

Blessington LRD, Co. Wicklow

103(1A)(a) Statement

October 2024

Project number: 2024s0005

Marshall Yards Development
Company Limited

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Revision History

Revision Ref / Date Issued	Amendments	Issued to
S3-P01 / 02/05/2024	Draft Report	Marshall Yards Development Company Limited
S3-P02 / 03/05/2024	Minor updates	Marshall Yards Development Company Limited
A3-C01 / 08/05/2024	Final Report	Marshall Yards Development Company Limited
S3-P03 / 15/08/2024	Draft for planning	Marshall Yards Development Company Limited
A3-C02 / 03/10/2024	Final for planning	Marshall Yards Development Company Limited

Contract

This report describes work commissioned by Marshall Yards Development Company Limited by an email dated 21/12/2023. Conor O'Neill of JBA Consulting carried out this work.

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Purpose

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Contents

1	Introduction	1
1.1	Purpose of this Report	1
1.2	EIA Screening	1
2	Description of Proposed Works	2
2.1	Site Location	2
2.2	Proposed Development.....	2
3	Other Relevant Assessments	3
3.1	Directive 92/43/EEC - Habitats Directive.....	3
3.2	Directive 2009/147/EC - Birds Directive	3
3.3	Directive 2000/60/EC - Water Framework Directive.....	4
3.4	Directive 2007/60/EC - Floods Directive	4
3.5	Directive 2002/49/EC - Environmental Noise Directive	5
3.6	Directive 2008/50/EC - Ambient Air Quality and Cleaner Air for Europe Directive	5
3.7	Directive 2001/42/EC - Strategic Environmental Assessment Directive.....	5
3.8	Directive (EU) 2018/850 - Landfill Directive	6
3.9	Directive 2008/98/EC - Waste Framework Directive	6
3.10	Directive 2000/14/EC - Noise Emission in the Environment.....	7
3.11	Directive 2012/27/EU - Energy Efficiency	7
3.12	Directive (EU) 2018/2001 - Promotion of use of energy from renewable sources.....	8
3.13	Regulation (EU) 2018/842.....	8
3.14	Directive 2006/21/EC - Extractive Industries Waste Directive	8
3.15	Directive 2012/18/EU - COMAH Directive	8
3.16	Ramsar Convention	8
4	Conclusions	9

List of Figures

Figure 2.1: Site location and boundary of work 2

Abbreviations

- AA - Appropriate Assessment
- CEMP - Construction Environmental Management Plan
- EIAR - Environmental Impact Assessment Report
- NIAH - National Inventory of Architectural Heritage
- NMS - National Monuments Service
- OWMP - Operational Waste Management Plan
- RWMP - Resource Waste Management Plan
- SFRA - Strategic Flood Risk Assessment
- WFD - Water Framework Directive

1 Introduction

JBA Consulting Engineers and Scientists Ltd. (hereafter JBA) has been commissioned by Marshall Yards Development Company Limited to prepare an Article 103(1A)(a) Statement for a proposed Large Residential Development (LRD) in Blessington, Co. Wicklow. The proposed scheme consists of the construction of 233 no. residential units, 36 no. later living units, a medical centre, pharmacy and café across a site of 6.05 hectares, located in Blessington, Co Wicklow.

1.1 Purpose of this Report

This Statement has been prepared in accordance with Article 103(1A)(a) of the Planning and Development Regulations 2001, as amended:

(1A) (a) Where an applicant is submitting to the planning authority the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

The information specified in Schedule 7A of the Planning and Development Regulations is submitted in the form of an Environmental Impact Assessment (EIA) Screening Report. The purpose of the Article 103(1A)(a) Statement is to show how the results of other relevant assessments of the effects on the environment which have been carried out have been taken into account.

1.2 EIA Screening

The EIA Screening for the proposed development has been prepared by JBA and submitted with the application documentation. The purpose of the EIA Screening is to assess whether there is a need for an EIAR, by identifying and assessing any potential for environmental impacts as a result of the proposed development.

