

# EIA Screening

Social Housing Bundle 4, Development at Croke Villas,  
Sackville Avenue

Dublin City Council

*July 2024*



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# 1. INTRODUCTION

## 1.1 Background

This Environmental Impact Assessment (EIA) Screening report was prepared by MacCabe Durney Barnes on behalf of the National Development Finance Agency (NDFA) and Dublin City Council, to accompany a Part 8 proposal for the development of 52 no. residential units on a site of circa 0.88 hectares located at the Croke Villas Site, Sackville Avenue, Ballybough.

This document has been prepared in order to assist Dublin City Council in the determination of the proposed development at the subject site. The purpose of this EIA Screening Report is to assess the possible impacts on the environment of the proposed residential apartment development on lands at the Croke Villas site, Sackville Avenue.

## 1.2 Legislation and Guidance

The EIA Screening Report has had regard to the following:

- Planning and Development Act 2000 as amended
- Planning and Development Regulations 2001 as amended
- Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU
- The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)
- Guidelines on the information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency, 2022
- Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development 2003
- Circular Letter: PL 05/2018 27th August 2018 Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.
- Circular Letter: PL 10/2018 22 November 2018 Public notification of timeframe for application to An Bord Pleanála for screening determination in respect of local authority or State authority development
- Office of the Planning Regulator (May 2021) Environmental Impact Assessment Screening- Practice Note

## 1.3 Methodology

The EIA screening assesses the proposed scheme with reference to the relevant EIA legislation including the EIA Directive, and Planning and Development Regulations. The methodology has particular regard to the '3-Step' assessment process set out in the Office of the Planning Regulator (OPR) Environmental Impact Assessment Screening Practice Note PN02 (June 2021). Regard is also had to European and National guidance documents.

Where the local authority concludes, based on such preliminary examination, that—

- I. there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,
- II. there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or
- III. there is a real likelihood of significant effects on the environment arising from the proposed development, it shall— (I) conclude that the development would be likely to have such effects, and (II) prepare, or cause to be prepared, an EIAR in respect of the development.

## 1.4 Data Sources

The information is obtained from review of several online databases and public sources including:

- Geological Survey of Ireland (GSI) online dataset - <https://www.gsi.ie>
- Dublin City Development Plan 2022-2028
- Dublin City Council Planning Application Portal
- An Bord Pleanála Planning Applications
- EPA - <https://gis.epa.ie/EPAMaps/>
- GeoHive – <http://map.geohive.ie/mapviewer.html>.
- Office of Public Works (OPW) - <http://www.floodinfo.ie/map/floodmaps>

In addition to the above the following project specific reports were utilised to inform this report:

- Appropriate Assessment Screening - prepared by NM Ecology
- Ecological Impact Assessment – prepared by NM Ecology
- Construction & Environmental Management Plan – prepared by ORS
- Arboricultural Impact Assessment – prepared by Charles McCorkell Arboricultural Consultancy
- Engineering Report – prepared by Malone O'Regan
- Operational Waste Management Plan – prepared by Traynor Environmental Ltd
- Acoustics Design Statement – Wave Dynamics

## 2. THE SITE AND SURROUNDINGS

### 2.1 Site Context

Sackville Avenue is located approximately 1.5km from the City Centre. The area is predominately residential in nature with parks, local retail and community/ sporting facilities also populated across the area. The subject site is an infill site situated on the southern side of Sackville Avenue between Ballybough Road and Croke Park/ Ardilaun Square. An emergency access for Croke Park is located along Ardilaun Road. The GAA National Handball Centre bounds the application site and existing residential units bound the southern, western and eastern boundary of the site. The residential units are in the form of two storey terraced housing. The application site is part of a wider residential regeneration project that includes the provision of new terraced houses to the north side of Sackville Avenue. To the east of the site, under 3435/17 and 3789/20 Part 8 plans for residential units were approved by Dublin City Council. The total site area is 0.88 ha.

The site is situated to the north to the Royal Canal and adjoining railway line at Ballybough and includes Sackville Avenue to the north and an area of Ardilaun Road and Ardilaun Square to the west. The site is bounded to the south by the Irish rail lands and railway line and to the southeast by the rear gardens of existing houses at Sackville Gardens and part of an associated laneway adjoining these.

Sackville Gardens is a small cul-de-sac of six late Victorian houses, built in or around 1850, which lies to the eastern boundary of the site, facing the railway line and canal bank. The houses are two storeys over basement, with cellars running underneath the roadway. It is a narrow road, some four metres in width. The only paved footpath is on the side adjacent to the houses. On the opposite side, there is no footpath but there is a wall which forms the boundary with the railway.

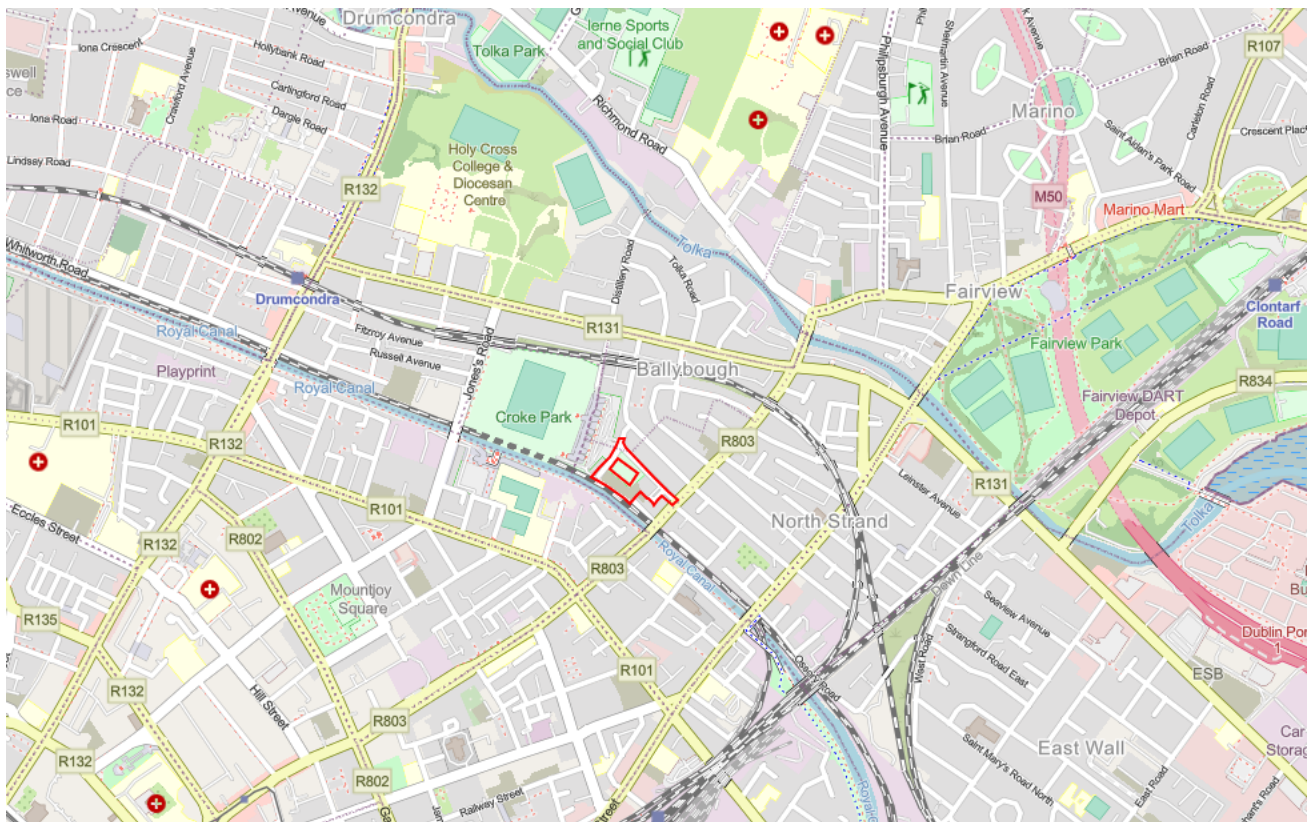


Figure 1: Site Context

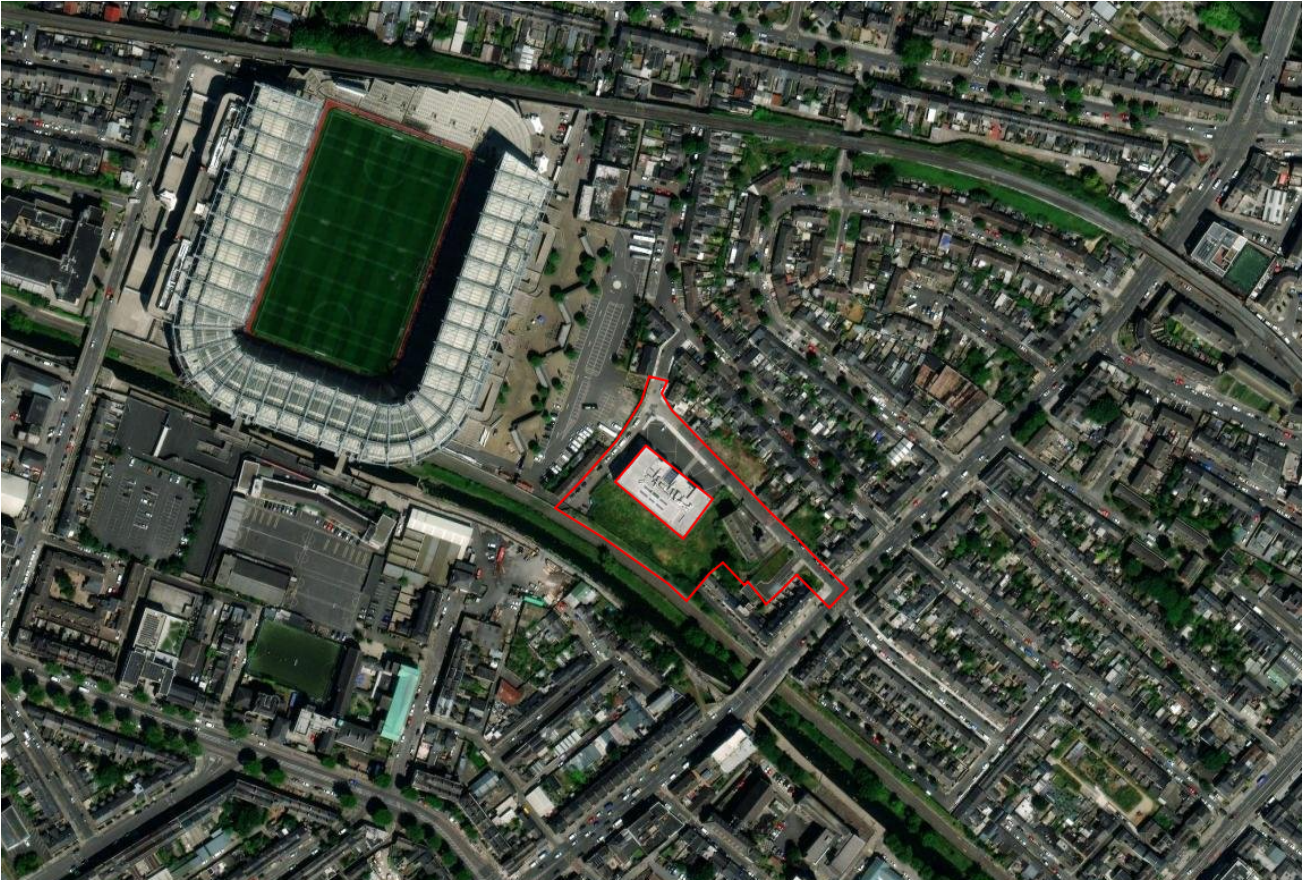
## 2.2 Site Description

The site formerly consisted of the four no. five-story residential blocks constructed in the 1960s by Dublin Corporation at Croke Villas and adjoining roadways at Sackville Avenue and Ardilaun Road. The three blocks fronted onto Sackville Avenue and one onto the canal bank, with a gap, previously occupied by a hard surfaced playing pitch, between this area and no. 6 Sackville Gardens. Part of the original estate lands were disposed of to the GAA to develop the GAA National Handball Centre. Under Planning Application Reference number 2946/16 approval was granted in respect of demolition of remaining four flat blocks at Croke Villas, known as nos.1-21; 22-42; 43-63 and 64-79 Croke Villas. One of these buildings currently remain on site, which is vacant and unoccupied with the doors and windows boarded. It is anticipated that demolition works of this remaining structure will commence prior to the commencement of development of this subject application.

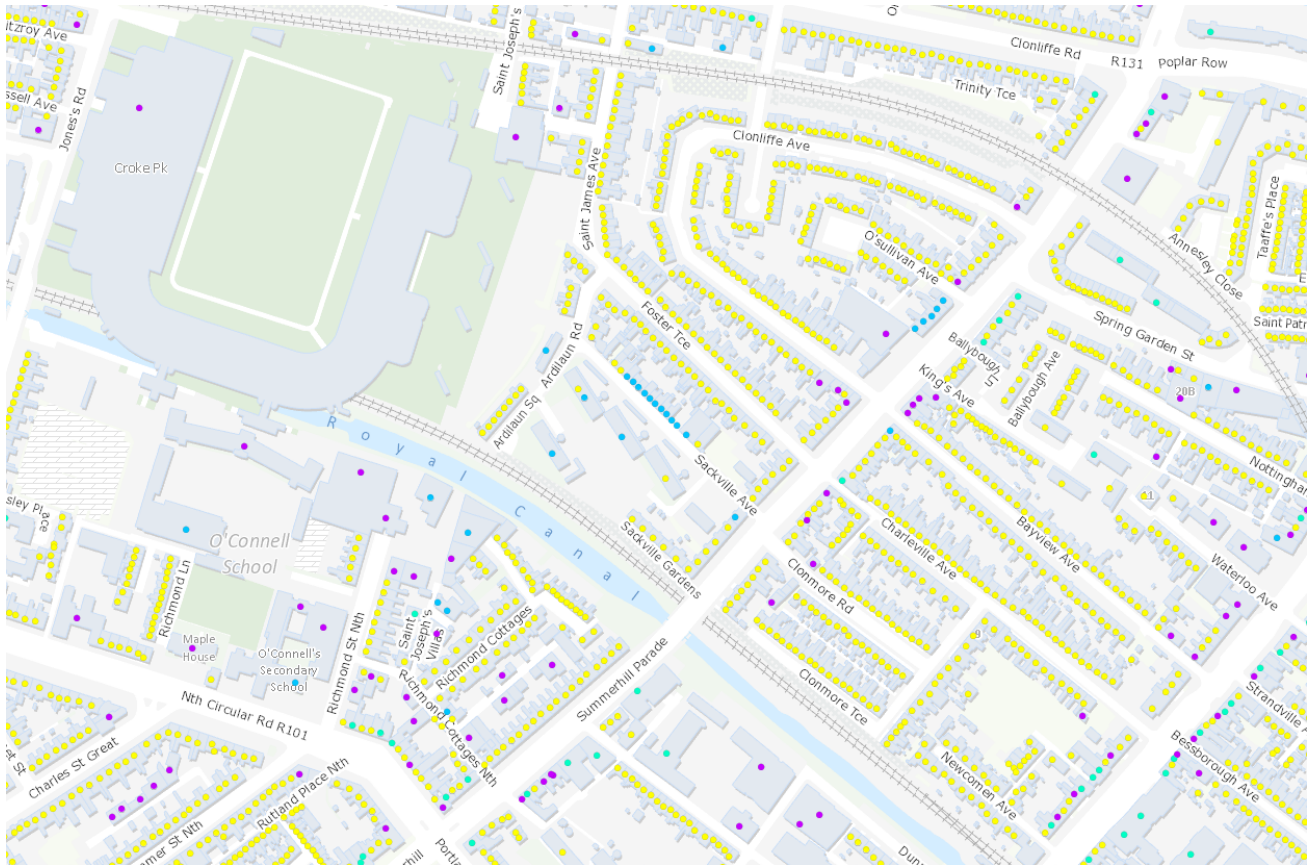
A palisade fence above a low wall has been erected at the western end of Sackville Gardens to form a cul-de-sac. The site is vacant and has been fenced off with metal fencing. To the southwest, the site extends to a c 2.5m high rendered block boundary wall at the top of the railway line embankment. The southeastern boundary is formed by the rear gardens and access laneway of the 2 storey over basement houses on Ballybough Road and Sackville Gardens. Beyond the application boundary to the northwest are 2 storey dwellings on Ardilaun Square with Croke Park to their rear. To the northeast on the opposite site of Sackville Avenue are vacant lands, the site of former dwellings, now demolished.

