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**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 Student Accommodation  
Development at the Former Victor Motors Site,  
Goatstown Road, Dublin 14

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

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**Ref.** NK/227501.0099TR03

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## 1.0 INTRODUCTION

AWN Consulting have been appointed by the Applicant, Orchid Residential Limited, 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 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 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 demolition of the existing building (c.960sqm) and hard surface parking area on site and construction of a purpose built student accommodation development (including use as tourist or visitor accommodation outside the academic term) comprising:

- 221 no. student bedspaces (including 10 no. studios), all within a part single storey, part 4 no. storey and part 6 no. storey 'U'-Shaped building;
- The building is single to 4 no. storeys along the southern boundary (with roof terraces at 4<sup>th</sup> floor level) and part 5 and 6 storeys along Goatstown Road (with set backs) and boundary to the north (with roof terrace at 5<sup>th</sup> floor level fronting onto Goatstown Road);
- Amenity space equating to c. 2,025 sqm is provided across the site consisting of c. 1,516 sqm of external amenity in the form of a central courtyard at ground level and roof terraces at 4<sup>th</sup> and 5<sup>th</sup> floor levels;
- Internal amenity space equating to c. 509 sqm is provided in the form of 2 no. ground floor lounge/study areas, kitchen/tearoom, laundry, and concierge/office space;
- Provision of 210 no. bicycle parking spaces distributed within the central courtyard (stacked parking with glass roof cover) and adjacent to the front boundary (north);
- Provision for 6 no. carparking spaces comprising 2 no. disabled parking spaces and 4 no. setdown parking spaces adjacent to the front entrance to the site;
- Vehicular access to the site is via Goatstown Road from 2 no. entrance points [reduction from 3 no. entrances currently];
- Ancillary single storey ESB substation and switch room and refuse store are provided at ground level;
- Provision of surface water and underground attenuation and all ancillary site development works including site wide landscaping works, lighting, planting and boundary treatments.

## 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 the proposed development by Malone O'Regan (2022b). 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 screening process has examined the details of the Proposed Development and has considered the potential for causing significant effects on Natura 2000 European sites and their qualifying features of interests within a 15km radius of the Proposed Development.*

*Sixteen (16No.) designated sites- the Baldoyle Bay SAC, the Howth Head SAC, the North Dublin Bay SAC, the Rockabill to Dalkey Island SAC, the South Dublin Bay SAC, the Glensmole Valley SAC, the Wicklow Mountains SAC, the Knocksink Wood SAC, the Ballyman Glen SAC, the Bray Head SAC, the Baldoyle Bay SPA, the Howth Head Coast SPA, the North Bull Island SPA, the Dalkey Island SPA, the South Dublin Bay and River Tolka Estuary SPA and the Wicklow Mountains SPA - are located within a 15km radius of the Proposed Development. However, given scale and localised nature of the Proposed Development, and the lack of impact pathways between the Site and Natura 2000 sites, as described in Section 4, there is no reasonable scientific doubt that the Proposed Development will result in any significant impacts either directly or indirectly on the conservation objectives or status of the Natura 2000 sites.*

*In conclusion, activities associated with the Proposed Development either alone, or in combination with other projects or land uses, will not have any direct or indirect significant effects on the conservation objectives of any Natura 2000 European Designated sites.*

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 Malone O'Regan (2022a) 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:

*Based on the findings of a detailed desk-based study, a review of all the ecological information available for the Site and wider area and a field survey by MOR Ecologists, it is considered reasonable to conclude the following:*

- *The Site itself is currently of Low local ecological value;*

- *The Proposed Development will include green roofs, hedges, groundcover and shrub planting that will enhance biodiversity on this site, as per the Landscape Plan;*
- *The existing habitats onsite are not of value to any Annex I or Annex II species or Red listed birds;*
- *Bat surveys conducted did not identify any bats roosting on the Site and the Site is considered low value for bats; and,*
- *The Site is located within a predominantly urban and residential area.*

*Therefore, it can be concluded that the Proposed Development will not result in any significant impacts on ecological receptors identified both onsite and in the surrounding area following the implementation of appropriate mitigation measures.*

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). Also, the EC Directive on The Conservation of Natural habitats and of Wild Fauna and Flora (Habitats Directive 1992), seeks to protect rare species, including bats, and their habitats and requires that appropriate monitoring of populations be undertaken. Across Europe, they are further protected under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1982), which, in relation to bats, exists to conserve all species and their habitats. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention 1979, enacted 1983) was instigated to protect migrant species across all European boundaries. The Irish government has ratified both these conventions.

All bats are listed in Annex IV of the Habitats Directive and the lesser horseshoe bat is further listed under Annex II of the Habitats Directive.

A specialist bat survey has been undertaken for the proposed development and included a walkover of the lands within the survey area, external building inspection and a dusk emergence survey. The survey area was subject to a dusk emergence survey; however, no bats were observed to be roosting within the building. Overall, the survey area is considered to be of Low Importance for roosting, commuting and foraging bats within the local area as the majority of the Site is heavily illuminated at night and the Site is located within an urban environment (Malone O'Regan, 2022a).

The Bat Assessment, included as an Appendix to the EclA prepared for the proposed development by Malone O'Regan (2022a), concludes that with the recommendations implemented in respect of site lighting any impacts to bats from the proposed development are likely to be negligible.

The conclusions and mitigation measures set out in the Bat Survey Report (Malone O'Regan 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 is one of the key overarching instruments in the protection of waters and includes subordinate directives or water-related legislation have been developed in response to, 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'.