The EIA Screening determined that the proposed development does not fall under Schedule 5 (Parts 1 and 2) of the Act, and as such, an EIAR was not automatically triggered. The EIA Screening then examined whether the proposed development would have the potential to give rise to significant effects on the environment.

By examining the details of the proposed development, the surrounding environment, and the results of assessments carried out for the development which are outlined in Section 3, it was determined that the proposed development is not likely to result in significant effects on the environment. Therefore, an EIAR is not required. The EIA Screening Report should be read in conjunction with this Article 103(1A)(a) Statement, and the other documentation submitted as part of the planning application.

2 Description of Proposed Works

2.1 Site Location

The proposed development will be located at a site of 6.05 hectares at Blessington Demesne, Blessington, Co. Wicklow. The site is bound to the northeast by undeveloped land and residential properties at Oak Drive, to the southeast by a national school, childcare facility, and Newtown Centre, to the southwest by residential properties at Downshire Park, and to the northwest by the Blessington Inner Relief Road. The town centre of Blessington is to the southeast, with Poulaphouca Reservoir beyond that. The proposed site is shown in Figure 2.1.

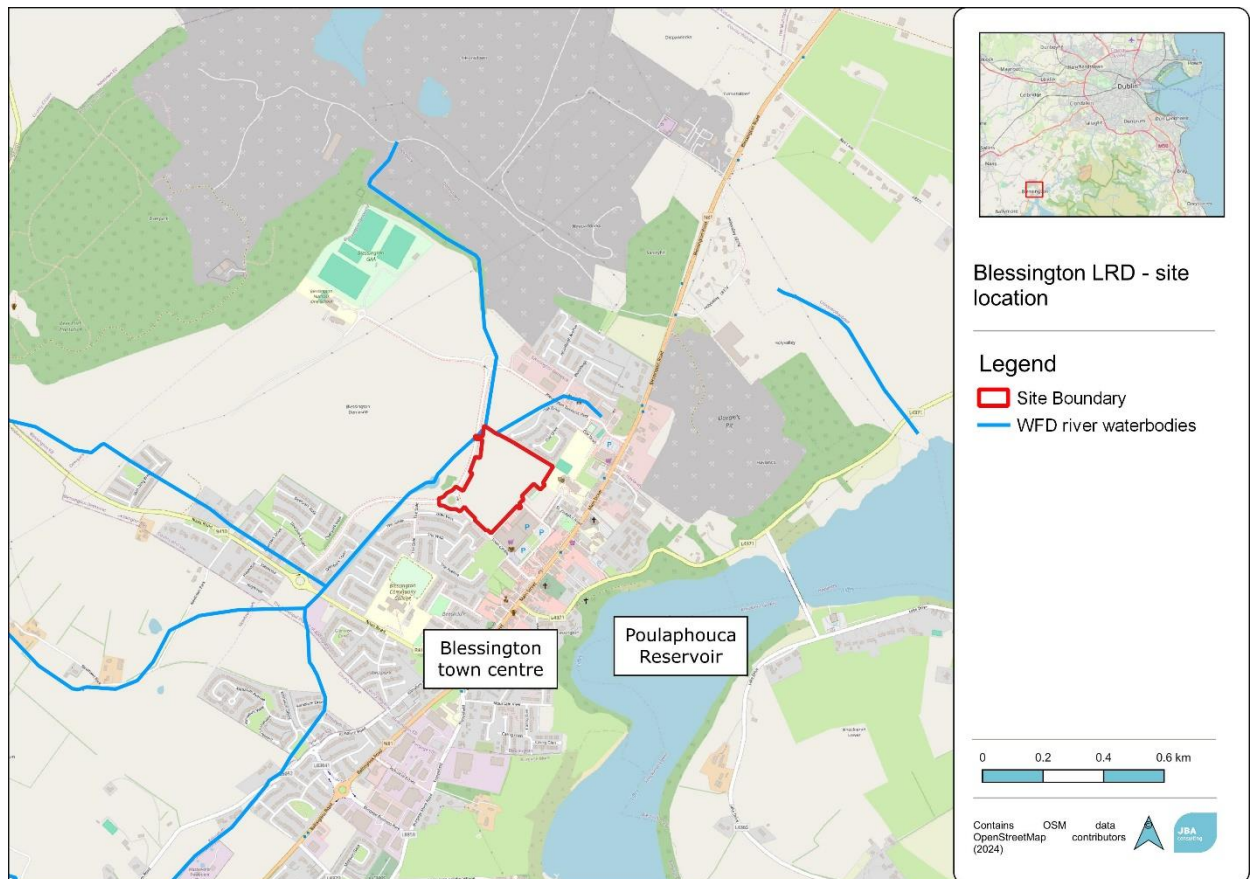


Figure 2.1: Site location and boundary of work

2.2 Proposed Development

The proposed development principally comprises the construction of a mixed-use development with a gross floor area of 23,219.1 square metres and ranging in height from 1 No. to 5 No. storeys that includes: 233 No. residential dwellings (24 No. 1-bed, 103 No. 2-bed, 94 No. 3-bed and 12 No. 4-bed), of which 185 No. are houses (103 No. 2-bed, 70 No. 3-bed and 12 No. 4-bed) and 48 No. are apartments/duplexes (24 No. 1-bed and 24 No. 3-bed); 36 No. 'later living' dwellings (12 No. 1-bed and 24 No. 2-bed), of which 12 No. are houses (all 2-bed) and 24 No. are apartments (12 No. 1-bed and 12 No. 2-bed); a medical centre (224 sq m); a pharmacy (115 sq m); and a café (60 sq m).

The development also comprises: 2 No. multi-modal entrances/exits with junctions at Blessington Inner Relief Road to the north-west and the local street to the south-west; a new pedestrian/cycle crossing to the south-east at the local street; upgrades to the Blessington Inner Relief Road roundabout to the west, including pedestrian/cycle crossings; new pedestrian/cycle crossing at Blessington Inner Relief Road to the north-west; 341 No. car parking space; cycle parking; hard and soft landscaping including public open space, communal amenity space and private amenity space (as gardens, balconies and terraces facing all directions); boundary treatments; 3 No. sub-stations; bin stores; public lighting; PV arrays atop all dwellings; PV array, lift overrun and plant atop the 5-storey mixed-use building; and all associated works above and below ground.