The application site boundary also includes Sackville Avenue, Ardilaun Road, Ardilaun Square and the paved and tarmac apron in front of the handball alley. The pavement and road materials along Sackville Avenue, Ardilaun Square, Ardilaun Road and Sackville Gardens include various materials road and pavement materials, and the Sackville Avenue includes traffic calming measures in the form of speed bumps. There is an approximate 2m level difference between the southeast and northwest corner of the site. The area where the apartment blocks are proposed is brownfield, and currently made up of a combination of grass and a levelled rubble/rock fill from the demolition of the former blocks.





*Figure 2: Site location Map*



**Figure 3: Land Use Surrounding the Site** (Source: Myplan)

## 2.3 Environmental Sensitivities of the Site

The information set out below was derived from the data available within the EPA Mapping Tool, Geological Survey Ireland, the Dublin City Council Planning Application Portal and the relevant local statutory planning documentation, including the Dublin City Development Plan 2022-2028.

### 2.3.1 Bedrock

According to an examination of the information available on GeoHive, the site is part of the Lucan formation underlying bedrock is limestone subcategorised as dark limestone and shale bedrock.

### 2.3.2 Soils

The site was cross-referenced with the Teagasc Soil Information System (SIS) soil profile map which states that the surface soil at the site location is classed as 'Urban'. Urban soils are formed from human construction and industrial activities along with fuel combustion, transport emissions and waste dumping and therefore contain manufactured materials and waste. According to EPA Maps the subsoils are limestone till, and soils are made ground.

The site investigation was undertaken in January 2024 and included the collection of 29 no. samples of made and natural ground collected from twelve (12 No.) cable percussion boreholes and 12 no. trial pits. There is topsoil at the surface of TP01-TP10. The Made Ground is generally 1.60-2.30m in thickness and is composed of sandy gravelly CLAY with cobble content. The Made Ground at TP05 extends to at least 3.00 mbgl and is composed of gravelly SAND with cobble content. The Made Ground at all locations contains non-natural material >2% of the soil matrix including fragments of plastic, brick and concrete. The Made Ground is underlain

by Natural Ground and comprises firm to stiff, sandy gravelly SILT/CLAY to circa. 4.00 mbgl. This is underlain by stiff to very stiff, sandy gravelly CLAY with some cobble content. Some lenses (0.5-1.00m) of medium dense to dense sandy GRAVEL were encountered across the site.

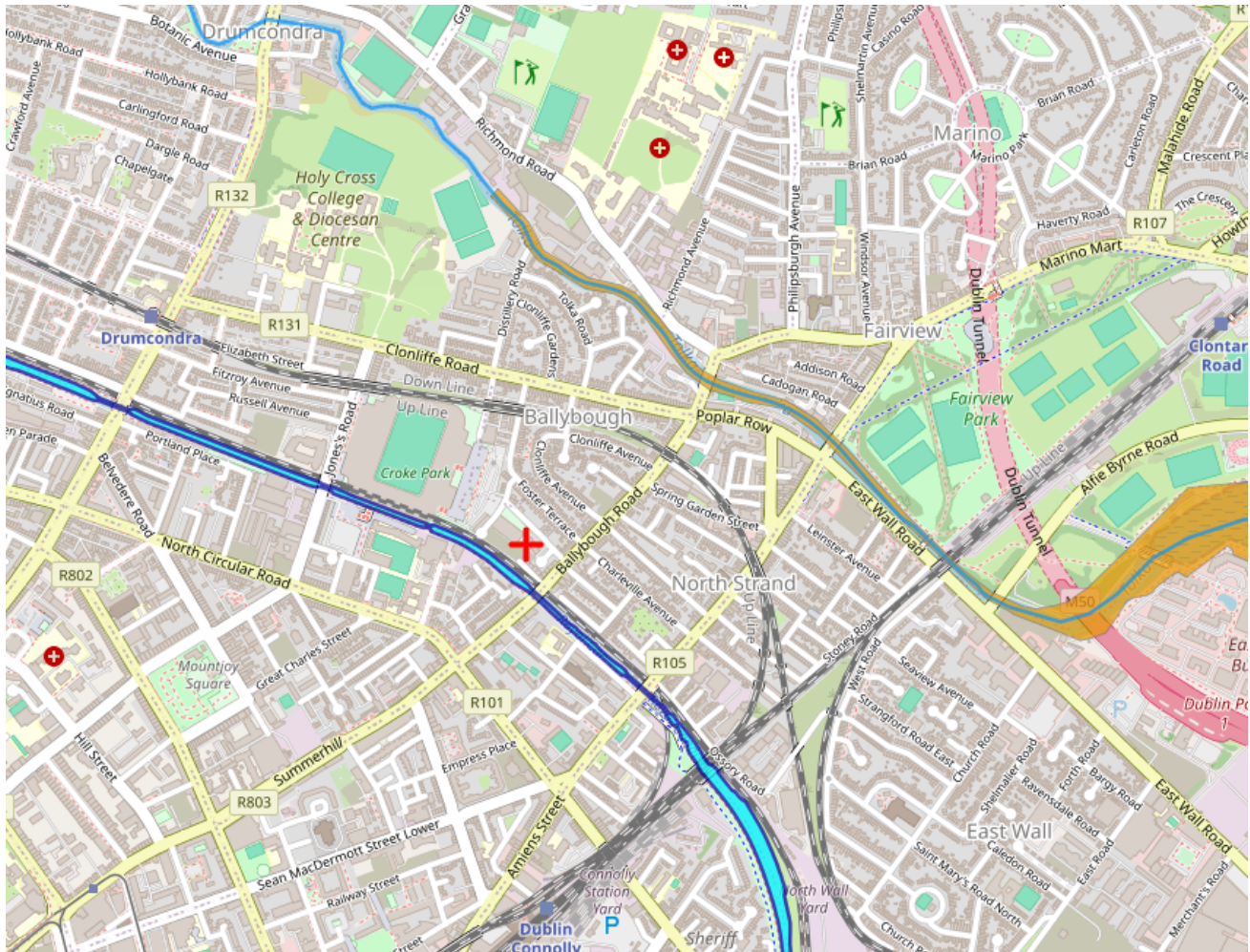
Asbestos was detected at non-hazardous levels (< 0.001%) in TP5 (0.80m). Asbestos was not detected in any other of the samples tested. The sample from BH3 (2.00m) is classified as hazardous for zinc and lead concentrations and the appropriate List of Waste Code is 17 05 03 (Soil and Stone containing hazardous substances). The samples from TP2 (0.70m and 1.40m) are classified as hazardous for zinc concentrations and the appropriate List of Waste Code is 17 09 04 (Construction and Demolition Waste containing Hazardous Substances). The samples from BH1 (2.00m), BH3 (1.00m), BH5 (1.00m), BH6 (2.00m), BH7 (1.00m), TP02 (1.20m), TP04 (0.30m), TP08 (0.40m), TP09 (1.00m and 2.10m), TP10 (1.30m), TP11 (1.20m) and TP12 (1.50m) are classified as non-hazardous and the appropriate List of Waste Code is 17 05 04 (Soil and Stone other than those mentioned in 17 05 03\*). All other samples are classified as non-hazardous and the appropriate List of Waste Code is 17 09 04 (Construction and Demolition Waste other than those mentioned in 17 09 03\*).

### 2.3.3 Hydrology

The EPA database of river and streams does not show any watercourses within the site. The Royal Canal is located c. 25m south west of the site. Canals are a fully contained hydrological feature that do not interact with surrounding surface water or groundwater features. Under the Water Framework Directive status assessment 2016-2021, the Royal Canal's status is "Good" while its river waterbody risk is under review.

In addition, as per the EPA database of rivers and streams, the site is located c. 400 m south west of the Tolka Estuary. Under the Transitional Waterbody Water Framework Directive status assessment 2016-2021, the Tolka Estuary is of "Poor Status" and is "At Risk" status under the Transitional Waterbodies Risk assessment.

The below map illustrates the Royal Canal and the point in which the River Tolka transitions to the Tolka Estuary in the context of the subject site.



**Figure 4: River Waterbodies in the context of the subject site** (Source: EPA Maps)

A Strategic Flood Risk Assessment (SFRA), as required by 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DEHLG and OPW, 2009), has been undertaken as part of the preparation of the Dublin City Development Plan 2022-2028. The SFRA contains a Composite Flood Zone Map, which indicates that the proposed development falls within a predictive Flood Zone C. Approximately, 200m from the site along Charville Avenue and Bayview Avenue, a Flood Zone B has been identified. An extract of the Composite Flood Map in the context of the subject site is illustrated below.

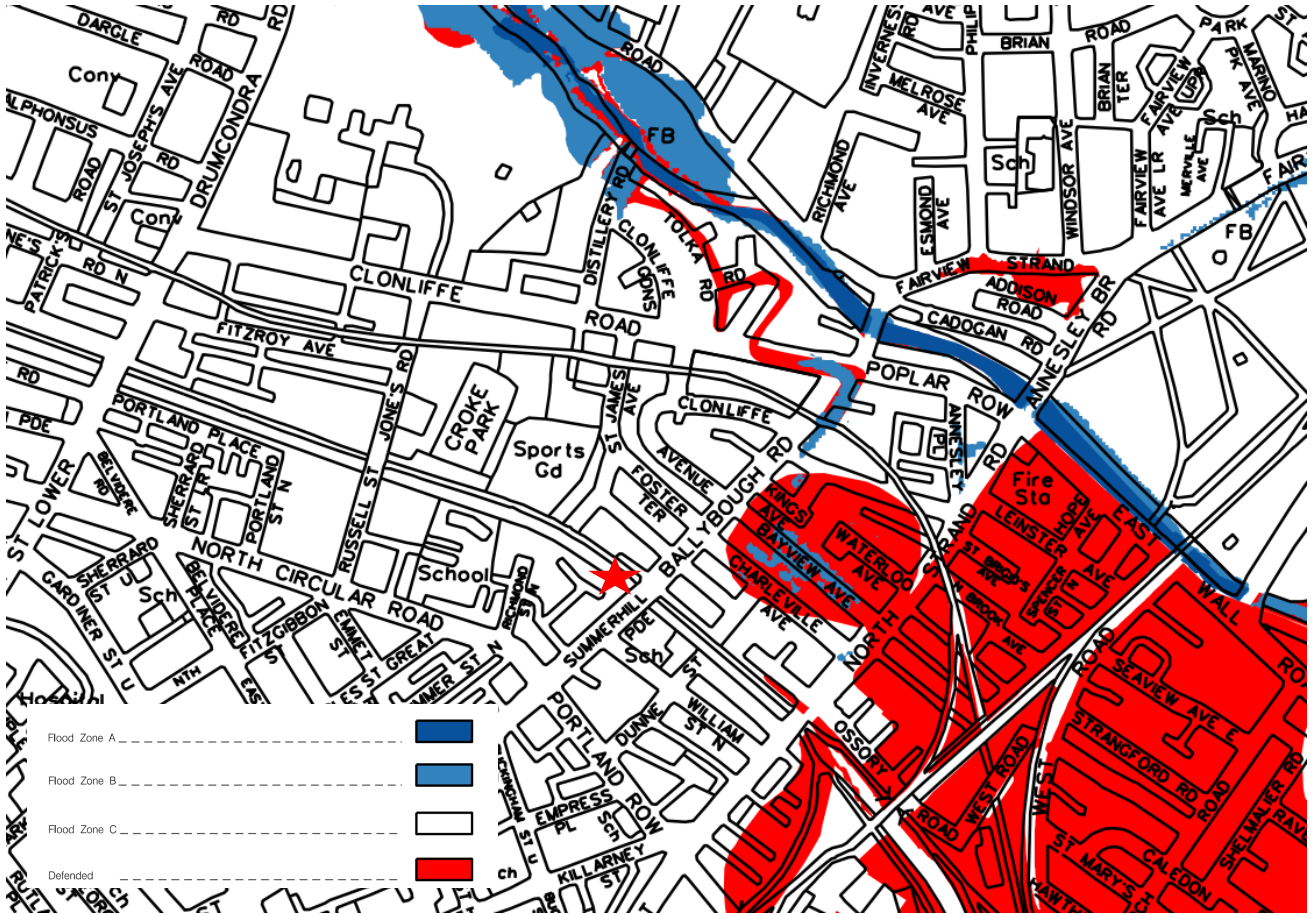
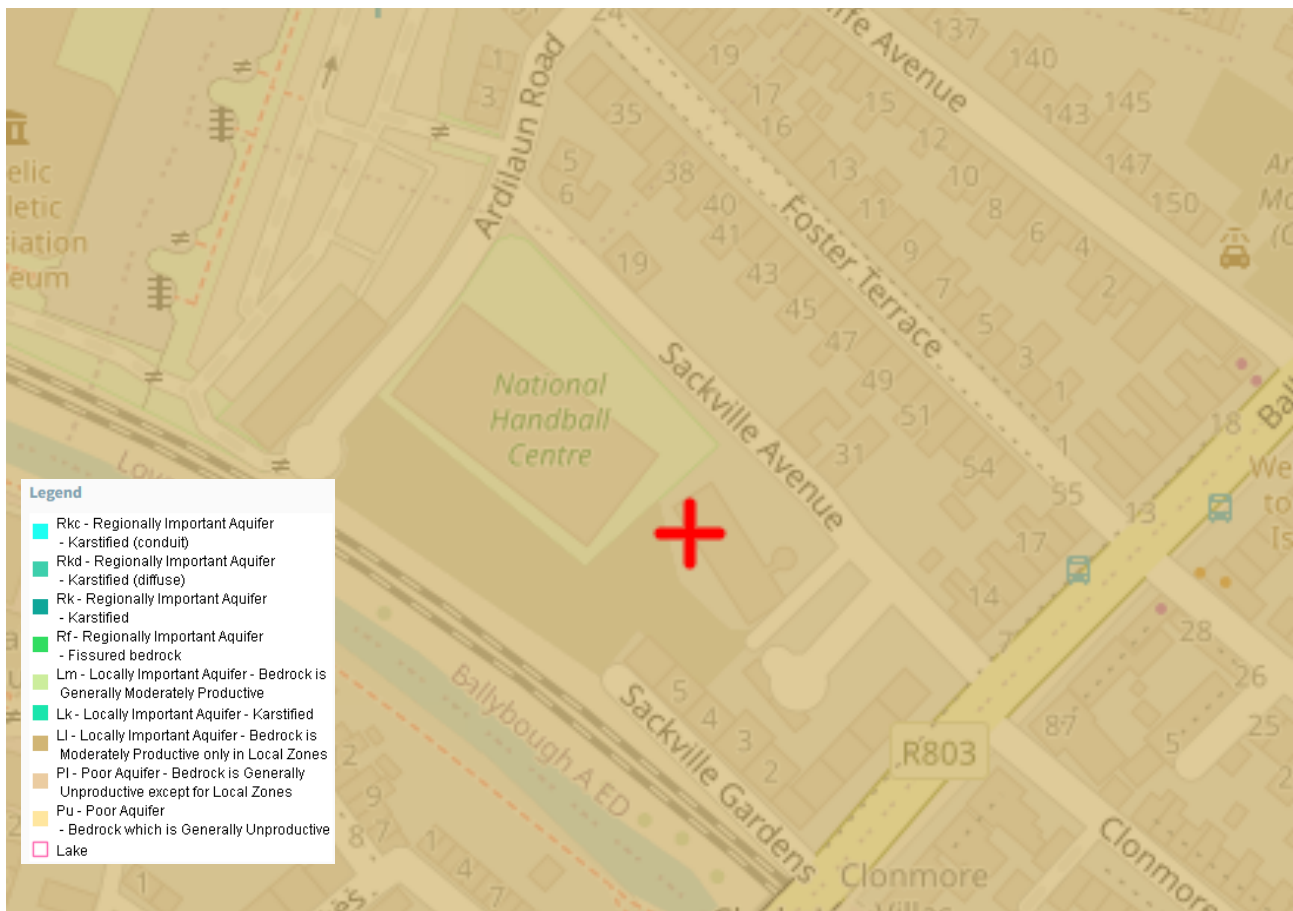


Figure 5: Extract of Composite Flood Map for Dublin City Council

### 2.3.4 Aquifer and Groundwater

The subject site is underlain by an aquifer which is identified as a “Locally Important Aquifer”. It is categorised as bedrock that is Moderately Productive only in Local Zones.



