
**STATEMENT IN ACCORDANCE WITH
ARTICLE 299B (1)(b)(ii)(II)(C) OF THE
PLANNING AND DEVELOPMENT
REGULATIONS 2001 – 2021**



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Project Proposed Strategic Housing Development at
the Former Firhouse Inn site, Firhouse Road,
Firhouse, Dublin 24

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

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1.0 INTRODUCTION

AWN Consulting have been appointed by Bluemont Developments (Firhouse) Limited ('the Applicant'), to prepare this statement in accordance with the provisions of Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended; hereafter referred to as the "Planning 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 2011/92/EU, as amended by 2014/52/EU) have been taken into account'.

This statement is part of the information provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C 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 proposed development is a sub-threshold development. The application is not accompanied by an Environmental Impact Assessment Report. An EIA screening report has been prepared under separate cover.

The development will consist of the demolition of the existing single and two-storey buildings on the site (c. 1326 sq m), including the former 'The Firhouse Inn' public house and off-licence, barbers, betting office, cottage and other ancillary structures and construction of 2 no. blocks (Blocks 01 and 02) ranging in height from three to five storeys, comprising 100 no. residential over commercial ground floor uses (355 sq m), all over a basement level.

The proposed development will comprise 100 no. residential units in total (4 no. duplex apartments, 2 no. studio apartments, 45 no. 1 bedroom apartments, 44 no. 2 bedroom apartments and 5 no. three-bedroom apartments), with private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels); the provision of a café (c. 58 sq m), an office unit (c. 30 sq m), a medical unit (c. 59 sq m), a betting office (c. 66 sq m), a barber shop (c. 28 sq m) and a crèche (c. 114 sq m); car and cycle parking at basement and surface levels; storage areas; roads and pathways; pedestrian access points; hard and soft landscaping and boundary treatments. Vehicular access to the site will be via Firhouse Road (R114) on the southern site boundary.

The development will also include changes in levels; diversion of existing public surface water and public water infrastructure; ground works and foul drainage, stormwater drainage, water supply, service ducting and cabling; SuDS attenuation; attenuation tank; plantrooms; ESB substations, waste management areas; signage; public lighting and all site development and excavation works above and below ground.

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).

2.1 RELEVANT ASSESSMENTS

Appropriate Assessment (AA) Screening

An Appropriate Assessment (AA) Screening has been undertaken for the proposed development by Flynn Furney Environmental Consultants (2022c). 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:

Ten (10 no.) designated sites - *Glensmole Valley SAC, the Wicklow Mountains SAC, the Wicklow Mountains SPA, the North Dublin Bay SAC, the South Dublin Bay SAC, the Knocksink Wood SAC, the Ballyman Glen SAC, the North Bull Island SPA, the South Dublin Bay and River Tolka Estuary SPA and Rye Water Valley/Carlton SAC* - are located within a 15km radius of the Proposed Development. The AA Screening concludes:

The proposed development is not considered likely to give rise to any significant impacts on any Natura 2000 designated sites. The development does not have potential for any direct impacts given its location (outside and removed from any such sites) and nature (works within a built area and no semi-natural or natural areas to be affected). No indirect impacts are predicted on any Natura 2000 sites. This is due to the relatively small scale and limited nature of the proposed works.

[...]

In conclusion, no impacts are likely as a result of the proposed works on the conservation objectives or overall integrity of any Natura 2000 Site.

Therefore, it is concluded that (Stage II) Appropriate Assessment is not required.

The conclusions of the AA Screening have been adopted within the EIA Screening Report (Sections 3.4 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.

Ecological Impact Assessment

An Ecological Impact Assessment (EclA) has been undertaken for the proposed development by Flynn Furney Environmental Consultants(2022b) and is included with the planning documentation.

This report includes an assessment of potential impacts on biodiversity, including protected species or habitats, that are likely to arise from the residential development during either the construction or operational phases.

The Ecological Impact Assessment considers that:

An extensive desktop survey was carried out which used available data from suitable sources which included online databases (e.g. National Parks and Wildlife Service and National Biodiversity Data Centre) and previous surveys (e.g. for the Dodder Greenway).