3 Other Relevant Assessments

3.1 Directive 92/43/EEC - Habitats Directive

3.1.1 Relevance to the Proposed Development

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora, known as the 'Habitats Directive', provides legal protection for habitats and species of European importance.

Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000 sites. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive.

3.1.2 Assessments Completed for the Proposed Development

- Appropriate Assessment (AA) Screening by Openfield Ecological Services
- Ecological Impact Statement by Openfield Ecological Services

The AA Screening for the proposed development examined whether or not it is likely to have significant impacts on any Natura 2000 sites, individually or in combination. The AA Screening concluded that no significant effects will arise from the proposed development on the Poulaphouca Reservoir SPA, or any other Natura 2000 sites.

The Ecological Impact Statement concluded that subject to the successful implementation of mitigation measures, no significant negative effects to biodiversity will occur. It should be noted that the mitigation measures outlined in the Ecological Impact Statement are not required to prevent impacts occurring on any Natura 2000 site or their Qualifying Interests.

3.2 Directive 2009/147/EC - Birds Directive

3.2.1 Relevance to the Proposed Development

Directive 2009/147/EC on the conservation of wild birds seeks to conserve all wild birds in the EU. It does this by setting out rules for the protection, management, and control of birds, their eggs, nests, and habitats.

SPAs are designated under the Birds Directive as areas for the protection of threatened species and migratory birds and their habitats. SPAs form part of the Natura 2000 network, along with SACs as described above in Section 3.1.

3.2.2 Assessments Completed for the Proposed Development

- Appropriate Assessment (AA) Screening by Openfield Ecological Services
- Ecological Impact Statement by Openfield Ecological Services

The AA Screening for the proposed development examined whether or not it is likely to have significant impacts on any Natura 2000 sites, individually or in combination. The AA Screening concluded that no significant effects will arise from the proposed development on the Poulaphouca Reservoir SPA, or any other Natura 2000 sites.