**Figure 6: Aquifers in the vicinity of the Site** (Source: EPA Maps)

### 2.3.5 Ground Water Vulnerability

The EPA Mapping Tool shows that the groundwater vulnerability at the subject site is of "Low Vulnerability".



Figure 7: Ground Water Vulnerability (Source: EPA Maps)

2.3.6 Radon

The EPA portal shows between one in twenty homes in this area are likely to have high radon levels as shown below.

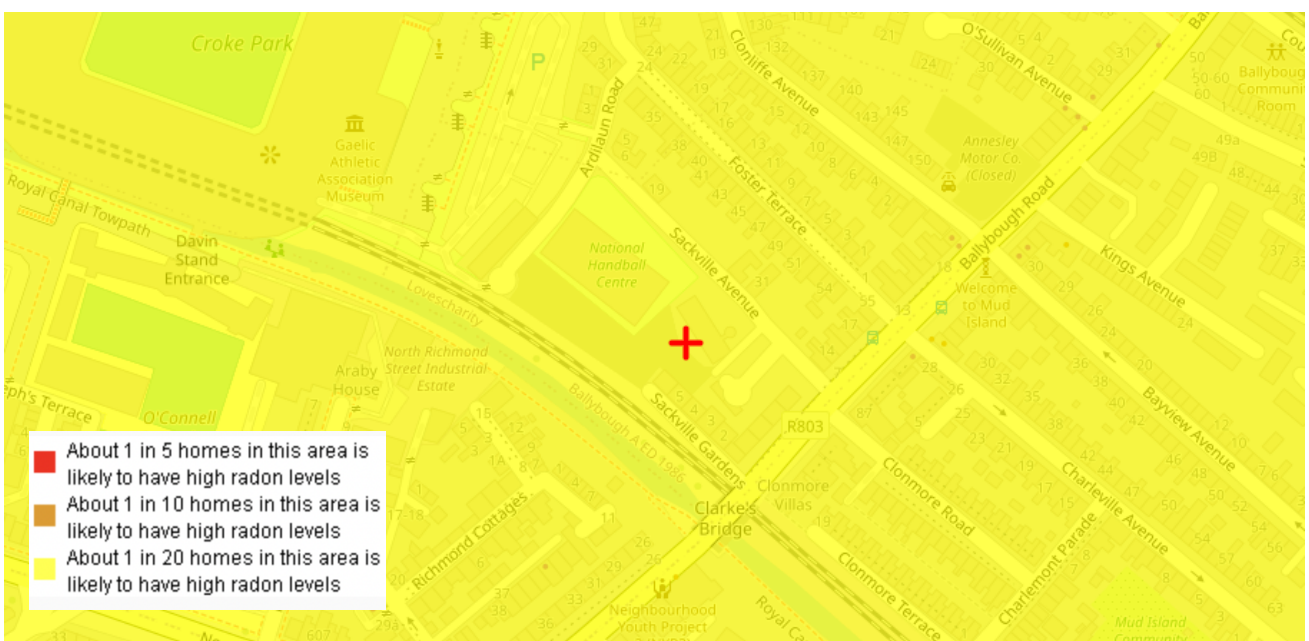


Figure 8: Radon Levels in the Context of the Subject Site (Source: EPA Maps)

### 2.3.7 Air quality

The site falls within Air Quality Index Region where the index indicates that the air quality is 'Good' according to EPA Maps. The site is situated in Zone 1 Dublin City (EPA Mapping: Air Zone Designation, 2021).

### 2.3.8 Designated sites

There are no designated sites within the subject site or directly adjoining the subject site. The features of interest on each European site are displayed in Table 1. Watercourses, SPA's and SAC's proximate to the subject site are seen in the figure below.

**Table 1: European Sites**

Site Name	Distance	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (4024)	1.2 km east	Key habitats: coastal wetlands Special conservation interests: light-bellied brent goose, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit, redshank, black-headed gull (wintering populations), arctic tern, roseate tern (passage), and common tern (breeding and passage)
South Dublin Bay SAC (site code 206)	3.5 km south-east	Annex I habitats: inter-tidal mudflats / sandflats, Salicornia and other annuals colonising mud / sand, annual vegetation of drift lines, embryonic shifting dunes Annex I habitats: N.A.



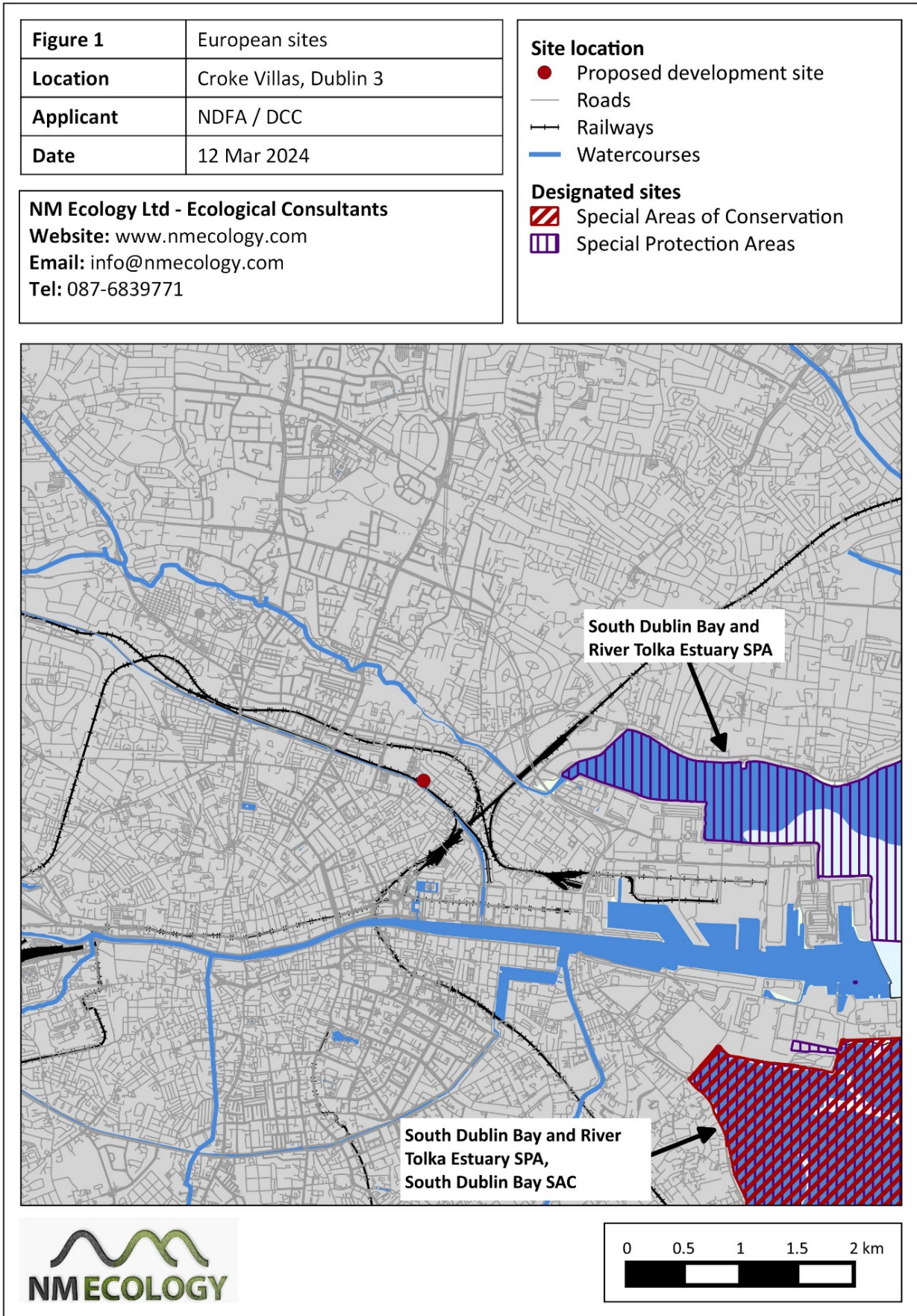


Figure 9: Watercourses & European Sites (Source: NM Ecology)

### 2.3.9 Proposed Natural Heritage Areas (pNHA)

The accompanying Ecological Impact Assessment prepared by NM Ecology identified the following proposed natural heritage areas (pNHA). The below figure prepared by NM Ecology also illustrates the watercourses and pNHA in the surrounding area.

**Table 2: Designated Sites illustrated in Figure 12**

Site Name	Distance	Reasons for designation
Royal Canal pNHA (site code 2103)	25 m south-west	Extensive freshwater feature of value to a range of biodiversity, and with value as an ecological corridor
North Dublin Bay pNHA (206)	0.9 km east	None provided. Assumed to be the same as the <i>South Dublin Bay and River Tolka Estuary SPA</i>
South Dublin Bay and River Tolka Estuary SPA (4024)	1.2 km east	Habitats: tidal / coastal wetlands Special conservation interests: light-bellied brent goose, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit, redshank, black-headed gull (over-wintering populations), arctic tern, roseate tern (passage migrants), and common tern (breeding populations)
Grand Canal pNHA (2104)	1.8 km south	Extensive freshwater feature of value to a range of biodiversity, and with value as an ecological corridor
South Dublin Bay SAC, pNHA (210)	3.5 km south-east	Annex I habitats: inter-tidal mudflats / sandflats Annex II species: none

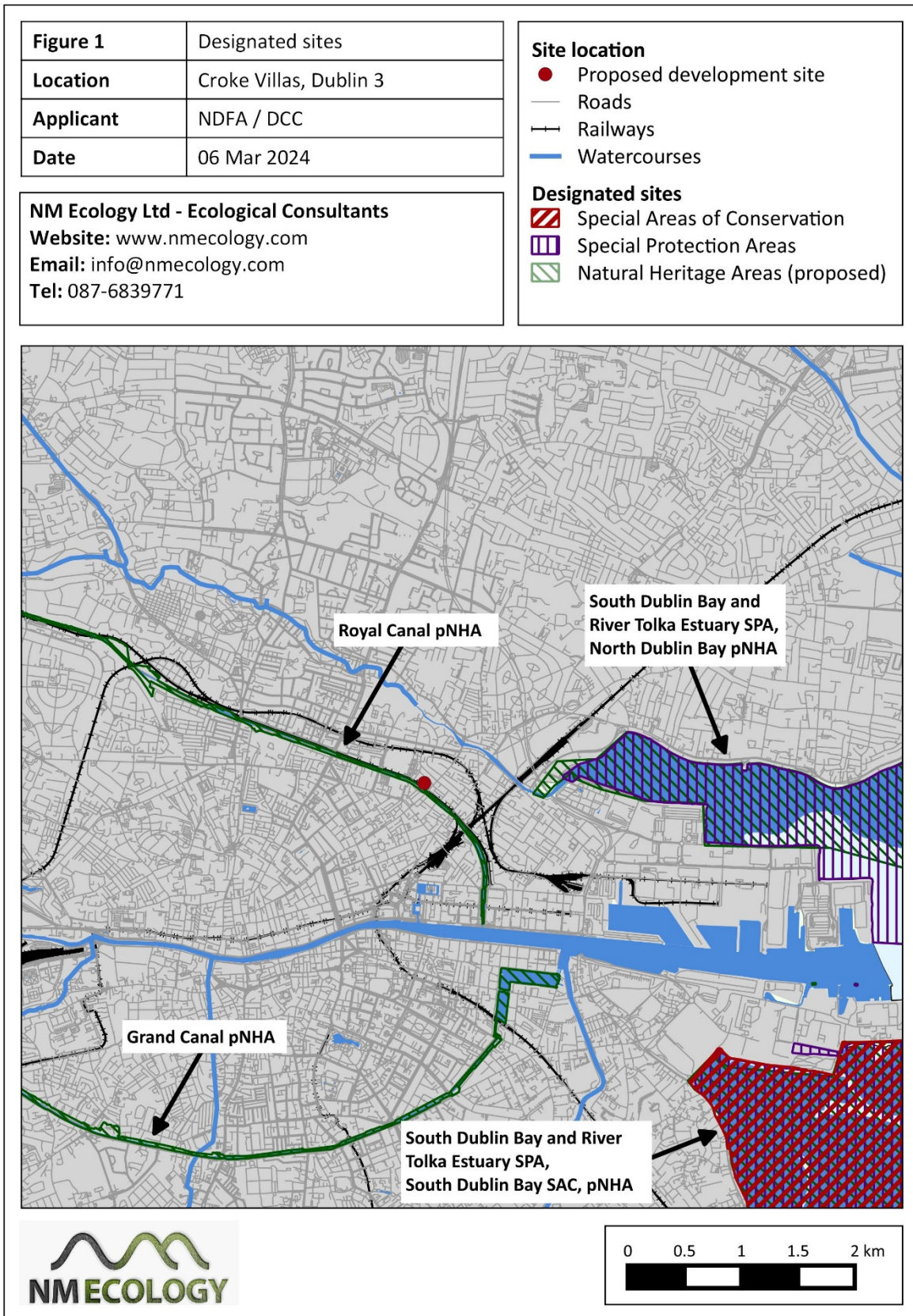


Figure 10: pNHA proximate to the subject site (Source: NM Ecology)

