

Environmental Impact Assessment Screening Report

Largescale Residential
Development: -

Proposed
Amendments to
Consented SHD
Scheme (ABP Ref.
ABP-306569-20, as
amended by ABP Refs.
310567-21, 311499-21
& 311507-21).

At No. 42A Parkgate
Street, Dublin 8.

For Ruirside
Developments Ltd

October 2023

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TABLE OF CONTENTS

1	INTRODUCTION	1
2	QUALIFICATIONS AND COMPETENCE OF THE AUTHORS OF THIS REPORT	1
3	LEGISLATION & GUIDANCE	1
4	THE PROJECT - DESCRIPTION OF DEVELOPMENT	2
5	SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT	3
5.1	EIA SCREENING EXERCISE	3
5.1.1	Q1A Is the Project an Annex I or Annex II Project as prescribed in the Directive 97/11/EC (after 85/337/EC) as amended in 2003, 2009 or 2014)?	3
5.1.2	Q1B Is the project likely to have a significant effect on a Natura 2000 site?	6
5.1.3	Q2 Is the project on a mandatory list for which EIA is always required?	6
5.1.4	Q3 Is the project on an exclusion list of projects for which EIA is not required?	6
5.1.5	Q4 Is the Project likely to have significant effects on the environment?	6
5.2	SUB-THRESHOLD EIA CONSIDERATIONS	7
5.2.1	Characteristics of the Development	12
5.2.1.1	Size and design of the whole of the Proposed Development	12
5.2.1.2	Nature of any associated demolition works	13
5.2.1.3	Use of Natural Resources (Soil, Land, Water, Biodiversity)	14
5.2.1.4	Production of Waste	15
5.2.1.5	Pollution and Nuisance	15
5.2.1.6	Risk of Major Accidents and / or Disaster	15
5.2.1.7	Risk to Human Health	15
5.2.2	Location of Proposed Development	16
5.2.2.1	Existing Land Use	16
5.2.2.2	Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area	16
5.2.2.3	Absorption Capacity of the Natural Environment	16
5.2.3	Aspects of the Environment Likely to be Affected by the Proposed Development	17
5.2.3.1	Housing Quality Assessment	17
5.2.3.2	Drainage Technical Note	17
5.2.3.3	Transportation Assessment	17
5.2.3.4	Natura Impact Statement	18
5.2.3.5	Arboricultural Assessment Report	18
5.2.3.6	Landscape & Visual Impact Assessment Report	18
5.2.3.7	Pedestrian Level Wind Microclimate Assessment	18
5.2.4	Likely Significant Effects on the Environment	18
5.2.4.1	Population and human health	19
5.2.4.2	(ii) Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;	21
5.2.4.3	(iii) land, soil, water, air and climate	22
5.2.4.4	(iv) material assets, cultural heritage and the landscape	23
5.2.4.5	(v) the interaction between the factors mentioned in clauses (I) to (IV)	24
5.2.4.6	(vi) Vulnerability of the project to risks of major accidents and/ or disasters	24
5.3	CONCLUSION	24

1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planners & Development Consultants, are instructed by our Client, Ruirside Developments Ltd, to prepare this Environmental Impact Assessment (EIA) Screening Report.

The proposed development broadly seeks to amend a consented SHD scheme (ABP Ref. ABP-306569-20, as amended by ABP Refs. 310567-21, 311499-21 & 311507-21 refers), to include a change of use and associated design reconfiguration of permitted Block B2 from office use to residential use (40no. 2-bed apartments and ancillary facilities in 8 floors from 1st to 8th floor levels). It also includes a proposed change of use of ground floor restaurant unit (c.223sqm GFA) to residential amenity (co-working) use (210sqm) and Community/Cultural Use (52sqm) in permitted Block B1. Other sundry ancillary and associated site, structural and landscape works are proposed to accommodate this change and tie it into the consented scheme.

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

Having carried out this EIA screening assessment, it is our professional planning opinion that, on the basis that the proposed amendments to the consented scheme:

- Are subthreshold the relevant mandatory thresholds identified for Class 10(b) and Class 13(a) projects; and,
- may be reasonably screened out under the Class 15 and Schedule 7/7A criteria, given their limited nature and extent, at lands zoned and serviced for mixed use city centre development, and being consistent with the emerging pattern of development in this area,

the need for EIA of the proposed amendments can be excluded.

The purpose of this EIA screening report is to provide the necessary information that supports our opinion and to enable the Dublin City Council, the competent authority, to reach its own determination on whether or not the planning application for the proposed development should be accompanied by an EIAR.

2 QUALIFICATIONS AND COMPETENCE OF THE AUTHORS OF THIS REPORT

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

Stephen Little & Associates has extensive experience of providing planning consultancy services for a range of commercial and residential development projects. This includes the preparation and co-ordination of Strategic Housing Development (SHD) and Large Scale Residential Development (LRD) planning applications and Environmental Impact Assessment Reports, having regard to the provisions of the Planning & Development (Amendment) Act 2000 (as amended) and associated Planning Regulations and relevant Ministerial Guidelines for planning authorities.

Eleanor Mac Partlin, BA, Msc, University College Dublin, is the Associate Director of Stephen Little & Associates, with ultimate responsibility for the planning inputs for this project. Eleanor has over 25 years' experience in the management and delivery of complex multidisciplinary projects, with particular experience in Town Planning and EIA.

Niamh Robinson, BA, MA, University College Dublin, is an Executive Planner at Stephen Little & Associates. Niamh has over 3 years post-graduate professional experience of town planning in Ireland.

3 LEGISLATION & GUIDANCE

Directive 2014/52/EU has been transposed into Irish Legislation by the Planning & Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended. The methodology

employed in this screening exercise is in accordance with the EIA Guidelines published in May 2022 by the DoHPLG and addresses the contents of both Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended.