The Ecological Impact Statement concluded that subject to the successful implementation of mitigation measures, no significant negative effects to biodiversity will occur. It should be noted that the mitigation measures outlined in the Ecological Impact Statement are not required to prevent impacts occurring on any Natura 2000 site or their Qualifying Interests.

The Poulaphouca Reservoir SPA Qualifying Interests include Greylag Goose and Lesser Black-backed Gull. Neither species were noted in the surveys carried out by Openfield, nor are they likely to be impacted negatively by the proposed development.

3.3 Directive 2000/60/EC - Water Framework Directive

3.3.1 Relevance to the Proposed Development

The Water Framework Directive (WFD) aims to protect and improve water quality in rivers, lakes, estuaries and transitional waterbodies, coastal waters, and groundwater. The WFD is the main law for water protection in Europe, and ensures an integrated approach to water management across all member states.

The WFD relies on the preparation of River Basin Management Plans (RBMP) which outline how member states will protect and improve water. These RBMPs are implemented for six years, with reviews following each cycle. The main aim of the WFD is to prevent any deterioration in existing water quality status, and protect good and high-quality water status where relevant. Each member state has committed to achieving at least 'good' ecological status.

3.3.2 Assessments Completed for the Proposed Development

- Ecological Impact Statement by Openfield Ecological Services
- Construction Environmental Management Plan by DBFL Consulting Engineers
- Site-Specific Flood Risk Assessment by DBFL Consulting Engineers
- Infrastructure Design Report by DBFL Consulting Engineers

Based on the above reports prepared for the proposed development, it has been concluded that the proposed surface water management measures to be undertaken during construction and operation will ensure that no significant negative impacts on water arise.

The Ecological Impact Statement notes that while the proposed development will increase demand on the Blessington Wastewater Treatment Plant (licence no. D0063-01), capacity at the plant is not an issue at present and this will have a neutral impact on surface water with regard to biodiversity.

According to the Infrastructure Design Report, surface water management has been designed in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) requirements. SuDS measures including swales, bioretention areas, tree pits, permeable parking, and an attenuation pond mean that all surface water on site will pass through a comprehensive treatment train prior to discharge off-site. This will ensure that water is sufficiently treated and leaves site at an appropriate runoff rate which will not affect its water quality status.

Best practice will be implemented at all times in relation to all construction activities to avoid any accidental pollution events occurring to the nearby water courses. Appropriate surface water management and discharge measures are described in the CEMP.

It is not deemed that there will be adverse impacts to groundwater or any watercourses in the vicinity of the Proposed Development due to adherence to appropriate control measures, as outlined in the Infrastructure Design Report, Construction Environmental Management Plan and Ecological Impact Statement.

3.4 Directive 2007/60/EC - Floods Directive

3.4.1 Relevance to the Proposed Development

Directive 2007/60/EC on the assessment and management of flood risks aims to reduce the adverse consequences of flooding on human health, the environment, cultural heritage, and economic activity. Member states must assess risk of coastal and river flooding by collecting data on historical flood events, and examining the natural environment.

Under the Floods Directive, Ireland is obligated to prepare flood risk management plans at a river basin or coastal district level, which establish objectives for the management of flood risk. These plans should focus on prevention, by avoiding construction in areas at risk, protection, and flood preparedness.

3.4.2 Assessments Completed for the Proposed Development

- Site Specific Flood Risk Assessment by DBFL Consulting Engineers

A Site-Specific Flood Risk Assessment (SSFRA) was completed for the proposed development by DBFL Consulting Engineers. The SSFRA was prepared with reference to "The Planning System and Flood Risk Management Guidelines for Planning Authorities", which is itself prepared in line

with the Floods Directive. The SSFRA examined potential flood risk at the site. It was found that the majority of the site is within Flood Zone C and is at low risk. A small section of the site's northern corner is within Flood Zone A, however this will remain as open space. The SSFRA concluded that the proposed development is appropriate for the site's flood zone category, and that the relevant guidelines have been adhered to.