### 2.3.10 Cultural Heritage

#### 2.3.11 Archaeology

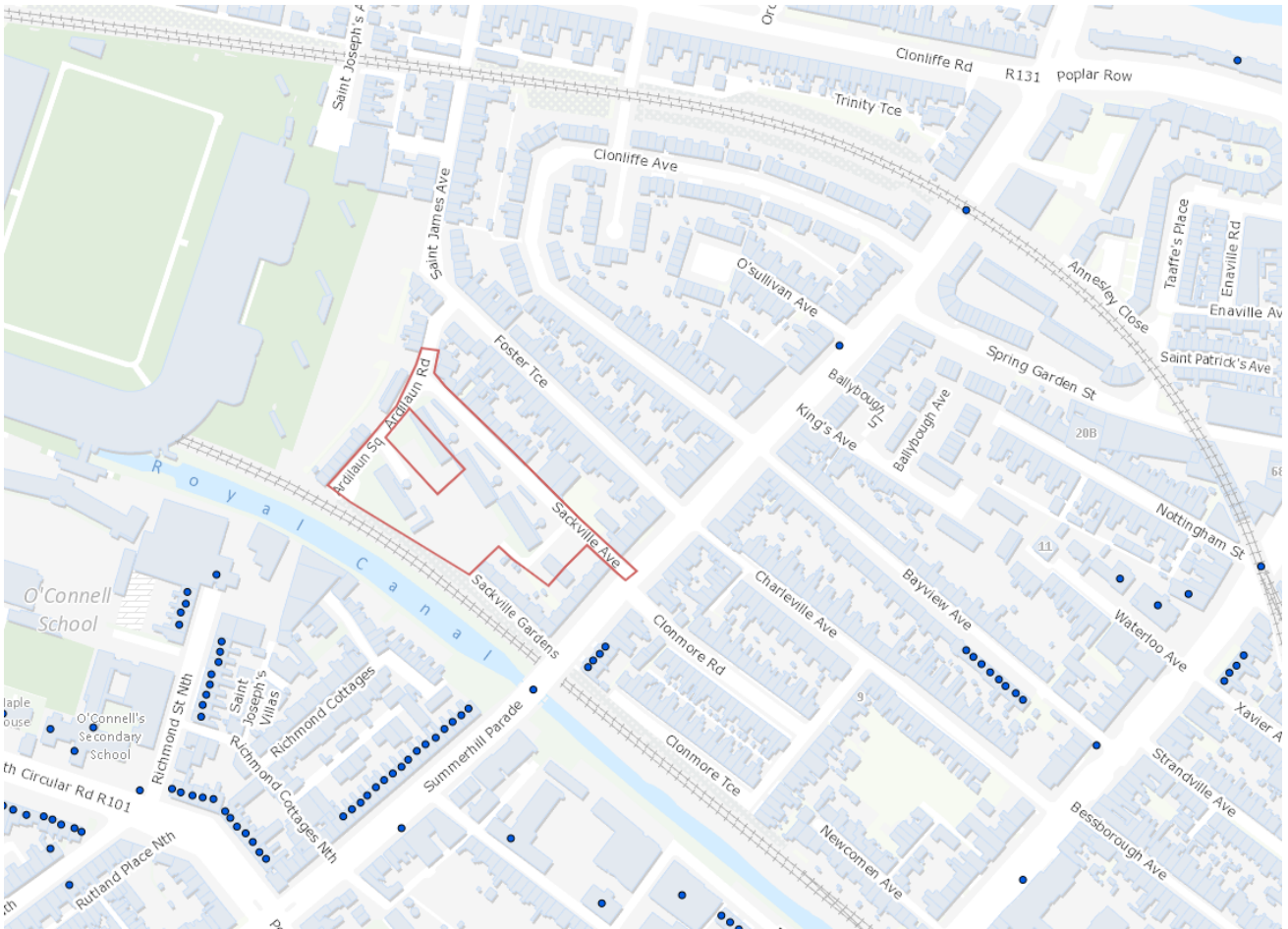
According to the Dublin City Development Plan 2022-2028, the subject site is not located within an area of archaeological interest. The proposed development does not include any recorded archaeological monuments. No sites are located within the immediate environs of the site as illustrated in the below map. An Archaeological Impact Assessment has been prepared by John Purcell Archaeological Consultancy and accompanies this application. The report notes that the site has the potential to contain the remains of 18<sup>th</sup>/19<sup>th</sup>-century buildings above and below ground, and earlier unknown archaeological features.

#### 2.3.12 Architectural Heritage

The site does not include any structures listed on the Record of Protected Structures or the National Inventory of Architectural Heritage (NIAH). Clarke's Bridge, Ballybough is recorded as a protected structure in the Dublin City Development Plan under RPS. 910. Along Summerhill Parade, house nos. 26-41 are listed as protected structures on the Dublin City Record of Protected Structures. The relevant RPS nos. for these structures range from RPS. 7868 up to RPS. 7883. In addition to the RPS, a number of structures are listed as a Regional Importance under the NIAH Inventory. The below table lists a number of recorded NIAH structures proximate to the subject site.

**Table 3: NIAH Structures Proximate to the site**

NIAH No	Reg	Name & Description	Rating	Categories of Special Interest	Distance from Site
50060476		Clarke's Bridge. Single elliptical-arch canal bridge, built c.1790, carrying road over Royal Canal	Regional	Architectural, Social, Technical	90m
50120253		1 Clonmore Villas, Ballybough Road, Dublin 3. End-of-terrace three-bay two-storey house over raised basement, built c. 1880 as one of four	Regional	Architectural, Artistic	100m
50120252		2 Clonmore Villas, Ballybough Road, Dublin 3, Terraced three-bay two-storey former house over raised basement, built c. 1880 as one of four	Regional	Architecture, Artistic	100m
50120251		3 Clonmore Villas, Ballybough Road, Dublin 3, Terraced three-bay two-storey former house over raised basement, built c. 1880 as one of four,	Regional	Architecture, Artistic	100m
50120250		4 Clonmore Villas, Ballybough Road, Dublin 3, End-of-terrace three-bay two-storey former house over raised basement, built c. 1880 as one of four.	Regional	Architecture, Artistic	100m



**Figure 11: NIAH Structures in the context of the subject site**

### 2.3.13 Population and Human Health

Sackville Avenue is located approximately 1.5km from the City Centre. The area is predominately residential in nature with parks, local retail and community/ sporting facilities also populated across the area. The subject site is an infill site situated on the southern side of Sackville Avenue between Ballybough Road and Croke Park/ Ardilaun Square. The accompanying Social Infrastructure Audit has demonstrated that there is an established network of community and social facilities operating within the surrounding area of the site.

Demographic analysis of the 1km settlements area confirmed a total population of the study area to be 72,109 persons during the 2022 Census. The Study Area experienced a population increase between 2016 and 2022. Over the 6 year period, the population of the Study Area rose from 62809 to 72109, equivalent to a 15% increase. Over the same period, Dublin City Centre also experienced a population growth from 554,554 to 592,713, equivalent to a 7% increase between 2016 and 2022.

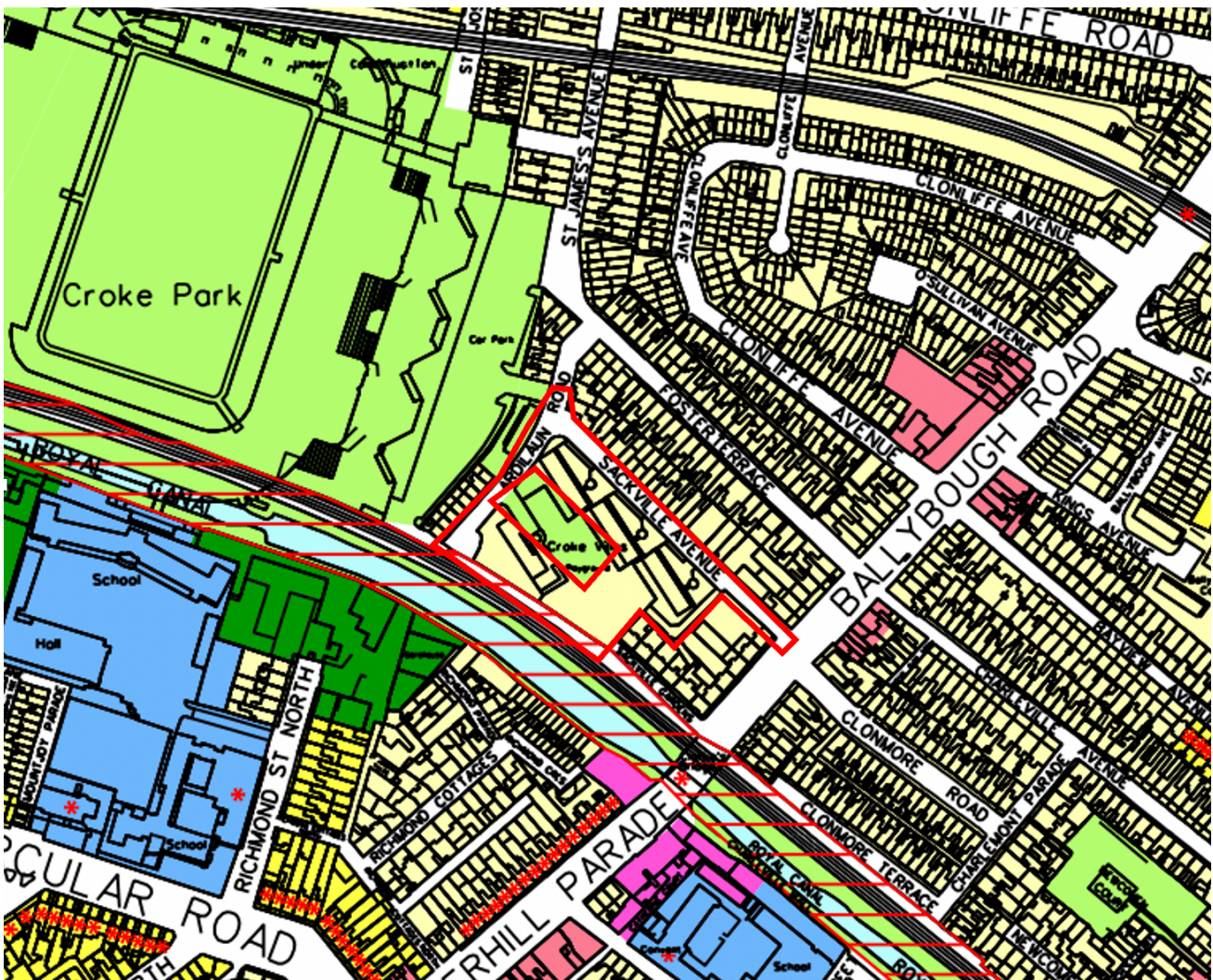
The 2022 census shows that 3600 of the study area population were aged between 0 and 4, or a total population of 5%. A further 3067 persons aged between 5 to 9 year old or 4% of the total population. The 10 to 14 years old cohort comprises 3069 persons or 4% of the total population. In the 15-19 age cohort, this group comprises 3110 persons or 4% of the total population. While the 20-64 years age cohort, includes 52500 persons or 73% of the total population. In terms of the 65+ years, this group comprises 6044 persons or 8% of the total population.

Across Ireland, the Census 2022 revealed that the proportion of people living alone increased consistently with age. It is noted that over one-quarter of people aged 65 or over lived alone and this rose to 44% for people

aged over 85 years. The Census 2022 also found that the highest number of people living alone was in Dublin City with a population of 61,525 persons. The proposed development will provide a greater supply of one bed units to the area.

### 2.3.14 Zoning at the subject site

Under the Dublin City Development Plan 2022-2028, the site is zoned Z1 Sustainable Residential neighbourhoods. The proposed development of 52 no. residential units and community, arts and cultural uses, is compatible with the permissible uses stipulated in the City Development Plan. The proposed development is complying with the zoning objectives of the subject site.



**Figure 12: Zoning at the Subject Site (Source: Dublin City Development Plan 2022 – 2028)**

### 2.3.15 Ecological nature of the site

There are no identified habitats or species of ecological note within the site. The Ecological Impact Assessment (EclA) report prepared by NM Ecology includes details of the habitats recorded within the site. This section highlights relevant findings from the EclA to inform the baseline ecological nature of the site.

### 2.3.15.1 Habitats

Much of the Site consists of buildings and artificial surfaces (BL3), including the foundations of former buildings, roads (Sackville Avenue, Ardilaun Road, Ardilaun Square), roadside pavements and parking areas. All of these areas are of Negligible ecological importance.

A small patch of scrub (WS1) is located in an enclosed area to the rear (south) of the remaining apartment building. Species include butterfly-bush, elder *Sambucus nigra*, sycamore *Acer pseudoplatanus* and bramble *Rubus fruticosus*. This habitat is very localised, and thus of Negligible importance.

Building rubble from the demolition of former buildings is still visible in some parts of the Site, notably the strip to the south-east of the Handball Alley and two enclosed areas to the north of Sackville Avenue (which are outside the Site boundary). These areas have been recolonised by a range of ruderal plant species, and are classified as recolonising bare ground (ED3). Although relatively species rich, this habitat consists of species that are common and widespread on disturbed ground, so the habitat is of Negligible importance.

### 2.3.15.2 Summary of Identification of Important Ecological Features

Table 3 provides a summary of all ecological features identified within the Site, including their importance and legal / conservation status.

**Table 4: Important ecological features within the site (Source: NM Ecology)**

Ecological feature	Importance	Legal status	Important feature?
Designated sites	International	HR	No
Buildings and artificial surfaces (BL3)	Negligible	-	No
Dry meadow (GS2)	Negligible	-	No
Recolonising bare ground (ED3)	Negligible	-	No
Scrub (WS1)	Negligible	-	No
Rare / protected flora	N.A.	-	No
Three-cornered leek	N.A.	HR	Yes
Other invasive plant species	N.A.	-	No
Terrestrial mammals	Negligible	WA	No
Bats (within Site)	Negligible	HR, WA	No
Bats (foraging on Royal Canal)	Local	HR, WA	Yes
Birds (including nesting habitat)	Negligible	WA	Yes
Fish and aquatic fauna	N.A.	WA	No
Reptiles and amphibians	Negligible	-	No
Invertebrates	Negligible	-	No

\* HR – European Communities (Birds and Natural Habitats) Regulations 2011 (as amended); WA – protected under Section 19 or 20 of the Wildlife Act 1976 (as amended)

### 2.3.15.3 Bats

The two surveys were undertaken on 6 and 8 September 2023 (both at dawn); the results are summarised below.

#### Dawn survey: 6 September 2023

No bats were recorded roosting in the exiting apartment building or 30 Sackville Avenue.

Approx 30 – 40 minutes before dawn two common pipistrelle bats foraged briefly on the southern side of the apartment building around the trees and scrub. They later flew off to the north, passing to the west of the apartment building and 30 Sackville Avenue and disappearing from view at Foster Terrace. No other bat activity was recorded.

#### Dusk survey: 8 September 2023

No bats were recorded roosting in either the apartment building or 30 Sackville Avenue.

A single common pipistrelle bat was observed foraging briefly around the northern side of the apartment building approx. 45 mins before sunrise. It flew off to the south towards the Royal Canal. No other bat activity was recorded.

#### Foraging / commuting habitat

No bats were observed to be roosting within either of the two buildings, so the Site is of no importance for roosting bats.

The only bat foraging activity within the Site was by small numbers of common pipistrelle bats. There are no high-quality foraging habitats within the Site (e.g. woodland, open water), so it is considered to be of Negligible importance for foraging bats.

The Royal Canal is located approx. 25 m south-west of the Site. It consists of open water lined in places by trees, which is a higher-value foraging habitat, and likely of Local importance for foraging bats.

### 2.3.15.4 Trees

An Arboricultural Impact Assessment prepared by Charles McCorkell accompanies this application. The proposed development will require the removal of 3 young Himalayan birch trees of low quality and value (C Category) and all scrub and shrubs located within the site boundary. The assessment concludes that the loss of trees and shrubs required to facilitate the development will have an insignificant impact on the character and appearance of the surrounding local area due to their small size and low quality and value.

### 2.3.15.5 Birds

Habitats within the Site are unsuitable for brent geese or any other species associated with SPAs in Dublin Bay; these species are only recorded in amenity grassland that is regularly mowed.

The following species were recorded during the site inspection: feral pigeon, woodpigeon, jackdaw, magpie, wren and pied wagtail. Other common suburban birds (e.g. tits and finches) are likely to use the Site at other times, but species of conservation importance are unlikely to be present. Therefore, the Site is of Negligible importance for bird species.

However, it is noted that birds and their nests are protected under the Wildlife Act 1976 (as amended). The apartment building appears to be used by nesting pigeons, and potentially other species.



### 2.3.15.6 Invasive Species

A small patch of Japanese Knotweed *Fallopia japonica* is located the enclosed area to the north-east of the Site (Figure 13). It was first recorded at this location in 2018 by Envirico Ltd. There is a live planning consent in this area for the construction of a line of new houses (planning reference 3435/17).

Invasive Species Management plans were developed by Envirico in 2018 and 2020. Herbicide treatment commenced in 2020, and appears to have been repeated annually, with treatment as recently as May 2023.



