describes the mitigation measures that were taken into account in the AWN assessment of impacts from vibration and noise. In relation to noise the CEMP states that “*The earthworks will generate typical construction activity related noise and vibration sources from use of a variety of plant and machinery such as rock breakers (if required), excavators, lifting equipment, dumper trucks, compressors and generators. The noise limits to be applied for the duration of the infrastructure works are those specified in the B Category of BS 5228. These limits are summarised below and will be applied at the nearest sensitive receptors to the works.*

- *Night (23:00-07:00) = 55dB*
- *Evening (19:00-23:00) = 65dB*
- *Day (07:00-19:00) = 70dB*

The total noise (L_{Aeq}) which should not be exceeded during daytime is therefore 70dB. Should the noise exceed 75db, additional mitigation measures will be employed.

Vibration limits to be applied for the infrastructure works are those specified in the TII document Guidelines for the Treatment of Noise and Vibration in National Road Schemes (TII, Revision 1, 2004). These limits are outlined below:

Allowable Vibration (in terms of peak particle velocity) at the closest part of sensitive property to the source of vibration, at a frequency of;

- *Less than 11Hz - 3mm/s*
- *11 to 50 Hz - 3 to 8mm/s*
- *50 to 110 Hz (and above) - 8 to 11mm/s*

All works on site shall comply with BS 5228 2009+ A1 2014 (Parts 1 & 2) which gives detailed guidance on the control of noise and vibration from construction activities”. Details of mitigation measures are outlined and the Board is referred to the contents of the CEMP in that regard.

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

As outlined in the EIAR Screening Report “*The 2020 Q-Value for the Kill o’ the Grange Stream measured just upstream of the proposed development site at Footbridge Meadowvale was 3 (poor), as was the 2000 Q-Value measured at the Bridge on Johnstown Road, about 0.6km downstream and the 2020 Q-Value measured at Killiney Hill Road Bridge about 5km downstream of the proposed development site. The river waterbody Water Framework Directive (WFD) status 2013-2018 for the Kill o’ the Grange Stream was ‘poor’ and river waterbodies risk was deemed ‘at risk’. The coastal water quality 2010-2012 of Southwestern Irish Sea – Killiney Bay (HA10) was ‘unpolluted’. The coastal waterbody WFD status 2013-2018 for the same area was ‘high’ and coastal waterbodies risk was deemed ‘not at risk’.*

As outlined in the EcIA “*Watercourses and surface runoff are seen as the main potential pathway for impacts on biodiversity outside of the site. The site is proximate to drainage ditch which flows into the Kill Of The Grange Stream which flows to Killiney Bay.*” “*Mitigation measures have been developed to reduce impacts on biodiversity to non significant levels. The overall impact on the ecology of the proposed development will result in a Negligible/adverse/international/negative impact/Not significant/long term residual impact on the ecology of the site and locality overall.*” Following the implementation of the above referenced measures the proposed development will not cause any significant effect on surface water or coastal water status.

5) DIRECTIVE 2001/42/ EC, SEA DIRECTIVE

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

The enclosed EIAR Screening Statement, prepared by Tom Phillips and Associates notes that “*A Strategic Environmental Assessment (SEA) Environmental Report has been prepared for the Dún Laoghaire-Rathdown County Development Plan 2016-2022. It has been undertaken by CAAS Ltd. on behalf of Dún Laoghaire-Rathdown County Council. The Plan sets out an overall strategy for the proper planning and sustainable development of the functional area of Dún Laoghaire- Rathdown County Council for the period 2016- 2022.*

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

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 has been consulted throughout the process of the design and preparation of assessment reports for this project. The Dún Laoghaire-Rathdown County Development Plan 2016-2022 has been informed by the SEA Environmental Report for the Dún Laoghaire-Rathdown County Development Plan 2016-2022. As a result, no further assessment in relation to DIRECTIVE 2001/42/ EC, SEA DIRECTIVE is required.”

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

EIAR Screening

As outlined in the EIAR Screening “The development comprises a residential proposal that will not give rise to pollutants. Construction activities, such as basement excavation, will be subject to on-site management, as per the enclosed documentation. An assessment of asbestos within the development has been completed and is considered in on-site management, as per the enclosed documentation which will prevent any asbestos material from being released.”