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

- Guidelines on the information to be contained in Environmental Impact Assessment Reports (EPA 2022).
- Office of the Planning Regulator Practice Note PN02: Environmental Impact Assessment Screening (June 2021).
- Environmental Impact Assessment – Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018; DoECLG).
- Environmental Impact Assessment of Projects – Guidance on Screening (EU Commission, 2017).
- Transposition of 2014 EIA Directive (2014/52/EU) in the Land Use Planning and EPA Licensing Systems – Key Issues Consultation Paper (2017:DoHPCLG).
- Preparation of guidance documents for the implementation of EIA directive (Directive 2011/92/EU as amended by 2014/52/EU) – Annex I to the Final Report (COWI, Milieu; April 2017).
- Guidance for Consent Authorities regarding Sub-threshold Development (2003; DoEHLG).

4 THE PROJECT - DESCRIPTION OF DEVELOPMENT

The proposed development has been designed by Reddy Architecture + Urbanism, together with Michell + Associates Landscape Architects and ARUP Consulting Engineers.

The proposed development seeks amendments to consented Strategic Housing Development ABP-306569-20 (SHD 1), as amended by ABP-310567-21 (SHD 2) and Section 146B amendments ABP-311499-21 & ABP-311507-21 (i.e. 'the consented scheme'). The proposed amendments to the consented scheme include:

- 40 no. residential apartments over 8 floors (30no. 2-bed/4 person & 10no. 2-bed/3 person units, each with a private 'winter garden' and/or balcony on the south and/or north elevation, at 1st to 8th floors inclusive), replacing consented office floor area (c.4,113sqm total, over 6 floors) within the Block B2 building.
- Co-working (c.229 sqm) and community/cultural space (c.52 sqm) at ground floor level, replacing consented café/restaurant (c.236sqm) at Block B1.
- Reconfiguration of ancillary internal residential communal amenity area at mezzanine level, to include residents' lobby, lounge and fitness area (c.256sqm), replacing the consented residential amenity co-working space (300sqm) at Block B.
- And all ancillary and associated site, structural and landscape works proposed to tie amended Block B2 in with the consented scheme, including:
 - Design adjustments at the interface of proposed Block B2 with the consented adjoining Block A building to the east and Block B1 to the west, including tie-in of residential floor levels and increase in roof parapet height (by 1.0m) of Block B2.
 - Amendments to permitted landscaping at roof level of Block B2 and part of Block B1 to accommodate proposed change to Block B2 roof level.
 - Alteration of the northern Parkgate Street façade of Block B2 to suit residential use and to accommodate external, recessed private amenity (wintergardens & balconies).
 - Alteration of the southern façade of Block B2 to suit residential use and to accommodate external, recessed private amenity (balconies).

- 20no. additional visitor bicycle spaces and 2no. cargo bike spaces within the consented public realm at surface level.
- Minor footprint extension and reconfiguration of internal floor plan at permitted basement / undercroft, resulting in an increased floor area from c.144sqm to c.164sqm, to accommodate additional ancillary residential bicycle storage (80no. spaces).
- Reconfiguration of ground and mezzanine floors of consented Block B1, to accommodate the proposed co-working and reconfigured residential amenity areas and additional ancillary refuse, circulation, plant and non-residential back of house areas.
- Removal of combined heat pump/chiller unit with associated screening on the roof of Block C.

5 SCREENING FOR ENVIRONMENTAL IMPACT ASSESSMENT

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

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

The requirement for Environmental Impact Assessment of certain projects under the EIA Directive is transposed into Irish legislation by Part X of the Planning and Development Act 2000, as amended (“the Act”). The specified categories of development in respect of which EIA is required are set out under the Fifth Schedule of the Planning and Development Regulations 2001 as amended (“the Regulations”).

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

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

5.1 EIA Screening Assessment

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

The proposed development seeks to make amendments to the consented SHD scheme, broadly comprising proposed:

- change of use and associated design reconfiguration of Block B2 from office use to residential use (40no. 2-bed apartments and ancillary facilities in 8 floors from 1st to 8th floor levels);
- change of use of ground floor restaurant unit (c.223sqm GFA) to residential amenity co-working use (210sqm) and Community/Cultural Use (52sqm) in Block B1; and,
- other sundry ancillary and associated site, structural and landscape works to accommodate this change and tie it into the consented scheme

All within the same c.0.82ha site of the otherwise consented SHD scheme, which was subject of EIA.

As such, we consider that the relevant categories of development to be considered, are those contained in Schedule 5, Part 2 of the Planning & Development Regulations 2001, as amended.

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

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

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

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

Class 13 in Part 2 of Schedule 5 is also relevant: -

13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

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

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

Having regard to the nature and extent of the proposed development, representing an amendment of a limited component of a wider consented scheme, it is our considered opinion that **the proposed development does not meet or exceed the relevant thresholds for mandatory EIA**, identified above.

We consider each of the relevant thresholds in turn as follows: -

5.1.1.1 Class 10(b)(i) - Construction of more than 500 dwellings

As previously stated, the proposed amendment to the consented scheme seeks permission for the construction of 40no. new dwellings in place of permitted office use. This represents 8% of the specified 500 dwelling units threshold. This is significantly below the threshold where a mandatory EIAR would be required.

This is within the context of a consented scheme amounting to 519no. dwellings, for which an Environmental Impact Assessment Report was prepared (for each of SHD applications ABP-306569-20 and ABP-310567-21).

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

The site area of the consented scheme is c.0.82ha. The proposed amendments to the consented scheme are contained within that same planning unit / site area.

This criterion is not considered relevant to the proposed development and an EIAR is not required on this basis.

5.1.1.3 Class 13(a)(i) - Any change or extension of development already authorised which would result in development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule.

The consented development on a site measuring c.0.82 ha, broadly comprises 519no. residential units and associated internal and external residential amenity spaces, cultural spaces, café/restaurant uses and offices use, permitted under ABP Reg. Ref. 306569-20 and 310567-21. Each of these consented SHD

components were subject of Environmental Impact Assessment (both SHD applications were accompanied by an EIAR).