**Figure 13: Extract of Japanese Knotweed Study Area located adjacent to Site**

As the Japanese Knotweed (and its underground rhizomes) are located outside the boundary of the proposed development, there is no risk that it will be disturbed or otherwise spread during the construction of the proposed development. Therefore, it does not need to be considered further in this assessment.

A small patch of three-cornered leek *Allium triquetrum* was recorded at the western boundary of the Site off Ardilaun Square. This species is listed on the third schedule of the *European Communities (Birds and Natural Habitats) Regulations 2011*, which makes it an offence to cause it to spread. It is widespread throughout Ireland, particularly in urban areas.

No other invasive plant species listed on the third schedule of the *European Communities (Birds and Natural Habitats) Regulations 2011* were recorded within the Site.

### 2.3.15.7 Terrestrial Mammals

Four fox cubs were observed in the dry meadow to the south of the Handball Alley during the survey in July 2023. An adult fox was also observed on the third storey of the apartment building during the first bat survey on 6th September 2023; the building is used by nesting pigeons, so the fox may have been foraging for pigeons or eggs. There is no sign of a fox earth within the Site, so it appears that it was only being used as a temporary foraging and resting place. Foxes do not receive any legal protection in Ireland.

No field signs of any other mammals were observed during the site inspection. The Site is separated from the Royal Canal by a high masonry wall that would be impassable to otters. Ground conditions are unsuitable for badger setts. There is no woodland suitable for deer or red squirrel. There is some ground cover that could potentially be suitable for hedgehogs and other small mammals, but the Site is small and not connected to any larger areas of suitable habitat, so it is unlikely that any such species would use the Site on a regular basis. In summary, the Site is of Negligible importance for any protected terrestrial mammal species.

#### 2.3.16 Other Site Environmental Sensitives

It is noted that one of the four original structures of Croke Villas Estate still remain in situ. Demolition works for this structure have been permitted under a separate application, approved by Dublin City Council. Demolition works for the remaining building structure will be carried out with the plans and particulars submitted and approved under PA. Reg. Ref. 2946/16. The proposed development will include site clearance works. There are no additional noted environmental sensitivities associated with the subject site.

## 3. PROPOSED DEVELOPMENT

### 3.1 Summary of Proposed Development

Notice is hereby given of the construction of 52 no. apartments on a site c.0.88 ha at Croke Villas, Sackville Avenue, and bounded by Ballybough Road, Sackville Gardens, Sackville Avenue, Ardilaun Square, Ardilaun Road and GAA National Handball Centre, Dublin 3, which will consist of the following:

- Clearance works at the site will comprise the removal of walls and perimeter fencing and an allotment garden at the Croke Villas site bounded by Ballybough Road, Sackville Gardens, Sackville Avenue, Ardilaun Square, Ardilaun Road and GAA National Handball Centre. A wall along the boundary of the site and Irish Rail lands and railway line (to the south) will also be removed and replaced with a new boundary wall. Demolition of the remaining Croke Villas flat block is approved under Planning Authority Reg. Ref. 2946/16.
- Construction of two apartment blocks between 4 to 5 storeys, consisting of a total of 52 no. residential units:
- Block A consists of 35 no. residential units (1 no. 1 bed and 34 no. 2 bed apartments); and
- Block B consists of 17 no. residential units (4 no. 1 bed and 13 no. 2 bed apartments) and 152 sqm of internal community, arts and cultural space at ground floor.
- 4 no. car parking spaces and 129 no. cycle spaces.
- Sackville Gardens street will be extended to join with Ardilaun Square to form a new perimeter street to the southern edge of Block A, which will function as a new pedestrian and cycle link and also serve as an emergency vehicle access.
- Removal of undesignated car parking spaces along Sackville Avenue and construction of a new Boulevard on Sackville Avenue from the Ballybough Road junction to Ardilaun Road, which will also facilitate vehicular access.
- Provision of c. 961 sqm public open space, c.500 sqm communal open space, c.367 sqm private open space and 68 sqm of outdoor community, arts and cultural space (55 sqm facing Sackville Avenue and 13 sqm in internal courtyard).
- Boundary treatments, public lighting, site drainage works, road surfacing and footpaths, ESB substation, ESB meter rooms, plant rooms, stores, bin and bicycle storage, landscaping; and
- All ancillary site services and development works above and below ground.



**Figure 14: Proposed Development**

## 3.2 Surface Water Infrastructure

### 3.2.1 Existing Services

An existing network of drainage runs around the perimeter of the site on two sides. These underground sewers carry surface water runoff towards existing catchment areas in the north Dublin area. Due to the relative levels of the existing drainage within the road and the proposed site levels, it is possible to achieve a gravity connection to the combined drainage pipework installed. There is a 990 x 730mm brick combined sewer running parallel to the Royal Canal on the western boundary. There is a 300mm concrete combined sewer on Sackville Avenue parallel to the eastern boundary.

### 3.2.2 Proposed Services

The proposed surface water drainage system is designed to comply with the 'Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005' and the 'Greater Dublin Regional Code of Practice for Drainage Works, V6.0 2005'. CIRIA Design Manuals C753, C697 and C609 have also been used to design the surface water drainage system within the site. The proposed surface water drainage layout for the development is indicated on Malone O'Regan drawings SHB4-CVD-DR-MOR-CS-P3-130, 150 and 151. Surface water runoff from new internal surfaces, footpaths, other areas of hardstanding and the roofs of buildings will be collected within a gravity drainage network and directed towards an attenuation storage system. The attenuation storage is sized to cater for a 1 in 100-year storm event. The outfall from the attenuation tank will be restricted to a flowrate of 2.0 L/s as the discharge is to an existing combined sewer, using a Hydrobrake flow control device. A number of sustainable drainage systems (SuDS) are proposed in order to minimise the volume and rate of runoff from the site.

### 3.3 Foul Water Infrastructure

#### 3.3.1 Existing Services

An existing network of drainage runs around the perimeter of the site on two sides. These underground drains carry foul water towards existing treatment areas in the north Dublin area. Due to the relative levels of the existing drainage within the road and the proposed site levels, it is possible to achieve a gravity connection to the foul water drainage pipework installed. There is a 990X730mm brick combined sewer running parallel to the Royal Canal on the western boundary. There is a 300mm concrete combined sewer on Sackville Avenue parallel to the eastern boundary.

#### 3.3.2 Proposed Services

The proposed foul water drainage system is designed to comply with the 'Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005' and the 'Greater Dublin Regional Code of Practice for Drainage Works, V6.0 2005'. The proposed foul water drainage layout for the development is indicated on Malone O'Regan drawing SHB4-CVD-DR-MOR-CS-P3-130. Foul water from new housing units will be collected within a gravity drainage network and directed towards the existing public sewer system.

### 3.4 Water Supply Infrastructure

#### 3.4.1 Existing and Proposed Services

There is a 125mm watermain located in Sackville Avenue which connects to a 9" Cast-Iron watermain in the R803 Ballybough Road. There is a 100mm watermain terminating in the southwest corner of the site on Sackville Gardens. There is also a 100mm watermain located in Ardilaun Square. The proposed watermain layout is indicated on drawing SHB4-CVD-DR-MOR-CS-P3-140 which accompanies this planning application.

## 4. PRELIMINARY EXAMINATION

### 4.1 Guidance on Environmental Impact Assessment Screening

The Office of the Planning Regulator (OPR) has issued guidance on EIA screening in the form of the Environmental Impact Assessment Screening- Practice Note, May 2021 which aids planning authorities as the Competent Authority (CA) in this area.

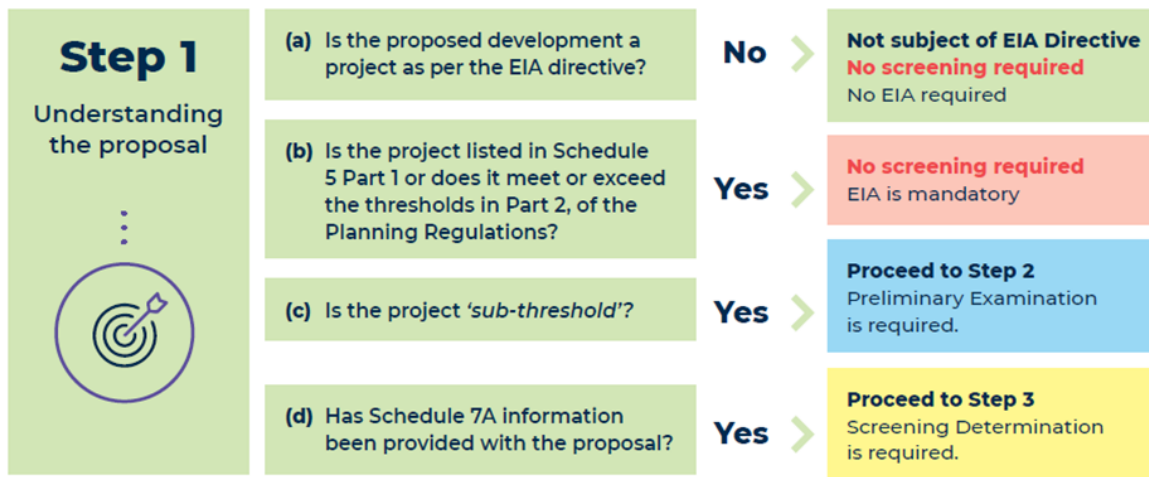


Figure 15: Extract from OPR EIA Screening Guidance Note

This report has had regard to the OPR guidance and methodology.

The proposed application is a project for the purpose of Environmental Impact Assessment (EIA) under Stage 1 stage (a) of the OPR guidance.

### 4.2 Sub-threshold Development

A list of the types or classes of development that require EIA or screening for EIA is provided in Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. 'Sub-threshold development' comprises development of a type that is included in Part 2 of Schedule 5, but which does not equal or exceed a quantity, area or other limit (the threshold).

In Part 2 of schedule 5, the following is the relevant to assessment of sub-threshold development.

10. Infrastructure projects

(b) (i) Construction of more than **500 dwelling units**.

(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(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.

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

In relation to proposed development none of the thresholds above are exceeded, but those highlighted in bold indicate the thresholds of relevance to the subject proposal.

Accordingly, the project is sub-threshold development with reference to the above thresholds and under Step 1(c) of the OPR guidance a preliminary examination is required under Step 2.

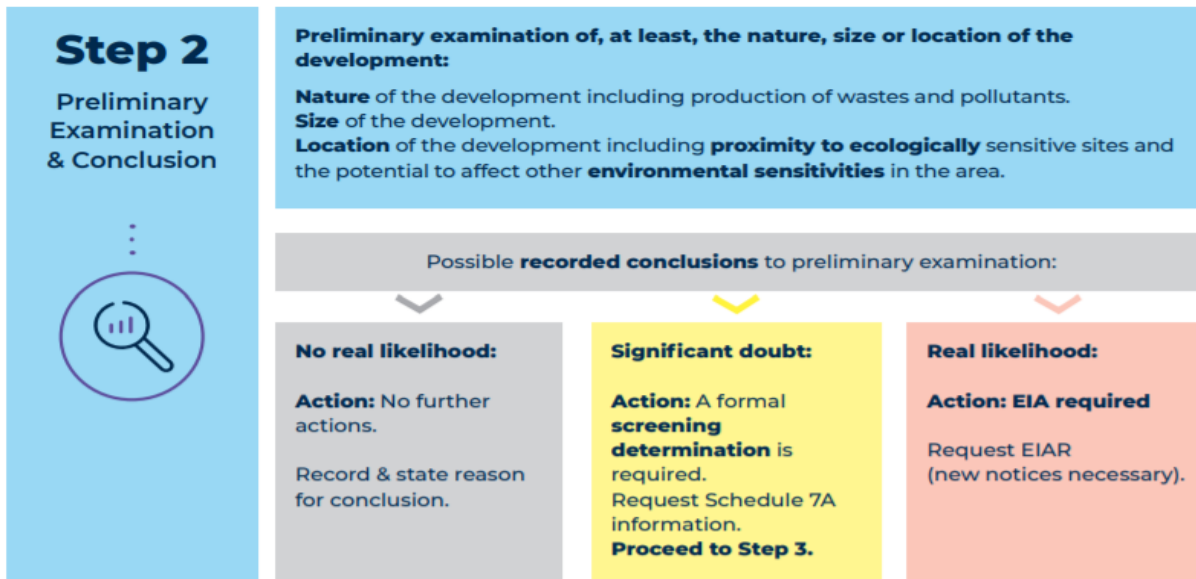


Figure 16: Extract from OPR EIA Screening Guidance Note

### 4.3 Preliminary Examination considerations

Preliminary examinations must consider at least the following:

- The nature of the development including the production of wastes and pollutants;
- The size of the development; or
- The location of the development including the potential to impact on certain ecologically sensitive sites and the potential to affect other environmentally sensitive sites in the area.

The OPR guidance states a number of questions to assist the preliminary examination.

This overlaps with the submitted Appropriate Assessment (AA) screening report and consideration of hydrological and other connections to European sites.

### 4.4 Nature of the development:

#### i) ***Is the nature of the proposed development exceptional in the context of the existing environment?***

The nature of the development is the construction of 52 units in two apartment blocks with community, cultural and arts space at ground floor in Block B. It is considered that the proposed development is consistent with the zoning objectives on the site, of Dublin City Council's Development Plan. With the exception of Croke Park, museum and associated facilities located to the north west of the site, the site is situated within a predominantly residential area. The site is located within a Strategic Development Regeneration Area which are considered as areas capable of delivering significant quantities of homes and employment for the city. Within the North East Inner City SDRA 10, the proposed residential yield is 850 units with an estimated population of 1700 persons. However, it is noted there is an extant permission on the site and therefore the increase in population and residential units would not count towards these figures. It is considered that no significant natural resources will

be used; namely land, soil, water or biodiversity. The nature of the development is compatible with the surrounding land uses and would be supported by the availability of, and proximity to retail, community and local service provision within the immediate neighbourhood and public transport accessibility. In addition, as noted there is an extant permission on the site. The proposed development follows a similar form of development to what has previously been approved by DCC on the site. In this regard, it is therefore considered that the proposed development is not exceptional in the context of the existing urban environment.

**ii) Will the development result in the production of any significant waste, or result in significant emissions or pollutants?**

The nature of the proposed use is primarily residential with community, arts and cultural uses proposed. During the construction phase, any waste generated from the proposed development will be dealt with in the appropriate manner in accordance with the appropriate standards and best practice methodology. A Construction and Environmental Management Plan accompanies this application which sets out measures/approaches relating to construction waste arising and any emissions or pollutants arising during construction.

When occupied, it can be anticipated that the development will have negligible potential to cause any pollution or nuisance. Further to this, the site is not located on or immediately surrounding a source for major accidents or hazards. The nearest Seveso sites are located c. 2.4km from the site located in Dublin Port, and these include Topaz Irish Shell, ESB Generating Station and Tedcastles Oil Products, all of which are classified as Upper Tier Seveso Sites. Other waste generated during construction and operation can be anticipated to be typical for a medium scale residential development. Apart from demolition waste, no other significant waste streams will be generated. The proposed development by its nature will not cause any significant waste, emissions or pollutants during operation.

**iii) Is the size of the proposed development exceptional in the context of the existing environment?**

The size of the development is not exceptional in the context of the existing environment. The infill application site is 0.88 ha and will result in 52 no. residential units, community, arts and cultural space. The development will result in a density of 100 units per hectare. This is not exceptional in an urban context. The site is located in an urban centre in Ballybough. Therefore, the proposed development is not considered exceptional in an urban context. The proposed apartment blocks range in height from four to five. Moreover, the lands are zoned Z1 Sustainable Residential neighbourhood in the Dublin City Development Plan 2022-2028.