Construction Environmental Management Plan (CEMP)

The CEMP has been prepared by AWN Consulting (AWN) on behalf of Clonkeen Investments DAC. In relation to dust the CEMP states that “*The objective of dust control at the site is to ensure that no significant nuisance occurs at nearby sensitive receptors. In order to develop a workable and transparent dust control strategy, the measures set out below have been formulated by drawing on best practice guidance from Ireland and the UK such as:*

- *Department of Environment, Heritage and Local Government (DOEHLG), Quarries and Ancillary Activities, Guidelines for Planning Authorities (2004);*
- *The Scottish Office – Development Department, Planning Advice Note PAN50 Controlling the Environmental Effects Of Surface Mineral Workings Annex B: The Control of Dust at Surface Mineral Workings (1996) and*

- *Institute of Air Quality Management (IAQM), Guidance on the Assessment of Dust from Demolition and Construction (2014).*

The site activities will be undertaken with due consideration of the surrounding environment and the close proximity of sensitive receptors such as residents and pedestrians. Dust management during the construction phase will be the most important aspect in terms of minimising the impacts of the project on the surrounding air quality. The following measures will also be implemented to ensure impacts are minimised:

- *Complaint registers will be kept detailing all telephone calls and letters of complaint received in connection with construction activities, together with details of any remedial actions carried out;*
- *Equipment and vehicles used on site will be in good condition such that emissions from diesel engines etc. are not excessive; and*
- *Pre-start checks will be carried out on equipment to ensure they are operating efficiently and that emission controls installed as part of the equipment are functional.*

Dust deposition levels will be monitored on a regular basis in order to assess the impact that site activities may have on the local ambient air quality. The following procedure will be implemented:

- *The dust deposition rate will be measured by positioning Bergerhoff Dust Deposit Gauges at strategic locations near the boundaries of the site for a period of 30 (+/- 2) days if required. Monitoring will be conducted as required during periods when the highest levels of dust are expected to be generated i.e., during site preparation works and soil stripping activities.*
- *The exact locations will be determined after consideration of the requirements of Method VDI 2119 with respect to the location of the samplers relative to obstructions, height above ground and sample collection and analysis procedures.*
- *After each 30 (+/- 2 days) exposure period, the gauges will be removed from the sampling location, sealed and the dust deposits in each gauge will be determined gravimetrically by an accredited laboratory and expressed as a dust deposition rate in mg/m²/day in accordance with the relevant standards.*
- *Technical monitoring reports detailing all measurement results, methodologies and assessment of results shall be subsequently prepared and maintained by the Site Manager.*

A limit value of 350 mg/m²/day will be used in comparison with recorded values.”

In addition in relation to traffic as outlined in the CEMP “*A Construction Traffic Management Plan (CTMP) will be prepared for the site works in accordance with the principles outlined above and shall comply at all times with the requirements of:*

- *Department of Transport Traffic Signs Manual 2010 – Chapter 8 Temporary Traffic Measures and Signs for Roadworks*
- *Department of Transport Guidance for the Control and Management of Traffic at Road Works (2010)*
- *Any additional requirements detailed in the Design Manual for Roads and Bridges (DMRB) & Design Manual for Urban Roads & Streets (DMURS)*

The contractor shall prepare a detailed CTMP for works at that interface with the existing road network and obtain all required road opening licenses from Dun Laoghaire Rathdown County Council.” “

Following the implementation of mitigation measures outlined in the CEMP proposed development will cause any significant effect on Air Quality.

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

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

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

there is no pathway to these sites. The proposed development will cause any significant effect on Seveso sites.

CONCLUSION

This Statement has been carried out in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, as amended, for the proposed Strategic Housing Development at Clonkeen Road, Blackrock, Co. Dublin. This statement summarises the assessments carried out for the purposes of the EIA Screening Report in relation to the proposed development and identifies that there is no “*significant and realistic doubt in regard the likelihood of significant effects on the environment arising from the proposed development*”. This statement should be read in conjunction with the reports referred to in this statement.