An Bord Pleanála Order ABP-310567-21, in respect of the EIAR which assesses the Block A landmark residential building on its own and in combination with the balance of the consented SHD ABP-306569, concludes that: -

“Having regard to:

a) The nature and scale of the proposed development on an urban site served by public infrastructure,

b) The absence of any significant environmental sensitivities in the area,

c) The location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

...The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, the refusal of permission for Block A, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable”.

It is, therefore, our professional planning opinion that the proposed development (i.e. an uplift of 40no. units in place of and largely contained within the building envelope of the permitted office space; change of use of café/restaurant use to residential amenity; and, associated works) would not represent a new breach of the thresholds identified in Part 2, Schedule 5 of the Planning Regulations, in isolation or as a component of a wider consented scheme that has already been subject of an EIAR.

5.1.1.4 Class 13(a)(i) - Any change or extension of development already authorised which would result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

The proposed amendments are almost entirely contained within the footprint of the consented scheme, with the exception of additional bicycle parking spaces and adjustments to external amenity open space. As such, the proposed amendment to the consented scheme does not represent an increase in size of the consented scheme greater than 25%.

40no. additional residential units are proposed in place of permitted office floor space within Block B2. 40no. units equates to an approximate 8% increase on 519no. permitted units in the consented scheme. Furthermore, the proposed 40no. new dwellings represents c.8% of the relevant 500no. dwelling threshold for EIA, significantly below 50% of the appropriate threshold criterion.

There is a minor increase in at basement/undercroft of Block B1, from 144sqm to 164sqm. The additional internal space is proposed to accommodate additional ancillary residential bicycle storage (80no. spaces). This does not breach any mandatory EIA threshold.

5.1.1.5 Class 13(c) - Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

No new demolition works are proposed as part of the amendments to the consented scheme. All of the necessary demolition works on site are permitted under ABP Reg. Ref. 306569-20.

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

We come on to assess Schedule 7 under Section 5.2 of this report.

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

We refer the Planning Authority to the Natura Impact Assessment Report, prepared by Moore Group Environmental Consultancy.

It is the conclusion of this NIS that, on the basis of the best scientific knowledge available and with the implementation of the mitigation and restriction measures set out under Section 3.6 of the NIS, the possibility of any adverse effects on the integrity of the European Sites considered (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives), arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

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

See response to Q1 above (section 5.1.1). The project is not on a mandatory list for which EIA is always required.

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

There is no positive requirement to address this question as there is no formal exclusion list for subthreshold projects where EIA is not required.

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

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

On the basis of the information above, the proposed development is considered to be outside the mandatory requirements for EIA.

The next step in the screening process is then to determine whether there is a requirement for an EIA, where the proposed development is subthreshold but falls within the scope of one of the categories of specified development under Schedule 5 Part 2 of the Planning & Development Regulations 2001, as amended. Where the likelihood of significant effects cannot be readily be excluded, further information should be provided to facilitate the competent authority in determining whether sub-threshold EIA is required.

Article 4(4) of Directive 201192/EU, as amended by 2014/52/EU requires the developer to provide information on the characteristics of the project and its likely significant effects on the environment (which information is specified in Annex IIA), to allow the competent authorities to make a determination on the requirement for sub-threshold EIA. The relevant criteria to which the competent authority must have regard in determining whether an EIA is required is set out at Annex III of the Directive.

Under Irish law, Schedule 7A of the Planning and Development Regulation 2018 identifies the information required to be submitted to allow the Competent Authority (in this case it is Dublin City Council as Planning Authority) assess whether an EIA is required for subthreshold projects. The relevant criteria to which the Competent Authority is required to have regard are set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, under the following headings: -

- Characteristics of Proposed Development.
- Location of the Proposed Development.
- Types and characteristics of potential impacts.

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

5.2 Sub-Threshold EIA Considerations

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

An Environmental Impact Assessment Report (EIAR) is required to accompany an application for permission for a residential development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2019, which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. As demonstrated above, the relevant thresholds for mandatory EIA have not been exceeded by the proposed development.

An EIAR will nonetheless be required in respect of sub-threshold residential development where the Planning Authority considers that the proposed development would be likely to have significant effects on the environment.¹

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

Schedule 7A of the Planning and Development Regulations 2001, as amended, identifies the information to be provided by the applicant or developer for the purposes of screening sub-threshold development for environmental impact assessment, as set out below:

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

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

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

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

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

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

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

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

Schedule 7A paragraph (4) refers to Schedule 7 which, as already discussed above, provides a list of criteria for determining whether development listed in part 2 of schedule 5 should be subject to an environmental impact assessment.

Schedule 7 of the Planning and Development Regulations 2018 sets out the criteria that must be considered by the Planning Authority to screen sub-threshold development for EIA, under the following main headings:

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

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

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

The Planning and Development Regulations 2001 (as amended) provide for preliminary screening for EIA. The Departmental Guidelines (August 2018) state in relation to such a preliminary screening that:

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

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

Please refer to Section 4 above for a description of the proposed development / project. Broadly permission is sought to make amendments to the consented SHD scheme, comprising proposed:

- change of use and associated design reconfiguration of Block B2 from office use to residential use (40no. 2-bed apartments and ancillary facilities in 8 floors from (1st to 8th floor levels);
- change of use of ground floor restaurant unit (c.223sqm GFA) to residential amenity co-working use (210sqm) and Community/Cultural Use (52sqm) in Block B1; and,
- other sundry ancillary and associated site, structural and landscape works to accommodate this change and tie it into the consented scheme

All within the same c.0.82ha site of the otherwise consented SHD scheme, which was subject of previous EIA.

A number of environmental assessments have been undertaken in respect of the proposed development and accompany this planning application. This includes a Natura Impact Statement, prepared by Moore Group Environmental Consultancy enclosed within the application. We refer otherwise to the schedule of plans and particulars that accompany the application.