The proposed infill development will provide much needed residential accommodation in the Ballybough area as well as community space for residents and the wider community to utilise. The proposed development is consistent with local, regional and national policy, particularly in delivering compact growth within the existing built-up envelope of urban areas and responds to the need for higher residential densities in urban areas and in proximity to existing and planned high-capacity public transport.

**iv) Are there cumulative considerations having regard to other existing and/or permitted projects?**

To consider potential in-combination effects, planning applications (recently granted or under consideration) in the vicinity of the site were reviewed on the online planning records of Dublin City Council and An Bord Pleanála.

### **Planning History**

It is noted that there is an extant permission on the application site (PA. Reg. Ref 385/17). Owing to financial viability issues related to implementing this permission, a redesign of the development was required. In



summary, this permitted development comprised clearance works, construction of 61 units in two apartment blocks as well as the construction of a boulevard. However, this permission will not be implemented and DCC are pursuing an alternative proposal for the site under this application.

In addition, under PA. Reg. Ref. 2946/16 DCC approved the demolition of the remaining four flat blocks at Croke Villas, known as nos.1-21; 22-42; 43-63 and 64-79 Croke Villas. Demolition works for three blocks on the site have been carried out. It is anticipated that the remaining demolition works permitted under this Part 8 application will be completed prior to the commencement of works under this application.

Part of the original estate lands were disposed of to the GAA to develop the GAA National Handball Centre.. Permission was granted under PA. Reg. Ref. 4073/16 at Ardilaun Road and Sackville Avenue, Dublin 3 on 21<sup>st</sup> March 2017 for the demolition of turnstile and single-storey ticket collection building, Nos. 1-8 Saint Andrew's House on Ardilaun Road, the construction of a 3,307sqm 2-storey handball centre to include 7 no. handball courts together with community centre, bar and restaurant space, and ancillary offices on Sackville Avenue. The GAA National Handball Centre has since been constructed and is operational.

Immediately abutting the application site, two Part 8 applications along Sackville Avenue are noted. These Part 8 applications are detailed below.

#### ***PA. Reg. Ref. 3435/17***

Immediately adjoining the site along Sackville Avenue, a Part 8 application was approved under PA. Reg. Ref. 345/17 for works comprising the demolition of six derelict houses and the clearance of two vacant sites including walls and perimeter fencing at 20-28 Sackville Avenue, and the construction of eleven houses as follows: seven no. two storey, three bedroom terraced houses, area circa 784m<sup>2</sup>, at Site C on the north side of Sackville Avenue, clearance of walls and perimeter fencing on a vacant site at 33-34 Sackville Avenue and the construction of three no. two storey, three bedroom terraced houses and adjoining one no. three storey bedroom house at Site D, also on the northside of Sackville Avenue, area circa 441m<sup>2</sup>, including undesignated on-street car parking.

This application was approved on 6<sup>th</sup> November 2017. Demolition works have been completed on the subject site.

#### ***PA. Reg. Ref. 3789/20***

Also, immediately adjoining the site along Sackville Avenue a Part 8 application under PA. Reg. Ref. 3789/20 was approved in January 2021. The works comprise the demolition of an existing derelict house and ancillary structures and the construction of three, two storey, three bedroomed terraced houses with private rear gardens and new connections to the existing drainage infrastructure. Car-parking will be provided via undesignated on street spaces to the front of the dwellings. The site area 380m<sup>2</sup> and the area of the proposed development is 301m<sup>2</sup>.

The application was approved on 27<sup>th</sup> January 2021. Demolition works have been completed on the subject site.

Having regard to the subject application and the above-mentioned applications adjoining the site and due to these site's, all being within DCC ownership, it is prudent to consider the in-combination effects of these developments. In total, when combined, the subject application, PA. Reg. Ref. 3435/17 and PA. Reg. Ref. 3789/20 will deliver 65 units. It is noted that the combined number of units and site area are below thresholds contained in Project Type 10. Infrastructure projects Class (b)(i) "Construction of more than 500 units" and Class (b)(iv) Paragraph 10: "Urban development which would involve an area greater than 2 hectares in the case of a business district.". It is considered that there is no real likelihood that the proposed development in combination with the abovementioned proposals, by reason of its 'nature, size and location' is unlikely to give rise to significant effects on the receiving environment.

In addition, there are a number of permitted developments in the wider vicinity of the site and they can be summarised as follows:

**Table 5: Relevant Permitted Planning History Surrounding the Site**

PA. Ref	Applicant	Location	Summary	Decision
3197/24	The Trustees (Ned Quinn & JJ Carroll), for and behalf of the GAA	Hill End of Croke Park, St. Joseph's Avenue, Dublin 3	Consisting of modifications to PA. Reg. Ref. 2644/19 to include substitution of a 27.8m reinforced concrete wall incorporating a 9m long gated opening construct a new 12.7m long reinforced concrete wall between gates A9 and A10, a new galvanised steel fence and double gate between the Handball Centre site and the outer Cusack car park, and a new 5 sqm security hut at the end of St Joseph's Avenue along with 2 No. automated boom barriers. The new enclosure will accommodate 8 No EV charging stations and bicycle parking for 52 bicycles.	Additional Information was submitted 19/06/24
LRD6009/23-S3	St. Vincent's Hospital Fairview	St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3	Redevelopment of the site to provide for a new hospital building, providing mental health services, provision of 9 no. residential buildings and community facilities, and public open space.	Granted permission 11 <sup>th</sup> October 2023
LRD6015/22-S3	Banner A Cuig Limited	61 & 63 Fairview Strand, 59A Fairview Strand, at Warehouse on Esmond Avenue,, at 19 Esmond Avenue and 21 Esmond Avenue and at rear 19 Philips Avenue, Fairview, Dublin 3	The development (Large Scale Residential Development) will consist of provision of 114 apartments [57 no. one bedroom; 11 no. two bedroom (3 person); 44 no. two bedroom (4 person); 2 no. three bedroom] and 4 commercial units with a total combined gross floor area (excluding basements) of 9,456.15 sqm)	Granted permission 5 <sup>th</sup> May 2023
LRD6006/23-S3	Malkey Limited	158A, The former Leydens Wholesalers & Distributors, Richmond Road, Dublin 3, D03 YK12	The demolition of existing industrial structures on site (c. 3,359 sq m) and the construction of a mixed-use development including artist studios (c. 749 sq m), a creche (c. 156 sq m), a retail unit (c. 335 sq m), and a gym (c. 262 sq m), and 133 No. residential units (65 No. one	Granted permission 31 August 2023

PA. Ref	Applicant	Location	Summary	Decision
			bed apartments and 68 No. two bed apartments).	
4276/22	Pat Broughal	Richmond Cottages North, to the rear of 611-617 North Circular Road, Dublin 1	Demolition of the existing unoccupied single storey shed-like rear buildings, and (ii) the construction of 5 no 3 storey 2 bedroomed townhouses with rooftop terraces, to be accessed from Richmond Cottages North. Also proposed is the provision of a communal plant room with PV panels over, bicycle parking and refuse storage facilities, as well as a communal garden/allotment area.	Granted permission 25 <sup>th</sup> January 2023
2656/21	Lidl Ireland GmbH	20 to 22 (former Annesley Motors), 22B, 23, 24, 25, and 26, Ballybough Road, Dublin 3	The construction of a two storey (including mezzanine floor), neighbourhood centre development with a gross floor area totalling 2,391 sqms. The site area extends to circa 0.28 hectares. At ground floor, the proposed development includes three units (unit 1 – retail; unit 2 – retail/café; and , unit 3 – retail); undercroft parking for 29 cars and 16 external spaces; secure cycle store.	Granted permission 5 <sup>th</sup> April 2022

The geographical distribution of the remaining development sites surrounding the application site reflects the rapidly changing nature of this accessible area. In summary, there are a total of 9 notable planning applications in the vicinity of the Site. All accompanying reports such as the traffic, AA screening, Construction Environmental Management Plan (CEMP) etc. have taken into account the proposed in-combination effects. Notwithstanding this, it is reasonable to assume that all development consents would incorporate conditions requiring protection of the environment during the construction and operational phase.

The accompanying confirmation of feasibility from Uisce Eireann determines the existing infrastructure is adequate to cater for the proposed development. As a result, it is not anticipated that there will be any cumulative effects relating to water supply and foul drainage during the operational phase.

In-combination effects on Natura 2000 sites is a Habitats Directive issue and it is addressed in the AA Screening Report included under separate cover. It concludes that the construction and presence of this development will have no adverse effects on Natura 2000 sites or their conservation objective, alone or in combination with other plans and projects.

Overall, it is considered that the proposed development will have a significant permanent positive impact when considered in the context of existing and approved projects/ plans. Due to the accessible location and the planning objectives / zoning for the surrounding area, and in particular, the area's designation as a Strategic

Development Regeneration Area means that development is continually occurring. Furthermore, the development plan of which the SDRAs form part, is a statutory document which was itself subject to a process of environmental assessment under the Strategic Environmental Assessment (SEA) process prior to adoption by elected representatives. Given the relatively restricted scale of the proposed development and segregation from other sites and no major projects have been identified, it is considered unlikely that these developments would have the potential to result in significant negative cumulative impacts in combination with the proposed project.

## 4.5 Location

### ***i) Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?***

The environmental sensitivity of the subject site and its receiving environment has been considered through examination of various technical and scientific assessments as detailed in section 2.3 of this report.

The subject site is not within a European site. The nearest European site to the subject site is 1.2km away (South Dublin Bay and River Tolka Estuary SPA (4024). As noted in the AA Screening:

*"The South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA are located 1.2 km and 4.4 km from the Site, respectively. Both SPAs cover extensive areas of intertidal mudflat and sandflat in Dublin Bay, and they are designated to protect a range of species that are present in winter months. The Site does not contain any amenity grassland, and the dry meadows consist of coarse grasses that are unsuitable for brent geese. There are no wet areas suitable for waders. Therefore, the Site is considered to be unsuitable for any of the species associated with the SPAs in Dublin Bay."*

In addition, as per the EPA database of rivers and streams, there is no watercourses within the site. The closest watercourse is the Royal Canal is located c. 25m south west of the site. Canals are a fully contained hydrological feature that do not interact with surrounding surface water or groundwater features, so there is no possibility that any waterborne materials from the Site could reach the canal. Under the Water Framework Directive status assessment 2016-2021, the Royal Canal's status is "Good" while its river waterbody risk is under review.

The only other watercourse in the surrounding area (as per the EPA database of rivers and streams) is the Tolka Estuary, which is approx. 400 m north-east of the Site. There are no surface water (or other) pathways between the Site and the Tolka Estuary.

According to the AA Screening, the Site does not appear to have a connection to any nearby watercourses. Rainfall on greenfield areas of the Site is expected to soak to ground, and rainfall on existing hard surfaces (e.g. Sackville Avenue) would flow into roadside storm drains. In summary, no potential pathways from the subject site to the Tolka Estuary or the Royal Canal were identified. The subject site is not located within or proximate to any natural amenity features including; a watercourse, wetland feature, coastal zone, mountain or forest area, Nature Reserves or Parks.

The proposed residential development is considered to be appropriately located on serviced urban land which benefits from a high level of supporting community services and infrastructure, including accessibility to the city centre and the wider Dublin city Metropolitan Area which will benefit future residential occupants. The locational characteristics facilitate and support urban regeneration specifically in the form of residential development and the delivery of the calculated housing need as identified in the City Development Plan, at an appropriate, accessible location which has sufficient capacity to accommodate that development.

***ii) Does the proposed development have the potential to affect other significant environmental sensitivities in the area?***

The detailed sensitivities of the site are outlined in section 2.3 above. There are no recorded monuments situated within the site boundary. There are no structures on the record of protected structures (RPS) situated on the site. The closest protected structures to the site include Clarke's Bridge, Ballybough is recorded as a protected structure in the Dublin City Development Plan under RPS. 910. Along Summerhill Parade, house nos. 26-41 are listed as protected structures on the Dublin City Record of Protected Structures. The relevant RPS nos. for these structures range from RPS. 7868 up to RPS. 7883. In addition to the RPS, a number of structures are listed as a Regional importance under the NIAH Inventory. It does not lie within a zone of archaeological interest. The absence of features of built, landscape heritage or visual amenity within or immediately adjacent to the subject site, confirms that there is no inherent landscape, cultural and heritage sensitivity of the subject site or its immediate environment.

An Ecological Impact Assessment (EclA) was prepared by NM Ecology. As noted in the EclA report, the Important Ecological Features identified in this assessment include bats (foraging on Royal Canal) and Birds (including nesting habitats) notably feral pigeons in the existing structure. apartment building. Potential impacts on these features are considered in Section 4 of the EclA Report. All other ecological features discussed in the report are considered to be of Negligible ecological importance, so they do not require further assessment. A number of mitigation measures are proposed as part of the EclA.

The proposed development site contains no other features of any ecological significance. According to the AA screening report accompanying this application, it can be concluded that the proposed development; individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

#### **4.6 Preliminary Examination Conclusion**

Following the preliminary examination, it is concluded that there are doubts regarding the likelihood of significant effects on the environment arising from the proposed development in relation to cumulative effects and to proceed to a Step 3 assessment as per the OPR Guidelines.

## 5. SCHEDULE 7 ASSESSMENT AND SCHEDULE 7A INFORMATION


Where the requirement to carry out EIA is not excluded at preliminary examination stage, the planning authority must carry out a screening determination.

In making its screening determination, the competent authority must have regard to:

- Schedule 7 criteria,
- Schedule 7A information,
- Any further relevant information on the characteristics of the development and its likely significant effects on the environment submitted by the applicant,
- Any mitigation measures proposed by the applicant,
- The available results, where relevant, of preliminary verifications or assessments carried out under other relevant EU environmental legislation, including information submitted by the applicant on how the results of such assessments have been taken into account, and
- The likely significant effects on certain sensitive ecological sites.

### Step 3

Formal  
Screening  
Determination



**Screening Exercise:**  
**Is the proposal likely to have significant effects on the environment?**

In making the determination, the planning authority must have regard to Schedule 7 criteria, Schedule 7A information, results of other relevant EU assessments, the location of sensitive ecological sites, or heritage or conservation designations. Mitigation measures may be considered.

**Screening Determination:** Recorded outcomes to screening determination must state main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 of the Regulations and mitigation if relevant.

*Figure 17: Extract from OPR EIA Screening Guidance Note*

### 5.1 Schedule 7 criteria for determining whether development should be subject to an environmental impact assessment

The 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-Threshold Development', groups criteria for deciding whether or not a proposed development would be likely to have significant effects on the environment under three headings which correspond to the updated Schedule 7. Schedule 7 criteria for determining whether development listed in part 2 of Schedule 5 should be subject to an environmental impact assessment.

- Characteristics of the proposed development.
- Location of the proposed development.
- Characteristics of potential impacts.