3.5 Directive 2002/49/EC - Environmental Noise Directive

3.5.1 Relevance to the Proposed Development

Directive 2002/49/EC relating to the assessment and management of environmental noise requires member states to prepare and publish strategic noise maps and noise management action plans every five years. The main aim of the Environmental Noise Directive (END) is to provide a framework for member states to avoid, prevent, or reduce the harmful effects of exposure to environmental noise.

3.5.2 Assessments Completed for the Proposed Development

- Construction Environmental Management Plan by DBFL Consulting Engineers

During construction, temporary and intermittent noise impacts are likely to occur. These impacts will not be significant and will be in the site boundary and its immediate vicinity, due to mitigation measures outlined in the CEMP prepared for the proposed development.

The proposed development will comply with BS 5228 (2009+A1 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites. Maximum noise limits are set out in the CEMP, along with other measures such as limits on working times during construction and good practice measures that the contractor will adhere to.

Once operational, the proposed development will not lead to any noise impacts.

3.6 Directive 2008/50/EC - Ambient Air Quality and Cleaner Air for Europe Directive

3.6.1 Relevance to the Proposed Development

Directive 2008/50/EC on ambient air quality and cleaner air for Europe (often referred to as the CAFE Directive) replaced an earlier Air Quality Framework Directive and three "daughter" directives which laid out limits for certain pollutants. The CAFE Directive sets out rules and objectives for improving air quality in Europe and limiting exposure to air pollution. The main objective of the Directive is to reduce human and environmental exposure to air pollution and ensure that pollutant limits are not exceeded.

The Directive also outlines assessment methodologies and corrective actions if standards are not met.

National authorities are required to designate specific bodies to assess compliance with thresholds, limit values and target values for each pollutant covered by the directive. The regulations further provide for the distribution of public information. This includes information on any exceedances of target values, the reasons for exceedances, the area(s) in which they occurred, and the relevant information regarding effects on human health and environmental impacts. In Ireland, the EPA is the competent authority for the purpose of the CAFE Directive and develops an annual report on all pollutants covered by the legislation.

3.6.2 Assessments Completed for the Proposed Development

- Construction Environmental Management Plan by DBFL Consulting Engineers

During the construction phase, slight temporary impacts are likely to occur on air quality due to construction activities. These will be typical of construction works and will be mitigated by measures outlined in the CEMP for the proposed development.

3.7 Directive 2001/42/EC - Strategic Environmental Assessment Directive

3.7.1 Relevance to the Proposed Development

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, known as the SEA Directive, established a process for the formal and systematic

evaluation of the likely significant environmental effects of implementing a plan or programme, before a decision is made to adopt it. The purpose of an SEA is to provide for a high level of protection of the environment and to ensure that the environment is taken into consideration when plans and programmes are being adopted.

The Wicklow County Development Plan (CDP) 2022-2028 sets out a strategic spatial framework for the planning and sustainable development of County Wicklow. An SEA process was carried out along with the preparation of the CDP, to ensure its compliance with the SEA Directive. In addition to the SEA, the CDP also underwent Appropriate Assessment (AA), and Strategic Flood Risk Assessment (SFRA).

3.7.2 Assessments Completed for the Proposed Development

- SEA Statement for the Wicklow County Development Plan 2022-2028, prepared by CAAS Ltd for Wicklow County Council
- Appropriate Assessment Conclusion Statement for the Wicklow County Development Plan 2022-2028, prepared by CAAS Ltd for Wicklow County Council
- Strategic Flood Risk Assessment of the Wicklow County Development Plan 2022-2028, prepared by JBA Consulting for Wicklow County Council

The above documents were reviewed and the potential for cumulative effects with the proposed development was considered. Based on the conclusions of the above reports, no significant impact will occur as a result of the proposed development interacting with the above plan.