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

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

Table 3.4 Descriptions of Effects

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

<p>Describing the Probability of Effects</p> <p>Descriptions of effects should establish how likely it is that the predicted effects will occur so that the CA can take a view of the balance of risk over advantage when making a decision.</p>	<p>Likely Effects</p> <p>The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.</p>
<p>Describing the Duration and Frequency of Effects</p> <p>‘Duration’ is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.</p>	<p>Unlikely Effects</p> <p>The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.</p>
	<p>Momentary Effects</p> <p>Effects lasting from seconds to minutes.</p>
	<p>Brief Effects</p> <p>Effects lasting less than a day.</p>
	<p>Temporary Effects</p> <p>Effects lasting less than a year.</p>
	<p>Short-term Effects</p> <p>Effects lasting one to seven years.</p>
	<p>Medium-term Effects</p> <p>Effects lasting seven to fifteen years.</p>
	<p>Long-term Effects</p> <p>Effects lasting fifteen to sixty years.</p>
	<p>Permanent Effects</p> <p>Effects lasting over sixty years.</p>
<p>Reversible Effects</p> <p>Effects that can be undone, for example through remediation or restoration.</p>	
<p>Frequency of Effects</p> <p>Describe how often the effect will occur (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually).</p>	

Describing the Types of Effects	Indirect Effects (a.k.a. Secondary or Off-site Effects) Effects on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.
	Cumulative Effects The addition of many minor or insignificant effects, including effects of other projects, to create larger, more significant effects.
	'Do-nothing Effects' The environment as it would be in the future should the subject project not be carried out.
	'Worst-case' Effects The effects arising from a project in the case where mitigation measures substantially fail.
	Indeterminable Effects When the full consequences of a change in the environment cannot be described.
	Irreversible Effects When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.
	Residual Effects The degree of environmental change that will occur after the proposed mitigation measures have taken effect.
	Synergistic Effects Where the resultant effect is of greater significance than the sum of its constituents (e.g. combination of SO _x and NO _x to produce smog).

5.2.1 Characteristics of the Development²

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

5.2.1.1 Size and design of the whole of the Proposed Development

We refer also to Section 4 above for the description of the proposed development.

Broadly permission is sought to make amendments to the consented SHD scheme, comprising proposed:

- change of use and associated design reconfiguration of Block B2 from office use to residential use (40no. 2-bed apartments and ancillary facilities in 8 floors from 1st to 8th floor levels);
- change of use of ground floor restaurant unit (c.223sqm GFA) to residential amenity co-working use (210sqm) and Community/Cultural Use (52sqm) in Block B1; and,
- other sundry ancillary and associated site, structural and landscape works to accommodate this change and tie it into the consented scheme.

All largely within the same building envelope and within the same c.0.82ha site of the otherwise consented SHD scheme, which was subject of previous EIA.

The proposed development falls significantly below the relevant thresholds for mandatory EIA for development of this nature as described previously in 5.1.1 of this report.

The wider consented scheme, within which the proposed amendments take place, has previously been subject of EIA finding (ABP-310567-21) that:

“Having regard to:

a) The nature and scale of the proposed development on an urban site served by public infrastructure,

b) The absence of any significant environmental sensitivities in the area,

c) The location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

...The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, the refusal of permission for Block A, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable”.

Built Form

The proposed amendments result in a marginal increase of c.1m to the parapet height of Block B2, from 31.5m to 32.5m. This is to facilitate integration of the proposed residential floor levels with permitted residential Blocks A and B1.

An Bord Pleanála considered that the consented development satisfied the considerations as set out in the Building Height Guidelines in the case of both the parent permission ABP-306569-20 and the landmark residential building Block A (30 storeys). This included landscape and visual impact within the setting of protected structures on site and at neighbouring sites, and in key views identified in the Dublin City Development Plan.

The proposed 1m increase of the Block B2 parapet height does not materially alter the building height of Block B2 as permitted under ABP-306569-20 or in the cumulative scenario of ABP-310567-21. The proposed development includes the omission of roof plant at Block C, which was permitted of the s.

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

146B non-material amendment of the consented scheme under ABP-306569-20. The proposed omission of same reduces the level of visual clutter at roof level.

The proposed amendments otherwise are integrated into the permitted building footprint and envelope, other than some minor adjustments to bicycle parking arrangements at surface level associated with the proposed new residential units.

We refer the Planning Authority generally to the accompanying Architectural Design Statement and elevational drawings prepared by Reddy Architecture & Urbanism for details on the proposed building height. We refer also to the photomontage views of revised Block B2 in the context of existing and consented development at this site, prepared by ModelWorks and to the Addendum Landscape and Visual Impact Assessment, prepared by ARC.

Site Works

The proposed development includes ancillary and associated site, structural and landscape works required to tie amended Blocks B2 (residential) and B1 (residential amenity co-working and cultural space) in with the consented development. This includes:

- Design adjustments at the interface of proposed Block B2 with the consented Block A tower building and Block B1, including increase in roof parapet height (by 1.0m):
- Amendments to landscaping at roof level of consented Block B2 and part of Block B1 to accommodate proposed changes to roof levels associated with Block B2 change of use.
- Changes to the northern Parkgate Street façade of consented Block B2 to suit residential use and accommodate external private amenity (wintergardens & balconies), within the permitted Block B2 footprint.
- Changes to the southern façade of consented Block B2 to suit residential use and accommodate external private amenity (balconies), within the permitted Block B2 footprint.
- 20 no. additional visitor bicycle spaces and 2no. cargo bike spaces within consented public realm at surface level.
- Reconfiguration of floor plan and increase in internal floor area of consented basement/undercroft at Block B1 from 144sqm to 164sqm, to accommodate additional ancillary residential bicycle storage (80 no. spaces).
- Reconfiguration of ground and mezzanine floors of consented Block B1 to accommodate the proposed residential amenities and additional ancillary refuse, circulation, plant and non-residential back of house areas.