Table 6 Characteristics of the proposed development

Schedule 7 Criteria Commentary	Schedule 7 Criteria Commentary
<p><b>1.Characteristics of proposed development</b></p> <p>The characteristics of proposed development, in particular to:</p> <p>-</p>	
<p>(a) the size of the proposed development,</p>	<p>The proposed works at the 0.88 ha site consists of the construction of 52 no. units, community, arts and cultural space and a new boulevard on Sackville Avenue. A Resource Waste Management Plan (RWMP) will be in place for the construction phase of the development. With mitigation measures detailed in the CEMP and RWMP no significant negative effects are likely.</p> <p>The proposed development provides an appropriate and compatible form of infill development within an urban context on lands which are zoned for Sustainable Residential Neighbourhoods. The site adjoins other established urban uses including residential, commercial and community uses and is well connected in terms of public transport and pedestrian and cycle links. Having regard to the size and design of the proposed development, which is infill in nature, the potential for significant effects on the environment are not anticipated.</p>
<p>(b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,</p>	<p>Section 4.4 (iv) of this report identified relevant planning permission and applications for the assessment of cumulative effects. Together, with the proposed development at the subject site and the other permitted developments in the vicinity of the site are not likely to give rise to significant effects. In arriving at this conclusion, other permitted development has been taken into account.</p>
<p>(c) the nature of any associated demolition works,</p>	<p>The proposal entails the clearance of the site and the construction of 52 no. residential units and community, arts and cultural space. Demolition works were approved under a Part 8 application PA. Reg. Ref. . It is anticipated that the remaining demolition works will be completed prior to the commencement of this subject application.</p>
<p>(d) the use of natural resources, in particular land, soil, water and biodiversity,</p>	<p>The nature of the proposed use and scale of development is such that its development would not result in a significant use of natural resources. At present, following the demolition of three buildings on the site the subject lands, the site has remained vacant. It will therefore result in the efficient use of infill land and will utilise the urban development land that is aligned to the development objectives of the Development Plan. There will be no use of natural resources at the site given the nature of works proposed.</p> <p>The scale and quantity of construction materials used will not be such that would concern in relation to significant effects on the environment. During construction, the contractor will take all</p>

Schedule 7 Criteria Commentary	Schedule 7 Criteria Commentary
	<p>appropriate measures to protect against accidental spillages or pollution.</p> <p>The development will generate water demands during the construction and operational phases of the development. Water will be supplied from the public watermain. A Confirmation of Feasibility (COF) has been received from Uisce Eireann (Formerly Irish Water). A Copy of the Uisce Eireann COF Letter is provided in Appendix A of the accompanying Engineering Report prepared by Malone O'Regan</p> <p>The operation of the scheme would not use such a quantity of water to cause concern in relation to significant effects on the environment.</p> <p>The proposed foul water drainage layout for the development is indicated on Malone O'Regan drawings SHB4-CVD-DR-MOR-CS-P3-130. Foul water from new housing units will be collected within a gravity drainage network and directed towards the existing public sewer system.</p> <p>The proposed surface water drainage layout for the development is indicated on Malone O'Regan drawings SHB4-CVD-DR-MOR-CS-P3-130, 150 and 151. Surface water runoff from new internal road surfaces, footpaths, other areas of hardstanding and the roofs of buildings will be collected within a gravity drainage network and directed towards an attenuation storage system. The attenuation storage is sized to cater for a 1 in 100-year storm event. The outfall from the attenuation tank will be restricted to the applicable 'greenfield' runoff rate using a Hydrobrake flow control device. A number of sustainable drainage systems (SuDS) are proposed in order to minimise the volume and rate of runoff from the site.</p> <p>A desktop flood risk assessment report accompanies this application. The assessment concludes:  <i>"In consideration with the above assessment, analysis and recommendations, overall, the development of the site as a residential area incorporating landscaped communal open spaces and nature-based drainage solutions, will not have an adverse impact on the existing hydrological regime of the area or result in increased flood risk elsewhere."</i></p> <p>The use of natural resources in relation to the proposed development is not likely to cause significant effects on the environment. The overall environmental impact under these headings is therefore considered to be low. In addition, the AA screening report accompanying this application concludes that the proposed development will not cause any significant impacts on designated sites, habitats, legally protected species, or any features of ecological importance.</p> <p>An Ecological Impact Assessment accompanies this application. The report states that the Royal Canal is likely to be of Local importance</p>



Schedule 7 Criteria Commentary	Schedule 7 Criteria Commentary
	<p>as a foraging area for bats. The proposed development will not involve any direct changes to the canal, but it will involve the addition of artificial lighting in parts of the Site. A number of measures are proposed in the EclA and in section 5.4 of this report. The EclA states that measures will ensure that the proposed development will cause no additional illumination of the Royal Canal, and thus will prevent any impact on the bat foraging habitat.</p>
(e) the production of waste,	<p>All inert material and non-hazardous waste will be disposed of from the site in accordance with the categorisation of waste and in accordance with the relevant licencing and regulatory requirements. The scale of the waste production with the use of licenced waste disposal facilities and contractors does not cause concern for likely significant effects on the environment.</p> <p>Normal builders' waste (rubble, excess building materials) will be generated during the construction phase. All construction works will be carried out in accordance with the CEMP and RWMP prepared by ORS.</p> <p>During the operational phase, the proposed development will give rise to general non-hazardous waste including paper, cardboard, plastics, metals, electrical equipment and electrical waste commensurate with the residential and community uses of the site. An operational Waste Management Plan prepared by Traynor Environmental accompanies this application. All domestic waste will be disposed of by a licensed waste contractor. No significant waste streams during operation are anticipated.</p>
(f) pollution and nuisances,	<p>The construction phase of the project has the potential to be a source of pollution in relation to water, noise, vibration, dust and traffic. There will likely be potential for localised dust and noise produced during the demolition and construction phases. This will be managed by ensuring construction work largely operates within the approved hours of construction. Standard dust and noise prevention mitigation measures will be employed and monitored. As such, pollution and nuisances are not considered likely to have the potential to cause significant effects on the environment.</p> <p>The CEMP report prepared by ORS addresses dust control and a number of mitigation measures have been proposed for the development.</p> <p>A variety of items of plant will be in use during the construction phase. There will be vehicular movements to and from the site that will make use of existing roads. Due to the nature of these activities, there is potential for the generation of elevated levels of noise. An Acoustics Assessment prepared by Wave Dynamics accompanies this application. During the construction stage, the noise impact is predicted to exceed the BS 5228 requirements without any mitigation measures for the Site Set Up, Substructure and Superstructure stages of the project. General and site-specific mitigation measures have</p>

Schedule 7 Criteria Commentary	Schedule 7 Criteria Commentary
	<p>been provided in the Acoustics report to bring the construction noise levels down within the limits of BS 5228. Following the noise mitigation recommendations in this report, the construction phase is expected to meet the requirements of BS 5228 based on the information provided to WDA. In addition to the mitigation measures, guidance has been provided in this report for construction noise monitoring during the construction period to manage noise levels to manage construction noise.</p> <p>There is also potential for noise pollution during the operational phase in the form of parking cars at the development. An operational noise impact assessment from the noise generated in the communal amenity space, the traffic generated on the development and car parking. According to the accompanying Acoustics report, It is predicted that the development will not cause a negative noise impact on the nearby noise sensitive locations.</p> <p>An Operational Waste Management Plan will be put in place with measures to avoid and / or mitigate pollution from operational waste.</p> <p>The potential sources of traffic pollution can be mitigated, and these measures are detailed in the CEMP prepared for the development.</p> <p>With the implementation of these mitigating measures, there are no likely residual significant effects on the environment.</p>
<p>(g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and</p>	<p>Standard construction practices will be employed throughout the construction phase. The site is not located on or immediately surrounding a source for major accidents or hazards. The nearest Seveso sites are located c. 2.4km from the site located in Dublin Port, and these include Topaz Irish Shell, ESB Generating Station and Tedcastles Oil Products, all of which are classified as Upper Tier Seveso Site. There are no technologies or substances to be used in the development which may cause concern for having likely significant effects on the environment. There is no significant risk of accidents or disasters.</p> <p>The subject site is located within a Flood Zone C and is not in proximity to a Flood Zone A or B. According to the OPW flood mapping there has been no flooding events at the subject site. The potential impact of climate change has been considered for in the design of the surface water drainage network and storage system.</p> <p>The project does not provide for pollutants or construction works that would give rise to environmental risks, and/or disasters in the area. No significant effects on the environment are anticipated during operation.</p> <p>No significant effects are anticipated from the identified Seveso sites listed above.</p>

Schedule 7 Criteria Commentary	Schedule 7 Criteria Commentary
<p>h) the risks to human health (for example, due to water contamination or air pollution).</p>	<p>There is no pollutant in the soil and subsoil on site. The contractor at the subject site will continue to ensure that in the event that any waste arises from the subject site that it will be removed in a manner which meets the appropriate standards and best practice. Having regard to the CEMP, it can be concluded that with mitigating measures, there would be no significant effect upon human health.</p> <p>The development will generate water demands during the construction and operational phases of the development. Water will be supplied from the public watermain. A Confirmation of Feasibility has been received from Uisce Eireann (Formerly Irish Water). A Copy of the Irish Water Confirmation of Feasibility Letter is provided in Appendix A of the accompanying Engineering Report prepared by Malone O'Regan</p> <p>The proposed foul water drainage layout for the development is indicated on Malone O'Regan drawings SHB4-CVD-DR-MOR-CS-P1-130. Foul water from new housing units will be collected within a gravity drainage network and directed towards the existing public sewer system.</p> <p>The proposed surface water drainage layout for the development is indicated on Malone O'Regan drawings SHB4-CVD-DR-MOR-CS-P1-130, 150 and 151. Surface water runoff from new internal road surfaces, footpaths, other areas of hardstanding and the roofs of buildings will be collected within a gravity drainage network and directed towards an attenuation storage system. The attenuation storage is sized to cater for a 1 in 100-year storm event. The outfall from the attenuation tank will be restricted to the applicable 'greenfield' runoff rate using a Hydrobrake flow control device. A number of sustainable drainage systems (SuDS) are proposed in order to minimise the volume and rate of runoff from the site.</p> <p>Dust and air quality control measures for the construction phase of development are detailed in section insert of the CEMP. It Can be concluded that with mitigating measures, there would be no significant effect upon human health.</p> <p>The project is unlikely to give rise to risks to human health arising from contamination or pollution.</p>

**Table 7 Location of the proposed development**

2. Location of proposed development.	
<p>The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:</p>	
<p>a) the existing and approved land use,</p>	<p>The subject site is currently an infill brownfield site following the part demolition of the former Croke Villas flat complex.</p>

2. Location of proposed development.	
	<p>The proposed use on site is compatible with the land use zoning of the subject lands which is "Sustainable Residential Neighbourhood". Residential and community, arts and cultural uses are permitted under Z1.</p> <p>The proposed development is compliant with the zoning objectives for the site. In determining the zoning of the subject site, the Planning Authority will have thoroughly assessed the nature of the site as part of the Strategic Environmental Assessment and Appropriate Assessment for the Dublin City Development Plan 2022-2028 to ascertain its capacity to accommodate such development and merit a zoning as designated. There are no apparent characteristics or elements of the design of the scheme that are likely to cause significant effects on the environment. The addition of this development is not considered to have a significant impact on the environmental sensitivities of the area.</p>
<p>(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,</p>	<p>The nature of the proposed development is such that the natural resources used in its development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site.</p> <p>The land may be categorised as urban infill development land, well serviced by infrastructure, public transport, community services and where the objective is to maximise its development potential in the interests of sustainable development and compact growth.</p> <p>An Appropriate Assessment Screening, Construction &amp; Environmental Management Plan have been prepared and informed the preparation of this EIA Screening. An assessment of the project has shown that significant effects are not likely to occur at these areas alone or in combination with other plans or projects.</p> <p>In relation to biodiversity on the site, the EclA found knotweed, located outside the application site. As the Japanese Knotweed (and its underground rhizomes) are located outside the boundary of the proposed development, there is no risk that it will be disturbed or otherwise spread during the construction of the proposed development. Therefore, it does not need to be considered further in this assessment.</p> <p>A small patch of three-cornered leek <i>Allium triquetrum</i> was recorded at the western boundary of the Site off Ardilaun Square. This species is listed on the third schedule of the <i>European Communities (Birds and Natural Habitats) Regulations 2011</i>, which makes it an offence to cause it to spread. It is widespread throughout Ireland, particularly in urban areas. This invasive plant species is common and widespread throughout Ireland, particularly in urban areas. It spreads by seed dispersal, and can rapidly colonise green areas. The construction of the</p>

2. Location of proposed development.	
	<p>proposed development could potentially cause some localised spread of this species. This would constitute an offence under the <i>EC (Birds and Natural Habitats) Regulations 2011</i> (as amended). However, it is recommended that the species is eradicated on site prior to the commencement of development.</p> <p>As discussed in Section 4.3, all habitats within the Site are currently of Negligible importance. Nonetheless, existing grassland, recolonising bare ground and scrub will be cleared to make space for the proposed development. The loss of baseline habitats will be compensated by the incorporation of biodiversity measures in the landscaping proposals for the scheme.</p> <p>As mentioned previously, there are no significant watercourses within the proposed development site. The nearest watercourse to the site is the Royal Canal located 25m south west of the site.</p>
c) the absorption capacity of the natural environment, paying particular attention to the following areas:	
(i) wetlands, riparian areas, river mouths;	The closest watercourse to the site is the Royal Canal and the Tolka Estuary. There is no interaction from the development with this watercourse, therefore absorption capacity is not affected. The proposed development is not likely to give rise to significant effects on wetlands, riparian areas, and river mouth.
(ii) coastal zones and the marine environment;	The site is not located proximate to a coastal zone or marine environment. No direct or indirect impacts are considered to arise.
(iii) mountain and forest areas;	Not applicable due to location of scheme
(iv) nature reserves and parks;	The proposed project is not located on or adjoining any nature reserves or parks.
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;	According to the AA Screening that accompanies this application, the project is not located within a Natura 2000 site, and is unlikely have any direct impact, or indirect impact on any Natural 2000 site due to the of construction and activity during operation.
(vi) in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;	Under the Water Framework Directive status assessment 2016-2021, the Royal Canal Under the Water Framework Directive status assessment 2016-2021, the Royal Canal's status is "Good" while its river waterbody risk is under review. Under the Transitional Waterbody Water Framework Directive status assessment 2016-2021, the Tolka Estuary is of "Poor Status" and is "At Risk" status under the Transitional Waterbodies Risk assessment. The project will not have any impact on the areas environmental quality standards having regard to its defined status laid down in legislation of the European Union.
(vii) densely populated areas;	The site is located within the existing urban neighbourhood of Ballybough. The site is located within walking and cycling distance to the city centre of Dublin. In addition, it is proximate to a wide array of

2. Location of proposed development.	
	<p>services and facilities in the immediate vicinity of the site that can serve the population generated from the proposed development. It is situated in the Electoral Division of Ballybough A which had 3,718 persons in 2016 which increased to a population of 4,004 persons in the 2022 census. This is an increase of 286 persons.</p> <p>The proposed development will result in the delivery of residential accommodation and neighbourhood facilities in the form of a new community, arts and cultural space, and public open space. The site is located in an urban context which is served with public transport, commercial services and other community facilities. It is supported by existing educational, residential, retail, services, churches, in the broader area and recreational facilities. The proposed development is considered at scale with the existing urban context of the surrounding area.</p>
(viii) landscapes and sites of historical, cultural or archaeological significance	<p>No archaeological monuments are located on the proposed development site. There are no recorded monuments (RMP/ SMR sites). There are no protected structures located on or near the subject site. The nearest protected structures to the site are located c.100m from the site and these include Clarke's Bridge, Ballybough (RPS. 910) and along Summerhill Parade, house nos. 26-41 are listed as protected structures on the Dublin City Record of Protected Structures. The relevant RPS nos. for these structures range from RPS. 7868 up to RPS. 7883.</p> <p>Having regard to the proposed scheme, it is considered that the proposed project will not have a significant negative impact on landscapes and sites of historical, heritage, cultural or archaeological significance.</p>

### 5.1.1 Types and Characteristics of Potential Impacts

The likely significant effects on the environment of proposed development relate to those criteria set out in paragraph (b)(i)(l) to (V) of section 171A of the Act, taking into account—

- a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),
- b) the nature of the impact,
- c) the transboundary nature of the impact,
- d) the intensity and complexity of the impact,
- e) the probability of the impact,
- f) the expected onset, duration, frequency and reversibility of the impact,
- g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,

- h) the possibility of effectively reducing the impact.

The OPR's Practice Note on EIA Screening considers what are **likely significant effects**. Refer to Box 1 below.

### Box 1: Likely Significant Effects

#### 1. Are the effects identified likely to occur?

This refers to the effects that are expected to occur, those that can be reasonably foreseen as normal consequences of project construction and operation, including where relevant associated demolition, remediation and/or restoration.