A very limited range habitats was recorded during survey. The site proposed for development contains only built habitat areas, a highly modified site. Surveys of the adjacent areas found No habitats listed on Annex I of the EU Habitats Directive were found within the survey area. No plants subject to the Flora Protection Order (2015) were found to occur within the area surveyed.

Four areas surveyed were described in the habitat survey as Environmentally Sensitive Areas (ESAs), being of greater sensitivity due to the habitats or species occurring here. These included the River Dodder and mixed broadleaved woodland within the river valley.

No protected mammal species were found to occur within the area proposed for development. It was noted that suitable habitat for some protected mammal species occurs within the ESAs as described above and that 5 no. protected mammal species have been recorded within 2km of the proposed development site. However, there is no suitable habitat for these species here.

A dedicated survey of at the existing buildings found no evidence of bat habitation. However, the same survey showed that there is suitable habitat here for bat roosts. Further preconstruction bat surveys are therefore recommended.

No bird species were recorded as nesting in the existing built habitat at the site. No negative impacts on bird species are therefore predicted. However, it is recommended that a further bird survey is carried out of the buildings prior to development as bird nesting may take place here in the interim period.

A targeted survey for invasive species was carried out. No invasive species were found at the site proposed for development.

An evaluation of habitats showed that the site proposed for development is of Low Local value. The significance of impacts here may be described as being of negligible significance. In terms of habitat evaluation, the Dodder Valley pNHA was the only site within the survey area being of national importance. No potential impacts to this designated site were predicted given the location and nature of works. Indeed no other significant effects are predicted for any other habitat type within the survey area.

It is recommended that the above mitigation measures are fully implemented in order to minimise any potential for ecological impacts.

The conclusions of the Ecological Impact Assessment have been adopted within the EIA Screening Report (Section 3.4 and 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 in respect of Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive.

Bat Survey Report

All Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Acts (2000 and 2010).

A Bat survey report has been prepared for the proposed development, relating to the Firhouse Inn and adjacent buildings (both proposed to be demolished). As noted in the survey, no bats or evidence of bats noted in the buildings during the survey; no bat droppings or staining around window sills and exposed features around windows and walls were found during the survey; and no bats were seen emerging from or re-entering the properties during the survey. A pre-works internal survey of both buildings is required immediately before any works involving demolition and renovation are carried out. (Flynn Furney, 2022a).

The conclusions and mitigation measures set out in the Bat Survey Reports (Flynn Furney, 2022a) have been adopted within the EIA Screening Report when determining the likelihood of significant effects on the environment, arising from the proposed development in respect of Biodiversity, with particular attention to species and habitats (with specific reference to bat) protected under the Habitats Directive and the Birds Directive.

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 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'.

The objectives of the WFD are (1) to prevent the deterioration of water bodies and to protect, enhance and restore them with the aim of achieving at least good status and (2) to achieve compliance with the requirements for designated protected areas.

3.1 RELEVANT ASSESSMENTS

The EIA 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 are summarised below:

The Dodder Sub catchment discharges into the Liffey Estuary Lower. The River Dodder (DODDER_040_) has a WFD status (2013-2018) of 'Poor'; the Dublin Bay Coastal waterbody has a WFD status of 'Good'. The Liffey Estuary Lower waterbody has a WFD risk score of 'At risk of not achieving good status' while the Dublin Bay waterbody has a WFD risk score of 'Not at risk'. The surface water quality data for the Liffey Estuary and Dublin Bay (EPA, 2021) indicate that they are 'Unpolluted'. 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.

This 'Poor' WFD status for the River Dodder is related to its biological status (invertebrate); all chemical conditions have been assigned a value of "pass" or "high". The most recent quality data (1998) in the proximity of the site (c. 230 m) for the River Dodder (RS09D010420) indicated that the quality was 'Good' giving it a Q value of 4.

The results of the monitoring program and assessment 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 been considered within the EIA Screening (Section 4.2).