The water services infrastructure remain as permitted under ABP Reg. Ref. 306569-20 and 310567-21. This proposed development will connect to that permitted infrastructure.

We refer the Planning Authority to the enclosed Drainage Technical Note and accompanying drawings, prepared by ARUP Consulting Engineers for details pertaining to stormwater and foul drainage and water supply. We also refer to the enclosed landscape plans, prepared by Mitchell + Associates for details of the bicycle parking at surface level and adjusted rooftop courtyard plans at Block B1 and Block B2.

5.2.1.2 Nature of any associated demolition works

No new demolition works are proposed as part of this application.

All necessary demolition works are per the consented development under ABP Reg. Ref. 306569-20.

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

The increase in internal floor area of consented basement/undercroft at Block B1 from 144sqm to 164sqm, to accommodate additional ancillary residential bicycle storage, will result in additional excavation works on site.

Spoil generated during excavation works for the consented scheme, with proposed amendments, will be tested for reuse or disposed of in accordance with the Waste Management Act 1996-2011.

The **Construction & Environmental Management Plans (CEMP)**, prepared by ARUP Consulting Engineers, submitted with ABP Reg. Ref. 306569-20 and 310567-21 identify a preliminary methodology for addressing the process of excavation, reuse and transportation of spoil as necessary. As the proposed development is a declared amendment to the consented scheme. It will be tied to the same planning conditions and mitigation measures outlined in the Environmental Impact Assessment Report, including the CEMP.

No new demolition works are proposed as part of this application. Demolition works are as per the consented development permitted under ABP Reg. Ref. 306569-20. The **Outline Construction and Demolition Waste Management Plan (CDWMP)** prepared by ARUP Consulting Engineers, submitted with ABP Reg. Ref. 306569-20 and 310567-21 provides the information necessary to ensure that the management of construction and demolition (C&D) waste at the site is undertaken in accordance with the current legal and industry standards. In particular, the CDWMP aims to ensure maximum recycling, reuse and recovery of waste with diversion from landfill, wherever possible. It also seeks to provide guidance on the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution (e.g. contamination of soil and/or water). This CDWMP includes information on the legal and policy framework for Construction & Demolition waste to be generated by the proposed development and makes recommendations for management of different waste streams. As the proposed development is a declared amendment to the consented scheme. It will be tied to the same planning conditions and mitigation measures outlined in the Environmental Impact Assessment Report, including the CDWMP.

Ecological assessments of the subject site have been prepared to determine the likely presence of flora, fauna and habitats that would require protection. We refer the Planning Authority to the accompanying **Natura Impact Statement**, prepared by Moore Group and to the **Arboricultural Impact Assessment** prepared by CMK Horticultural and Arboricultural Consultancy.

Operationally, the water services infrastructure has already been permitted under ABP Reg. Ref. 306569-20 and 310567-21. This proposal seeks to connect to that permitted infrastructure. No new water impacts arise.

We refer the Planning Authority to the **Drainage Technical Note** prepared by Arup Consulting Engineers.

In our opinion, having regard to the assessments that accompany the planning application, the proposed development on its own does not give rise to any significant new environmental impacts. It then forms a component part of a larger consented scheme that has been subject of previous EIA finding (ABP-310567-21) that:

“Having regard to:

- a) The nature and scale of the proposed development on an urban site served by public infrastructure,*
- b) The absence of any significant environmental sensitivities in the area,*
- c) The location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),*

...The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, the refusal of permission for Block A, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable”.

The proposed amendment to the consented scheme is representative of the sustainable development of well serviced, zoned and finite development lands.

5.2.1.4 Production of Waste

The proposed development, at this scale, is considered likely to generate normal quantities of household/general commercial waste when operational.

An **Operational Waste Management Plan**, prepared by Awn Consulting, accompanies the application and outlines the strategy for management of waste from the proposed development (residential) during construction and operational stages of the proposed development.

5.2.1.5 Pollution and Nuisance

The proposed amendments, lie within the footprint and largely within the built envelope of the consented scheme. It is not anticipated that additional construction activities will arise from the proposed amendments in isolation.

Construction activities related to the consented development, including noise, vibration and dust emissions, could potentially have adverse impacts on the amenities of neighbouring properties and the local road network, during the construction stage. A **Construction & Environmental Management Plan**, prepared by ARUP Consulting Engineers, accompanied the applications for the consented development. The mitigation measures of the final CEMP to be agreed with the planning authority will apply equally to any permission for the proposed amendment to the consented scheme.

The potential for soil/and or water pollution during the operation phase is also addressed in the **Construction & Environmental Management Plan**, prepared by ARUP Consulting Engineers, which accompanied the applications for the consented development. The mitigation measures of the final CEMP to be agreed with the planning authority will apply equally to any permission for the proposed amendment to the consented scheme.

5.2.1.6 Risk of Major Accidents and / or Disaster

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

The application site is not proximate to any Seveso/COMAH designated sites.

5.2.1.7 Risk to Human Health

Similar to all construction sites, construction works giving rise to air and noise emissions that have the potential to impact human health. Appropriate mitigation measures are identified in the **Construction Management Plan** prepared by ARUP Consulting Engineers, which accompanied the applications for the consented development. The mitigation measures of the final CEMP to be agreed with the planning authority will apply equally to any permission for the proposed amendment to the consented scheme.

An **Operational Waste Management Plan** as submitted with this application for the proposed development (including 40no. new residential units).

In terms of water integrity, the subject site is serviced. Therefore the development can be connected to public foul and surface water systems.

5.2.2 Location of Proposed Development³

5.2.2.1 Existing Land Use

The proposed development is located on a brownfield site, last occupied by Hickey's Fabrics warehouse and main office, primarily zoned Z5. It is considered that the proposed development is consistent with the current land use zoning and the wider land uses in the surrounding area.