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

A Hydrological and Hydrogeological Qualitative Risk Assessment has been prepared by Awn Consulting (2022a) and included with the planning documentation. The Risk Assessment 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 River Slang and the River Dodder have a Water Framework Directive (WFD) status (2013-2018) of 'Moderate' and a WFD risk score of 'At risk of not achieving good status'. This moderate status is related to its biological status (invertebrate and fish) and dissolved oxygen conditions (which fails in relation to its percentage saturation); all remaining chemical condition have been classified as 'good'. Its most recent quality data (2019) also indicate that it is 'Slightly polluted'. The Elm Park Stream belongs to the Brewery\_Stream\_010 WFD surface waterbody which has a 'Moderate' Status (EPA, 2022) and its WFD risk score is 'Under Review'.*

*The Dodder catchment discharges to the Liffey Estuary Lower which has a WFD status (2013-2018) of 'Good', and Dublin Bay 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 most recent surface water quality data for the Liffey Estuary Lower and Dublin Bay (2019-2020) 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.*

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. Furthermore, the Appropriate Assessment (AA) Screening (Malone O'Regan, 2022b) has adopted and relied upon this monitoring program and assessment undertaken by the EPA pursuant to the

obligations to the WFD. The current water body status has been considered within the EIA Screening (Section 4.2) and also informed the Appropriate Assessment (AA) Screening undertaken for the proposed development by Malone O'Regan (2022b). The Hydrological and Hydrogeological Qualitative Risk Assessment (Section 4) concludes that there is no direct source pathway linkage between the proposed development site and open water (i.e. Dodder Catchment or Dublin Bay). It is concluded that there is also no resultant indirect source pathway linkage from the proposed development through public sewers which could result in any change to the current water regime (water quality or quantity) and open water as defined.

No deterioration of the status defined by Water Framework Directive is expected for the water bodies considered.

The current water body status has been considered in the examination of the likelihood of significant effects on water quality in the Dodder 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 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**

A Site-Specific Flood Risk Assessment (FRA) and is included as Section 3 to the Civil Engineering Infrastructure Report prepared by Barrett Mahony Consulting Engineers (2020).

This Site-Specific FRA draws on, and is informed by, the Preliminary Flood Risk Assessment (PFRA) undertaken by the OPW pursuant to the requirements of the Floods Directive, including the Flood Zone C designation. More specifically, the Site-Specific FRA relies upon the PFRA Flood Zone C designation. 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 (OPW, 2009).

The results of the Site-Specific FRA and the Strategic 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). 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 Seveso site.

There are no 'Seveso' sites (defined within the 'COMAH Regulations as 'locations where significant quantities of dangerous substances are stored') within the Dún Laoghaire-Rathdown region.

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.

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 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/m<sup>3</sup> was measured in 2019. This is above the EU annual limit value for NO<sub>2</sub> of 40 µg/m<sup>3</sup>. 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 by the Dublin Local Authorities in conjunction with the EPA, this is not due for publication until the end of 2021.

## 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)

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 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.

There are no specific assessments required by the applicant pursuant to the Waste Framework Directive. Irrespective of this, a Resource and Waste Management Plan prepared by AWN Consulting Limited 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.

The Resource and Waste Management Plan (AWN Consulting, 2022b) 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 measures set out in Section 6 of Resource and Waste Management Plan have been adopted within the EIA Screening Report (Section 5.10) 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

DLRCC, as part of the Dún Laoghaire Rathdown County Development Plan 2016-2022, 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 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.

Aspect	Residual Adverse Effects
Architectural Heritage	Potential alteration to the context and setting of architectural heritage (Protected Structures) however these will occur in compliance with legislation
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

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. 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.

The potential residual effects in respect of Water and Flooding that have been identified in the SEA have addressed by the Flood Risk Assessment (Barrett Mahony Consulting Engineers, 2020) 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 Resource and Waste Management Plan (AWN Consulting, 2022b). 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 Dún Laoghaire Rathdown County Development Plan 2016-2022 and the Draft Dún Laoghaire - Rathdown Development Plan 2022 - 2028, 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. For completeness, the report prepared by John Spain Associates addresses also the plan adopted on 10 March 2022, which shall come into operation on 21 April 2022.

## 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).

The Marine Strategy Framework Directive requires European member states to reach good environmental status (GES) in the marine environment by the year 2020 at the latest. Good environmental status in the marine environment means that the seas are clean, healthy and productive and that human use of the marine environment is kept at a sustainable level. Under the Marine Strategy Directive, marine waters must be assessed against an agreed set of standards across a number of important environmental areas (e.g. biodiversity, fish stocks and contaminants). Based on the assessment, appropriate environmental targets and indicators must be set and programmes of measures put in place to reach GES.

As a student accommodation 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, nature reserves and parks'*.

## 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 lays down rules on integrated prevention and control of pollution arising from industrial activities. It also lays down rules to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment as a whole.

The Directive is not directly relevant to the proposed Project, and the proposed development will not directly involve industrial activities under the Directive and there is no licensed installation sufficiently proximate or connected to be relevant.

## 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.

The policy addresses the implementation and development of a Europe-wide network of railway lines, roads, inland waterways, maritime shipping routes, ports, airports and railroad terminals. The objective is improved use of infrastructure, reduced environmental impact of transport, enhanced energy efficiency and increased safety.

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 the 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

Appropriate Assessment – Stage 1 Screening Report for a Proposed Residential Development. Malone O'Regan 2022b.

Civil Engineering Infrastructure Report for Goatstown Student Accommodation. Barrett Mahony Consulting Engineers 2020.

Resource Waste Management Plan for a Proposed Student Accommodation at Goatstown Road, Co. Dublin. AWN Consulting Ltd. 2022b.

Ecological Impact Assessment for Goatstown Student Accommodation Development. Malone O'Regan 2022a.

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