The current water body status has been considered in the examination of the likelihood of significant effects on water quality in the Dodder Sub Catchment and Dublin Bay having regard to potential direct and indirect impacts from surface water and foul water arising from the proposed development during the construction and operational phases.

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 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 European Communities (Assessment and Management of Flood Risks) Regulations SI 122 of 2010.

4.1 RELEVANT ASSESSMENTS

A Site-Specific Flood Risk Assessment (FRA) and is included as Section 7 to the Water Services Report prepared by PHM Consulting (2021a). This Site-Specific FRA draws on, and is informed by studies undertaken by the OPW pursuant to the requirements of the Floods Directive, including:

- South Dublin Development Plan 2016-2022 (including Strategic Flood Risk Assessment)
- Greater Dublin regional Code of Practice for Works
- Office of Public Works Flood Maps
- Department of the Environment Flooding Guidelines
- Geological Survey of Ireland Maps
- Local Authority Drainage Records

The Site-Specific FRA considers that the proposed development is appropriate for the locations and therefore, further assessment and justification test is not required under The Planning System and Flood Risk Management Guidelines (OPW, 2009).

The results of the Site-Specific FRA have been considered with the EIA Screening Report in the examination of 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).

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 Seveso site.

The Irish Distillers Ltd site (Lower Tier Seveso site) at 7-9 Robinhood Road, Fox and Geese, Dublin 22 is the closest Seveso site to the proposed development site located 4km away. As the consultation distance from the site is 300m, this will not form a constraint on the proposed development. The B.O.C. Gases site (Upper Tier Seveso site) is located 4.2km from the proposed development site. This site has a consultation distance of 700m and therefore will also not form a constraint on the proposed development.

There 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.

The CAFE 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. There have been no exceedances recorded at any monitoring stations subsequently during 2020 or 2021. This exceedance of an air pollution standard is as a result of the heavy traffic passing this monitoring station. In response to this the Dublin Region Air Quality Plan (2021) has been developed by the Dublin Local Authorities in conjunction with the EPA.

6.1 RELEVANT ASSESSMENTS

The Dublin Region Air Quality Plan (2021) this set out 14 measures and actions to be established by Dublin Authorities and the Minister for Environment. The proposed development is not located within an area which has an identified exceedance in the EU air quality limits;, 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)

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

The Waste Framework Directive 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.

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Construction Waste Management Plan prepared by PHM Consulting is included with the planning documentation. The

principles set out in the Waste Framework Directive have been taken into account through the design of the proposed development and the mitigation measures set out in these reports.

The Construction Waste Management Plan (PHM Consulting, 2021c) has been prepared to demonstrate how it is proposed during the Construction Phase to comply with the following relevant legislation and guidelines including:

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

The management practices set out in Section 4 of Construction Waste Management Plan have been adopted within the EIA Screening Report (Section 5.9) in the examination of the likelihood of significant effects on the environment arising from the proposed development in respect of material assets and waste.

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

South Dublin County Council as part of the South Dublin County Council Development Plan (2016-2022) and Draft South Dublin County Council Development Plan (2022-2028) as varied undertook a Strategic Environmental Assessment (SEA) to provide a clear understanding of the likely environmental consequences of decisions regarding the adoption and implementation of the development plan.

The SEA for the SDCC Development Plan 2016 - 2022 and Draft South Dublin County Council Development Plan 2022 - 2028 sets out the requirements for monitoring of the plan for the identification of unforeseen adverse effects and the undertaking of appropriate remedial action at an early stage. The SEA for the development plan also states that additional detailed mitigation measures to those listed within the SEA and those integrated into the development plan would be likely to be required by the development management and EIA processes of individual projects.

With particular reference to the monitoring and mitigation issues raised in the development plan the potential for effects in respect of Water Quality, Biodiversity (Natura 2000 sites), and Flooding and the need for the need for mitigation measures for the proposed development have been considered within the application documentation. Specifically, within the Appropriate Assessment (AA) Screening Report (Altamar, 2021b) and the site-specific Flood Risk Assessment (PHM Consulting 2021a).

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 existing water regime and have informed in particular the assessment of potential impacts on the water quality and European Sites.