The applicant has engaged a qualified ecological consultant (Moore Group Ecological Consultants) to assess whether proposed development is likely to have a significant environmental impact on any European sites. We refer the Planning Authority to the Natura Impact Statement which concludes the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

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

The proposed development is compliant with the Dublin City Development Plan 2022-2028. The application site is zoned for the type of development proposed.

The Dublin City Development Plan 2022-2028 has been the subject of Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) as part of the statutory Plan preparation process.

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

5.2.2.3 Absorption Capacity of the Natural Environment

Assessment of the proposed development in the context of the following environmentally sensitive geographical designations is relevant: -

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

The application site has already been deemed capable of absorbing the nature and extent of proposed development by both Dublin City Council and An Bord Pleanála in the case of the consented scheme. This in turn is supported by the Development Plan making process, including a process of SEA and AA.

For the avoidance of doubt, the application site is not within or directly connected to a wetland, riparian areas and river mouths, nor is it in a coastal or marine environment, a mountain or forest area, or a nature reserve or park. It does not form part of any Natura 2000 site. The application site accommodates protected structures and is set within the wider conservation setting of the surrounding city centre area, including Heuston Station, the Liffey quays and Phoenix Park. However, as noted above, the consented scheme, within which the proposed amendments are accommodated in a similar manner, has previously been assessed as being capable of being absorbed into this historic context. Thus, we are of the opinion

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

that the proposed development will not give rise to any significant new impacts in respect of built NS natural landscape or cultural heritage.

Finally, the site is not in an area where there has already been a demonstrated failure to meet the environmental quality standards, laid down in EU legislation and relevant to the project.

The various reports that have accompany this planning application in relation to transportation, flood risk, energy, set out that the development is capable of being absorbed into the existing environment.

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

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

In respect of the potentially environmentally sensitive aspects of the site and surrounds identified above, we refer the Planning Authority further to Section 5.2.3 below. A range of expert reports accompany the planning application, which addresses the likely significant effects on the environment of the proposed development in relation to the criteria set out in Schedule 7 and 7A of the Planning & Development Regulations 2001 (as amended), having regard to any recommended mitigation measures.

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

5.2.3 Aspects of the Environment Likely to be Affected by the Proposed Development⁴

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

A summary of these reports is set out below:

5.2.3.1 Housing Quality Assessment

A **Housing Quality Assessment (HQA)** prepared by Reddy Architecture + Urbanism is enclosed. The HQA identifies that each of the proposed dwellings meets or exceeds the minimum residential amenity standards for duplexes / apartments prescribed by the *‘Design Standards for New Apartments - Guidelines for Planning Authorities’* (2023).

5.2.3.2 Drainage Technical Note

We refer the Planning Authority to the **Drainage Technical Note**, prepared by ARUP Consulting Engineers.

5.2.3.3 Transportation Assessment

The enclosed **Transportation Technical Note** has been prepared by ARUP Consulting Engineers.

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

5.2.3.4 Natura Impact Statement

We refer the Planning Authority to the **Natura Impact Statement**, prepared by Moore Group, enclosed with this application.

The report concludes that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

5.2.3.5 Arboricultural Assessment Report

We refer the Planning Authority to the **Arboricultural Assessment Report** and associated drawings which have been prepared by CMK Horticultural and Arboricultural Consultancy and enclosed as part of this planning application.

5.2.3.6 Landscape & Visual Impact Assessment

We refer the Planning Authority to the enclosed Addendum Landscape and Visual Impact Assessment, prepared by ARC Architectural Consultants.

In 2021 ARC Consultants prepared a chapter, Chapter 13, of an Environmental Impact Assessment Report (EIAR), this chapter assessing the potential Landscape and Visual Impact of the then proposed revised 'Block A' residential tower, in the context of the rest of the permitted strategic housing development and of the surrounding urban landscape. This chapter formed part of the material submitted to the Board for their consideration in relation to ABP Ref. 310567-21. The chapter considered the potential landscape and visual impact likely to be observed from a total of 22 viewpoints in the surrounding area, Views A to V inclusive.

When considering the potential visual impacts of the current proposed amendments to the permitted scheme, it is noted that from 10 of the view locations analysed in relation to the then proposed revised 'Block A' residential tower application, the proposed amendments would not be visible because of intervening development, including other parts of the permitted strategic housing development.

From the remaining 12 view locations, the potential visual effects of the entire permitted development as assessed in the revised 'Block A' residential tower environmental impact assessment report (EIAR). New comparative photomontages have been prepared by Model Works for each of the 12 view locations, these photomontages showing the permitted strategic housing development as originally permitted and as now proposed to be amended. It is ARC's assessment that **the proposed amendments will not result in any change to the previously assessed extent of potential landscape and visual effects.**

5.2.3.7 Pedestrian Level Wind Microclimate Assessment

A **Microclimate Wind Analysis and Pedestrian Comfort Report** prepared by IN2 is enclosed within the application.

5.2.4 Likely Significant Effects on the Environment⁵

The third section of Schedule 7, refers to:

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

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

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

- i. “population and human health;
- ii. biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;
- iii. land, soil, water, air and climate;
- iv. material assets, cultural heritage and the landscape;
- v. the interaction between the factors mentioned in clauses (I) to (IV)”

Having regard to the brief description of the characteristics and location of the proposed development (Sections 5.2.1 and 5.2.2 above) and relevant aspects of the environment likely to be affected (Section 5.2.3) already identified, we do not consider it necessary to repeat these descriptions again for each of the factors above.

Having regard also to the mitigation measures contained in the relevant expert environmental assessments, which either accompany this application or form part of the wider consented scheme to which the proposed amendments are tied, we proceed then to identify below the likely significant effects on the environment in respect to items I-V above.

5.2.4.1 Population and human health

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

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

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

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

Planning Policy Context

The proposed development is consistent with the other relevant policies and objectives of the Dublin City Development Plan 2022-2028. The plan came into effect on 14 December 2022 and is the statutory land-use plan governing the subject lands at this time.