3.8 Directive (EU) 2018/850 - Landfill Directive

3.8.1 Relevance to the Proposed Development

Directive (EU) 2018/850 on the landfill of waste aims to prevent or reduce as much as possible any negative impact from landfill on surface water, groundwater, soil, air, or human health. The Directive sets out strict operational requirements for landfill sites, and divides landfills into those for hazardous waste, non-hazardous waste, and inert waste.

3.8.2 Assessments Completed for the Proposed Development

- Construction Environmental Management Plan by DBFL Consulting Engineers
- Housing Quality Assessment by Deady Gahan Architects
- Resource & Construction Waste Management Plan by Byrne Environmental Consulting Ltd
- Operational Waste Management Plan by Byrne Environmental Consulting Ltd

The CEMP prepared for the proposed development outlines measures to be put in place by the contractor to minimise the amount of waste produced during construction. The CEMP provides guidance in relation to the reduction, segregation, and transport of waste. This is further developed in the Resource & Construction Waste Management Plan (RWMP) by Byrne Environmental. The RWMP contains measures which aim to maximise the use of resources and to minimise the generation of waste, while also maximising the segregation of waste materials.

Once appointed, the contractor will prepare a Construction Management Plan which will include a Construction Waste Management Plan. A nominated Construction Waste Manager will be responsible for implementing this plan, one of the aims of which will be to reduce the amount of waste going to landfill and to properly segregate waste items into appropriate waste streams.

Once operational, the proposed development will produce typical volumes of residential or household waste. The Housing Quality Assessment notes that residential units will have adequate storage space for the three-bin system, meaning segregation of waste will continue in the operational phase. This is further supported by the measures outlined in the Operational Waste Management Plan (OWMP) prepared by Byrne Environmental.

3.9 Directive 2008/98/EC - Waste Framework Directive

3.9.1 Relevance to the Proposed Development

Directive 2008/98/EC on waste and repealing certain Directives as amended by Directive 2018/851/EU established a legal framework for treating waste in the EU and aims to protect the

environment and human health. It does this by putting in place proper waste management processes, and measures for recovery and recycling.

3.9.2 Assessments Completed for the Proposed Development

- Construction Environmental Management Plan by DBFL Consulting Engineers
- Housing Quality Assessment by Deady Gahan Architects
- Resource & Construction Waste Management Plan by Byrne Environmental Consulting Ltd
- Operational Waste Management Plan by Byrne Environmental Consulting Ltd

As above, the CEMP and RWMP for the proposed development will ensure that measures to reduce and properly manage waste will be in place during construction. Waste management on-site will be in accordance with the Department of the Environment, Heritage and Local Government's 2021 document "Pollution – Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects". Once operational, waste minimisation and segregation will be continued with measures outlined in the Housing Quality Assessment and the OWMP.

3.10 Directive 2000/14/EC - Noise Emission in the Environment

3.10.1 Relevance to the Proposed Development

Directive 2000/14/EC on the approximation of laws of the Member States relating to the noise emission in the environment by equipment for use outdoors aims to improve the control of noise emissions by equipment used outdoors, such as various types of construction equipment. It is hoped that the Directive will improve the health and wellbeing of people by reducing noise in the environment.

3.10.2 Assessments Completed for the Proposed Development

- Construction Environmental Management Plan by DBFL Consulting Engineers

As described in the CEMP, during construction all reasonable precautions will be taken for the operation of plant and equipment to avoid nuisance and excess noise impact on the surrounding residents. The proposed development will comply with BS 5228 (2009+A1 2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites.

3.11 Directive 2012/27/EU - Energy Efficiency

3.11.1 Relevance to the Proposed Development

Directive 2012/27/EU on energy efficiency aims to improve energy efficiency by 20% by 2020 compared to 1990 levels. As part of this, EU Member States must set national targets for energy efficiency in order to achieve this. These measures can encompass all aspects of energy use, ranging from generation to final consumption.