The application is accompanied by a Statement of Consistency prepared by Tom Phillips and Associates, which demonstrates that the proposed development is broadly consistent with the South Dublin County Council Development Plan 2016-2022, which itself is subject to SEA. Overall, the proposed development is line with the objectives of the development plan and the land use zoning.

9.0 DIRECTIVE 2008/56/EC; MARINE STRATEGY DIRECTIVE

The Marine Strategy Directive (2008/56/EC) was adopted on 17 June 2008 and establishes a framework for community action in the field of marine environmental policy. This has been subsequently amended by Directive (2017/845/EC) as regards the indicative lists of elements to be taken into account for the preparation of marine strategies. The Marine Strategy Directive (2008/56/EC) was transposed into national legislation by the European Communities (Marine Strategy Framework) Regulations 2011 (S.I. 249 2011).

As a residential and commercial development set well back from any coastal area, the Marine Strategy Directive is not directly relevant to the proposed Project. Any impact to nearby water bodies has been assessed as part of the EIA Screening Report and factored into project design.

The EIA Screening Report notes that the *'proposed development due to its size and location will not have any effect on wetlands, riparian areas, river mouths, coastal zones and the marine environment, mountain and forest areas, and nature reserves'*.

10.0 DIRECTIVE 2010/75/EU; INDUSTRIAL EMISSIONS DIRECTIVE

The Industrial Emissions Directive (2010/75/EU) on industrial emissions (integrated pollution, prevention and control) was adopted on 24 November 2010. The Directive was transposed into national legislation by the Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 (S.I. 137 2013).

The Directive is not directly relevant to the proposed project, and the proposed development will not directly involve industrial activities under the Directive.

11.0 REGULATION (EU) 1315/2013; TRANS-EUROPEAN NETWORKS IN TRANSPORT, ENERGY AND TELECOMMUNICATION REGULATION

Regulation (EU) 1315/2013 on Union guidelines for the development of the trans-European network and repealing Decision 661/2010/EU was adopted on 11 December 2013.

Regulation 1315/2013 is not directly relevant to the proposed Project.

12.0 CONCLUSION

This statement indicates how the available results of 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 in this proposed Project.

This statement identifies the relevant Directives which have informed the proposed project. The relevant assessments has been identified as they relate to the proposed development, the results of those assessments, and how those results have been taken into account in determining the significance of the proposed development on the environment.

This statement should be read in conjunction with the Environmental Impact Assessment Screening document prepared by AWN Consulting and enclosed with the application.

ABP may complete an examination for the purposes of a screening determination in accordance with Article 299B of the Planning Regulations and, in particular, may have regard to all of the matters prescribed at Article 299B(1)(b) of the Planning Regulations.

This statement, in particular, is provided so that ABP may have regard to "*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*" in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning Regulations.

This statement supports the conclusion in the EIA Screening document prepared by AWN Consulting that the proposed development is not likely to have any significant impacts on the environment and, therefore, that no EIA is required in respect of the proposed development.

13.0 REFERENCES

Water Services Report for Firhouse Inn Strategic Housing Development Firhouse Road, Dublin 24. PHM Consulting. 2021a.

Construction Environmental Management Plan - Firhouse Inn Strategic Housing Development Firhouse Road, Dublin 24. PHM Consulting. 2021b.

Construction Waste Management Plan - Firhouse Inn Strategic Housing Development Firhouse Road, Dublin 24. PHM Consulting. 2021c.

Bat survey of Firhouse Inn and adjacent buildings, Dublin 24. Flynn Furney Environmental Consultants. 2022a.

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Archaeological Impact assessment and method statement for a proposed SHD development at The Firhouse Inn, Firhouse Road Dublin 24. Archaeology and Heritage Consultancy Ltd. 2021.

Operational Waste Management Plan Firhouse, Firhouse Road, Dublin 24. O'Connor Sutton Cronin (OSCS). 2021.

Traffic and Transport Assessment. Transport Insights. 2021.

Landscape and Visual Impact Assessment. Doyle + O'Troithigh Landscape Architects. 2022.