We refer the Planning Authority to the **Planning Application Report and Statement of Consistency** enclosed with this planning application, compiled by Stephen Little & Associates which outlines the

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

⁷ Guidelines on the information to be contained in environmental impact assessment reports, EPA, 2017

proposed developments consistency with all of the relevant policies and objectives of the Dublin City Development Plan.

The proposed amendments relate to lands zoned for mixed use development including residential development. The site is highly accessible to numerous public transport services. The site is approximately 200m from Heuston Station which gives rail access to west Dublin and the west and south west of Ireland. Heuston Red Line LUAS stop is approximately 180m from the subject site which gives convenient access to the city centre and the IFSC in one direction and access to Tallaght and west Dublin in the other direction. Numerous Dublin Bus stops are also conveniently located on Parkgate Street directly adjacent the site Dublin Bus numbers 25, 26, 66, 66a, 66b, 66e, 67 and 69). In addition to the above public transport services, a Dublin Bikes station is located directly beside the subject site at Heuston Bridge.

The proposed development is consistent with the relevant National Policy Objectives of the National Planning Framework (NPF).

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

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

- Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009
- Guidelines for Sustainable Residential Development, Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2023)

We refer the Planning Authority to the Planning Application Report enclosed with this Planning Application, prepared by Stephen Little & Associates, which identifies how the proposed development is consistent with strategic planning policy.

Housing Quality Assessment

We refer the Planning Authority to the Housing Quality Assessment, prepared Reddy Architecture + Urbanism which identifies that each of the proposed dwellings meets or exceeds the minimum residential amenity standards for apartments prescribed by the *'Design Standards for New Apartments - Guidelines for Planning Authorities'* (2023)

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

Micro-Climatic Effects

No significant adverse wind impacts are predicted to arise for the proposed development.

The proposed development was determined not to unduly impact on its neighbouring environment in terms of localised wind effects, with amenity/balcony spaces for residents predicted to be utilised accordingly. We refer the Planning Authority to the **Microclimate Wind Analysis and Pedestrian Comfort Report** prepared by IN2, submitted as part of this planning application.

We refer the Planning Authority to the **Daylight & Sunlight Analysis**, prepared by IN2 as submitted as part of this planning application.

Flood Risk

We refer the Planning Authority to the enclosed Technical Note, prepared by ARUP Group which confirms that the proposed amendment will not impact the findings of the Flood Risk Assessment previously conducted by ARUP Group which concluded: -

There is no historic record of the site having flooded in the past.

While the site borders the River Liffey, flood risk to the site is low and existing ground levels are above the maximum 1% AEP fluvial water level and the 0.5% AEP tidal level. The risk of groundwater and pluvial flooding is also low.

The minimum site flood defense level of the proposed development including an allowance for climate change and freeboard is 4.12mOD.

Flood risk to the buildings on site will be managed by raising ground levels to between 5.4mOD and 6.0mOD.

Access and egress routes will not be compromised during a flood event with the exception of the route to the internal river walk next to the River Liffey. This is not a primary access and egress route for the proposed development and the entrance/exit point to the building itself will be approximately 1.38m above the minimum site flood defense level.

The proposed development will also not impact on floodplain storage or conveyance.

As a small area of the existing site is within the 0.1% AEP tidal flood extent. The site is therefore classified as Flood Zone B and a Justification Test is required. Both the Plan Making and Development Management Justification elements of the Justification test have been assessed and both are deemed to be passed as part of this FRA.

5.2.4.2 (ii) Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;

By way of description of this aspect of the environment in the context of the proposed development, the following information provided by the NIS for the proposed development should be noted.

The nearest European sites are those associated with Dublin Bay including South Dublin Bay and River Tolka Estuary SPA (site Code 004024) which is located approximately 4.37 km to the east, South Dublin Bay SAC (Site Code 000210) which is located approximately 5.41 km to the east, North Bull Island SPA (Site Code 004006) which is located approximately 7.46 km to the east, and North Dublin Bay SAC (Site Code 000206) which is located approximately 7.47 km to the east.

No direct impacts on the Dublin Bay European sites are predicted and there will be no habitat loss or fragmentation as a result of the proposed development, given the distance from the European sites in Dublin Bay.

Potential direct impacts on SPA bird species can also be ruled out, given the nature of the proposed development within an existing urban zone, with existing levels of human activity, e.g., movement of vehicles and background noise, as well as the distance of the site from Dublin Bay

We refer the Planning Authority to the **Natura Impact Statement**, prepared by Moore Group, which concludes that: -

on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.6., that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.

5.2.4.3 (iii) land, soil, water, air and climate

Soil

Due to the nature of the proposed development, there will be negligible reuse of any topsoil stripped from the site. No herbicides will be applied by contractors in advance of any site clearance works for the consented scheme, which the proposed development would form a part of.

Hydrological & Hydrogeological

The surface water discharge of the proposed development is as per the consented scheme and does not have a direct source pathway linkage to open water.

Flood Risk

We refer the Planning Authority to the enclosed Technical Note, prepared by ARUP Group which confirms that the proposed amendment will not impact the findings of the Flood Risk Assessment previously conducted by ARUP Group which concluded: -

There is no historic record of the site having flooded in the past.

While the site borders the River Liffey, flood risk to the site is low and existing ground levels are above the maximum 1% AEP fluvial water level and the 0.5% AEP tidal level. The risk of groundwater and pluvial flooding is also low.

The minimum site flood defense level of the proposed development including an allowance for climate change and freeboard is 4.12mOD.

Flood risk to the buildings on site will be managed by raising ground levels to between 5.4mOD and 6.0mOD.

Access and egress routes will not be compromised during a flood event with the exception of the route to the internal river walk next to the River Liffey. This is not a primary access and egress route for the proposed development and the entrance/exit point to the building itself will be approximately 1.38m above the minimum site flood defense level.

The proposed development will also not impact on floodplain storage or conveyance.