3.11.2 Assessments Completed for the Proposed Development

- Building Life-cycle Report by Deady Gahan Architects
- Energy Efficiency and Climate Change Adaptation Design Statement by Waterman Moylan

The proposed development has been designed with due consideration of the energy and carbon emissions associated with each individual housing unit, in order to reduce the overall climate impact of the proposed development and reduce running costs for residents. The use of energy efficient household appliances, low-energy external lighting, efficient building fabric materials, and a high Building Energy Rating (BER) certificate, will ensure that the proposed development is energy efficient.

The proposed building fabric is in line with the requirements set out by the Irish Building Regulations Part L Conservation of Fuel and Energy in Buildings other than Dwellings.

In addition to this, low energy technologies will be utilised which will contribute to the proposed development achieving Near Zero Energy Building (NZEB) standard. These include air to water heat pumps, natural or passive ventilation, ventilation heat recovery, and electric car charging points.

It is considered that the proposed development will make a positive contribution towards energy efficiency and climate goals and towards the Energy Efficiency Directive targets.

3.12 Directive (EU) 2018/2001 - Promotion of use of energy from renewable sources

3.12.1 Relevance to the Proposed Development

Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources sets out a common system promoting the use of energy from renewable sources across various sectors and aims to set a binding EU target by 2030, and also to regulate self-consumption and establish a common set of rules for using renewables in the EU. The increase in use of renewables will be in support of the EU's commitments to the 2015 Paris Agreement.

3.12.2 Assessments Completed for the Proposed Development

- Energy Efficiency and Climate Change Adaptation Design Statement by Waterman Moylan

As above, the proposed development is considered to meet the NZEB standards and will have low-energy technologies in use. Therefore, it is considered that the Proposed Development will make a positive contribution towards reduced energy usage and the increased use of energy from renewable sources.

3.13 Regulation (EU) 2018/842

3.13.1 Relevance to the Proposed Development

Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement sets out obligations in relation to greenhouse gas emission reductions. Member States must show annual progress on meeting their individual contribution to the EU's overall reduction in emissions.

3.13.2 Assessments Completed for the Proposed Development

- Energy Efficiency and Climate Change Adaptation Design Statement by Waterman Moylan

As above, the proposed development is considered to meet the NZEB standards and will have low-energy technologies in use. Therefore, it is considered that the Proposed Development will make a positive contribution towards reduced energy usage and Ireland's commitments to greenhouse gas emission reductions.

3.14 Directive 2006/21/EC - Extractive Industries Waste Directive

3.14.1 Relevance to the Proposed Development

Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC provides measures, procedures and guidance on prevention and reduction, as far as possible, of adverse effects on the environment from the management of extractive industries. The Directive on extractive industries waste is not relevant to the proposed residential development, and it was not considered further.

3.15 Directive 2012/18/EU - COMAH Directive

3.15.1 Relevance to the Proposed Development

Directive 2012/18/EU on the control of major accident hazards involving dangerous substances (the COMAH Directive) involves the control of dangerous substances, in particular chemicals, and the industrial installations which use them. The COMAH Directive has no direct relevance to the proposed residential development, and it was not considered further.

3.16 Ramsar Convention

3.16.1 Relevance to the Proposed Development

The Ramsar Convention on Wetlands is an international treaty which aims to conserve and allow for the sustainable use of wetlands of international importance for waterfowl, designated as Ramsar sites. There are 45 Ramsar sites in Ireland. None of these sites are close to the proposed development. The Convention is therefore not relevant to the proposed development and was not considered further.

4 Conclusions

The purpose of this report was to show how the results of relevant assessments of the effects of the proposed development on the environment have been taken into account pursuant to relevant European legislation. The Statement has been prepared in accordance with Article 103(1A)a of the Planning and Development Regulations 2001, as amended.

This Statement should be read in conjunction with the EIA Screening also prepared by JBA. Together, they have determined that the proposed development will not result in significant negative effects on the environment, and that an EIAR is therefore not required.

The overall conclusion is based on the details of the scheme available at the time of preparation of this report. If the extent of the scheme or the construction methods for the scheme are changed then the EIA Screening assessment should be reviewed.



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