As a small area of the existing site is within the 0.1% AEP tidal flood extent. The site is therefore classified as Flood Zone B and a Justification Test is required. Both the Plan Making and Development Management Justification elements of the Justification test have been assessed and both are deemed to be passed as part of this FRA

Climatic Effects

No significant adverse impacts on the environment are predicted to arise in respect of wind/micro-climatic effects arising from the proposed development. We refer the Planning Authority to the enclosed Microclimatic Wind Analysis and Pedestrian Comfort Report, prepared by IN2.

The proposed development meets the recommendations of the BRE guidelines in respect of likely impact to daylight and sunlight from the proposed development on the surrounding environment. We refer the Planning Authority to the enclosed Daylight and Sunlight Analysis Report, prepared by IN2.

An **Energy and Sustainability Report**, prepared by IN2 Consulting Engineers, and a **Building Lifecycle Report**, prepared by Aramark and submitted with the planning application, confirm that measures have and will be taken in the detailed design and construction of the building to ensure energy efficiency and use of renewable and passive energy technologies. No significant adverse impact on climate arising from the proposed development is therefore predicted.

Arising from all of the above no significant impacts are expected in respect of land, soil, water, air and climate from the proposed development or in the context of the cumulative development with the consented scheme.

5.2.4.4 (iv) material assets, cultural heritage and the landscape

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

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

Landscape and Visual Impact Assessment

The assessment shows that the key receptors of change, represented by Viewpoints B-F, I-L, Q, R, T would experience positive visual effects ranging from ‘slight’ to ‘moderate’.

The proposed amendment to the Block B2 building to facilitate residential use, including slight increase in height of roof parapet (by c.1m), will not result in any change to the previously assessed extent of potential landscape and visual effects identified in the EIAR for the consented scheme.

We refer to the enclosed Addendum Landscape and Visual Impact Assessment, prepared by ARC that accompanies this application.

Transportation

The **Transportation Technical Note** prepared by ARUP Consulting Engineers confirms that the proposed amendment to the consented scheme can be accommodated by the existing infrastructure without causing an adverse effect on the transportation environment of the area.

Architectural Heritage Impact Assessment

The demolition of all other structures within the former Hickey’s Fabrics site, including the large single storey warehouse building with curved wall to Parkgate Street and all warehouse internal walls and partitions including the southern brick wall running parallel to the interior of the riverside stone wall, a small two storey building adjacent to the entrance stone archway and the former 2-storey detached house (Parkgate House) at the north west corner of the site, and other miscellaneous structures, is permitted as part of the consented scheme under ABP-306569-20.

The Board’s Inspector’s Report (ABP-306569-20) welcomed the refurbishment and reuse of the Protected Structures and considered that an appropriate balance had been achieved between protecting the historical significance of the site and enabling its redevelopment.

For the avoidance of doubt, the proposed amendment the subject of this LRD application does not involve any new works to Protected Structures or other historic buildings / structures. These have already been consented under ABP-306569-20.

We refer the Planning Authority to the **Architectural Heritage Impact Assessment addendum note** accompanied by the AHIA for the consented scheme, prepared by ARC, which accompanies this planning application.

Utilities

We refer the Planning Authority to the description of existing and proposed drainage and water supply contained in the **Drainage Technical Note** prepared by ARUP Consulting Engineers.

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

Flood Risk

We refer the Planning Authority to the enclosed Technical Note, prepared by ARUP Group which confirms that the proposed amendment will not impact the findings of the Flood Risk Assessment previously conducted by ARUP Group which concluded: -

There is no historic record of the site having flooded in the past.

While the site borders the River Liffey, flood risk to the site is low and existing ground levels are above the maximum 1% AEP fluvial water level and the 0.5% AEP tidal level. The risk of groundwater and pluvial flooding is also low.

The minimum site flood defense level of the proposed development including an allowance for climate change and freeboard is 4.12mOD.

Flood risk to the buildings on site will be managed by raising ground levels to between 5.4mOD and 6.0mOD.

Access and egress routes will not be compromised during a flood event with the exception of the route to the internal river walk next to the River Liffey. This is not a primary access and egress route for the proposed development and the entrance/exit point to the building itself will be approximately 1.38m above the minimum site flood defense level.

The proposed development will also not impact on floodplain storage or conveyance.

As a small area of the existing site is within the 0.1% AEP tidal flood extent. The site is therefore classified as Flood Zone B and a Justification Test is required. Both the Plan Making and Development Management Justification elements of the Justification test have been assessed and both are deemed to be passed as part of this FRA

5.2.4.5 (v) the interaction between the factors mentioned in clauses (I) to (IV)

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

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

5.2.4.6 (vi) Vulnerability of the project to risks of major accidents and/ or disasters

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

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

The application site is not proximate to any Seveso/COMAH designated sites.

The application site is not at risk of flooding in any form, as confirmed by ARUP within the enclosed Drainage Technical Report.

5.3 Conclusion

EIA is a mandatory requirement for development projects of a class specified in Part 1 or 2 of Schedule 5. The proposed amendment to the consented scheme is subthreshold the relevant classes of development.

This EIA Screening Report seeks to assist the Planning Authority in its determination of the likelihood of significant effects on the environment arising from the proposed development, an amendment to consented SHD.

The criteria set out in schedule 7 of the Regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU therefore have to be applied with regard to the characteristics and location of the proposed development, and the type and characteristics of its potential impact.

Having regard to:

- a) the nature and scale of the proposed development, on zoned lands served by public infrastructure,*
- b) the absence of any significant environmental sensitivities in the area,*
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),*

and to the limited nature and extent of the proposed development, its location on lands zoned for mixed use development, and that it is consistent with the emerging pattern of development in this area, the proposed development, on its own or in combination with the consented scheme, is not considered likely to result in any long-term significant impacts on its surrounding environment.

The need for environmental impact assessment can, in our professional opinion, be excluded. However, we recognise that the Planning Authority is the competent authority in this regard.

STEPHEN LITTLE & ASSOCIATES

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

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