#### 2. Are the effects, which are likely to occur, significant?

EPA draft guidelines define a '*significant effect*' as an effect, which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment. The same draft guidelines provide useful definitions in relation to quality of effects, significance of effects, context of effects, probability of effects and duration and frequency of effects.

#### 3. Will identified likely significant effects impact the environment?

Likely significant effects should cover the direct and indirect, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project.

The factors of the environment to be described and assessed are:

- **population and human health;**
- **biodiversity, with particular attention to protected species and habitats;**
- **land, soil, water, air and climate;**
- **material assets, cultural heritage and the landscape; and**
- **the interaction between the factors.**

The following table summarises the likelihood of effects on the environmental factors listed in the box above, having regard to the analysis set out in sections 2 and 4 of this assessment.

Table 8 Screening Considerations

Screening Considerations							
Aspect	Phase	Potential Effect	Extent	Probability	Significance of Effect	Quality of Effect	Duration
Landscape	Construction (C)	The brownfield site will be replaced by residential units, community, arts and cultural space and a new boulevard. Communal open space will include landscaping and the boulevard includes landscaping.	Local	Likely	Moderate	Positive	Permanent
	Operation (O)	Planting selection comprises mix of various species to ensure appropriate character for the area and enhance landscape at the subject lands.	Local	Likely	Moderate	Positive	Permanent
Visual	C	Perceived negative changes due to emergence of plant and machinery and site clearance works	Local	Likely	Moderate	Negative	Short Term
	O	Changes to existing character of site with residential development	Local	Likely	Moderate	Positive	Permanent
Biodiversity	C	Potential impacts on the bat foraging habitat from artificial lighting	Local	Likely	Moderate	Negative	Permanent
		Potential impacts if scrub cleared during the bird nesting season (usually between March and August, inclusive), it is possible that active nests could be destroyed	Local	Not Likely	Moderate	Negative	Permanent
		Potential impact of spreading three-cornered leek	Local	Likely	Moderate	Negative	Permanent
	O	Planting selection comprises mix of various species and provision of measures to enhance natural habitats and biodiversity	Local	Likely	Moderate	Positive	Permanent
Land & Soil	C	Loss of subsoil from site.	Local	Likely	Moderate	Negative	Permanent
		Potential contamination due to accidental spillage.	Local	Not Likely	Imperceptible	Neutral	Brief



	O	Residential development with community, arts and cultural uses	Local	Likely	Moderate	Positive	Permanent
Human Health	C	None Predicted	-	-	-	-	-
	O	None predicted	-	-	-	-	-
Water	C	Accidental pollution events occurring to waterways or the groundwater table	Local	Not Likely	Imperceptible	Neutral	Brief - Temporary
	O	Discharge of treated attenuated surface water to existing surface water network.  Discharge of foul and wastewater to existing wastewater network	Local  Local	Likely  Likely	Imperceptible  Imperceptible	Neutral  Neutral	Permanent  Permanent
Air Quality & Climate	C	Reduction of air quality as a result of construction traffic and HGVs, and emissions from construction and plant machinery	Local	Likely	Not significant	Neutral	Permanent
	O	None predicted	-	-	-	-	-
Noise	C	Increase in noise as a result of construction activity, and operation of plant and machinery	Local	Likely	Slight	Negative	Temporary
	O	Increase in noise level as a result of vehicular movements in and out of residential development	Local	Likely	Imperceptible	Neutral	Permanent
Cultural Heritage: Built Heritage	C	None predicted	-	-	-	-	-
	O	None predicted	-	-	-	-	-
Cultural Heritage: Archaeology	C	Potential to contain the remains of 18 <sup>th</sup> /19 <sup>th</sup> century buildings and earlier archaeological features	Local	Not Likely	Imperceptible	Neutral	Permanent
	O	None predicted	-	-	-	-	-

Table 9 Characteristics of Potential Impacts

3. Characteristics of potential impacts	
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—	
(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected)	The project is constrained in its extent. It is unlikely that the impact of the project will extend beyond the local vicinity of the subject site area during construction.
(b) the nature of the impact	<p>There is potential for interaction of effects during the construction phase in relation to soil, water and biodiversity. The negative impacts arise from potential risk of pollution, dust and noise. However, best practice construction measures will be put in place during the construction phase and these measures will continue to be employed in the completion and construction of the remaining elements of the proposed development which will ensure that there are no significant effects on the environment.</p> <p>The nature of impacts arising during operation are long-term, permanent and localised in terms of scale and spatial extent. Such effects might manifest in terms of increase in population, greater demand on services and a better quality living environment resulting in an overall improved landscape.</p>
(c) the transboundary nature of the impact	Not applicable due to scale, nature and location of scheme.
(d) the intensity and complexity of the impact,	Construction impacts will be temporary and of typically low intensity. The construction methodology adopted will ensure potential impacts are mitigated.
(e) the probability of the impact,	The design of the proposals, best practice construction measures mitigates against significant effects arising. The impacts of the project during construction and operation phase are comprehended as probable, as the project is set to be developed within the confines of the brownfield site.
(f) the expected onset, duration, frequency and reversibility of the	Temporary environmental impacts are likely to occur. These are not likely to be significant, within the meaning of the Directive.
(g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment	<p>It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant effects on the environment.</p> <p>No significant adverse effects have been identified, no measures are recommended to avoid or prevent such impacts.</p>

Directive by or under any other enactment, and	
(h) the possibility of effectively reducing the impact	It is likely that the operation of the scheme will be neutral to positive. The proposed mitigation measures proposed in the CEMP will mitigate any significant effects identified such that there are no residual effects. The mitigation measures proposed for this application provides a number of recommendations for construction and operational phases of the proposed development that will mitigate any potential effects as a result of the works at the subject site.

## 5.2 Schedule 7A information

### 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**

#### Response

Refer to Section 5.1 of this report.

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

#### Response

Refer to Section 5.1 of this report.

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

#### Response

Refer to Section 5.1 of this report.

### 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,**

#### Response

The Construction and Environmental Management Plan related to the development will include mitigation measures that will ensure there is no likely significant effects on the environment. Waste and emissions arising during the operational phase are not considered to be significant within the meaning of the Directive.

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

#### Response

Refer to 5.1 of this report.

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

Response

Please refer to section 5.1 of this report.

### 5.3 Any further relevant information

**Response –**

The Planning Authority are referred to the information submitted with the suite of documentation accompanying this application to support the conclusions included in it, this comprises:

- Appropriate Assessment Screening Report– prepared by NM Ecology
- Ecological Impact Assessment – prepared by NM Ecology
- Construction & Environmental Management Plan – prepared by ORS
- Arboricultural Impact Assessment – prepared by Charles McCorkell Arboricultural Consultancy
- Engineering Report – prepared by Malone O’Regan
- Operational Waste Management Plan – prepared by Traynor Environmental Ltd
- Acoustics Design Statement – Wave Dynamics

### 5.4 Any mitigation measures

A range of construction measures have been developed to avoid, reduce or mitigate likely significant negative effects on the environment with specialist input retained to advise the design team, as detailed in accompanying reports and in the Construction Environmental Management Plan (CEMP). Please refer to the CEMP prepared by ORS for further details on the proposed measures during construction phase.

Any soils to be removed from the site the recovery/disposal options are outlined in Section 2.4 of the accompanying waste characterisation assessment report prepared by OCM.

The proposed development will be subject to archaeological test trenching prior to the commencement of development.

In summary, the Ecological Impact Assessment includes the following measures:

As discussed in Section 4.3 of the EIA, all habitats within the Site are currently of Negligible importance. Nonetheless, existing grassland, recolonising bare ground and scrub will be cleared to make space for the proposed development. The loss of baseline habitats will be compensated by the incorporation of biodiversity measures in the landscaping proposals for the scheme. Please refer to the accompanying Landscape Design Report for further details on the biodiversity enhancement proposals.

Under Section 22 of the *Wildlife Act 1976* (as amended), it is an offence to kill or injure a protected bird or to disturb their nests. Most birds nest between March and August (inclusive), so it is strongly recommended that site clearance works are carried out between September and February (inclusive), i.e. outside the nesting season. If this is not possible, an ecologist will survey the affected areas in advance in order to assess whether any nesting birds are present. If any are encountered, vegetation clearance will be delayed until the breeding attempt has been completed, i.e. after chicks have fledged and a nest has been abandoned.

The Royal Canal is likely to be of local importance as a foraging area for bats. The only potential impact on this foraging area from the proposed development would be from artificial lighting. To avoid impacts on the bat foraging habitat, some bat sensitive lighting techniques have been incorporated into the lighting scheme along Sackville Gardens, as follows:

- A 2.45 m wall will be constructed along the southern boundary of the Site
- Lighting poles along Sackville Gardens will be installed on the southern side of the road and directed to the north. Cowls will be used to minimise light spill to the south
- Lights will be LEDs with a warm tone
- These measures will ensure that the proposed development will cause no additional illumination of the Royal Canal, and thus will prevent any impact on the bat foraging habitat.

In terms of eradicating three-cornered leek, individual plants can be killed by herbicide application, and it is recommended that this is carried out in the next growing season. It is possible that seeds are present in the surrounding soil and may germinate in the future, so it is recommended that follow-up treatment is also carried out to treat any new growth.

The proposed mitigation measures for the proposed development will mitigate any possible impacts on the environment of the proposed residential development.

## 5.5 Available Results under other EU Environmental Legislation

Other relevant EU environmental legislation may include:

- SEA Directive [2001/42/EC]
- Birds and Habitats Directives [79/409/EEC, 2009/147/EC & 92/43/EEC]
- Water Framework Directive [2000/60/EC]
- Marine Strategy Framework Directive
- Ambient Air Quality Directive and Heavy Metals in the Ambient Air Directive
- Industrial Emissions Directive
- Seveso Directive
- Trans-European Networks in Transport, Energy and Telecommunication
- EU Floods Directive 2007/60/EC

**Table 10: EU Legislation**

Directive	Results
SEA Directive [2001/42/EC]	The proposed development is compatible with the zoning under the Dublin City Development Plan 2022-2028. The plan has been subject to Strategic Environmental Assessment.
Birds and Habitats Directives [79/409/EEC, 2009/147/EC & 92/43/EEC]	An appropriate assessment (AA) screening report prepared by NM Ecology Ltd. accompanies this Part 8 application. Taking into consideration the proposed development works and the operation of development; the lack of a direct hydrological pathway or

Directive	Results
	<p>biodiversity corridor link to conservation sites; and the dilution effect of surface runoff, it is concluded that this development would not give rise to any significant effects on designated sites. The AA Screening concludes:</p> <p><i>“Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is no likelihood of significant impacts on any European sites. This is based on three key conclusions:</i></p> <ul style="list-style-type: none"> <li><i>• The Site is not within or adjacent to any European sites, so there is no risk of direct effects</i></li> <li><i>• There are no surface water (or other) pathways linking the Site to any European sites, so there is no risk of indirect effects</i></li> <li><i>• Habitats within the Site are unsuitable for any of the birds associated with nearby SPAs.</i></li> </ul> <p><i>Appropriate Assessment Screening must consider the potential implications of a project both in isolation and in combination with other plans and projects in the surrounding area. An ‘in-combination effect’ can occur when a project will have a perceptible but non-significant residual effect on a European site (when considered in isolation), that subsequently becomes significant when the additive effects of other plans and projects are considered. However, as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out.</i></p> <p><i>Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be concluded that the proposed development will not be likely to have a significant effect on any European sites. On this basis, the assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.</i></p> <p><i>In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.”</i></p>
Water Framework Directive [2000/60/EC]	<p>The proposed foul water drainage layout for the development is indicated on Malone O’Regan drawings SHB4-CVD-DR-MOR-CS-P1-130. Foul water from new housing units will be collected within a gravity drainage network and directed towards the existing public sewer system.</p> <p>The proposed surface water drainage layout for the development is indicated on Malone O’Regan drawings SHB4-CVD-DR-MOR-CS-P1-130, 150 and 151. Surface water runoff from new internal road</p>

Directive	Results
	<p>surfaces, footpaths, other areas of hardstanding and the roofs of buildings will be collected within a gravity drainage network and directed towards an attenuation storage system. The attenuation storage is sized to cater for a 1 in 100-year storm event. The outfall from the attenuation tank will be restricted to the applicable 'greenfield' runoff rate using a Hydrobrake flow control device. A number of sustainable drainage systems (SuDS) are proposed in order to minimise the volume and rate of runoff from the site.</p> <p>Rainwater is unpolluted, so it will not pose a risk to surface water or groundwater, and there is no risk that the surface water outflow could have a negative impact. There is no potential for construction activities to give rise to water pollution as there are no watercourses in the immediate vicinity of the site.</p>
Marine Strategy Framework Directive	The site is located inland, away from the coast, there is no likely impact given the distance.
Ambient Air Quality Directive and Heavy Metals in the Ambient Air Directive	n/a to proposed development
Industrial Emissions Directive	n/a to proposed development
Seveso Directive	<p>The site is not located on or immediately surrounding a source for major accidents or hazards. The nearest Seveso sites are located c. 2.4km from the site located in Dublin Port, and these include Topaz Irish Shell, ESB Generating Station and Tedcastles Oil Products, all of which are classified as Upper Tier Seveso Sites. Having Regard to the distance from the identified Seveso Sites, it is concluded that this development would not give rise to any significant effects.</p>
Trans-European Networks in Transport, Energy and Telecommunication	n/a to proposed development
EU Floods Directive 2007/60/EC	<p>The proposed development falls within a predictive Flood Zone C. Approximately, 200m from the site along Charville Avenue and Bayview Avenue, a Flood Zone B has been identified. According to the OPW flood mapping there has been no flooding events at the subject site. . The potential impact of climate change has been considered for in the design of the surface water drainage network and storage system. The Desktop Flood Risk Assessment undertaken on the site concludes <i>"In consideration with the above assessment, analysis and recommendations, overall, the development of the site as a residential area incorporating landscaped communal open spaces and nature-based drainage solutions, will not have an adverse impact on the existing hydrological regime of the area or result in increased flood risk elsewhere."</i></p>

## 5.6 Likely significant effects on certain sensitive ecological sites

Sensitive areas include:

### ***i) a European site,***

#### Response

An appropriate assessment (AA) screening report accompanies this application. The AA screening concludes:

*“Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is no likelihood of significant impacts on any European sites. This is based on three key conclusions:*

- *The Site is not within or adjacent to any European sites, so there is no risk of direct effects*
- *There are no surface water (or other) pathways linking the Site to any European sites, so there is no risk of indirect effects*
- *Habitats within the Site are unsuitable for any of the birds associated with nearby SPAs.*

*Appropriate Assessment Screening must consider the potential implications of a project both in isolation and in combination with other plans and projects in the surrounding area. An ‘in-combination effect’ can occur when a project will have a perceptible but non-significant residual effect on a European site (when considered in isolation), that subsequently becomes significant when the additive effects of other plans and projects are considered. However, as the proposed development poses no risk of impacts on European sites in isolation, the risk of in-combination effects can also be ruled out.*

*Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be concluded that the proposed development will not be likely to have a significant effect on any European sites. On this basis, the assessment can conclude at Stage 1 of the Appropriate Assessment process, and it is not necessary to proceed to Stage 2.*

*In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.”*

### ***ii) an area which is the subject of a notice under Section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),***

#### Response

It is not subject to a notice under Section 16(2)b of the Wildlife Act 2000.

### ***iii) an area designated as a Natural Heritage Area (NHA) under Section 18 of the Wildlife (Amendment) Act 2000),***

#### Response

No likely significant effects on a Natural Heritage Areas have been identified.

### ***iv) land established or recognised as a nature reserve within the meaning of Section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),***

#### Response

No likely significant effects on a nature reserve have been identified.



**v) land designated as a refuge for flora or as a refuge for fauna under Section 17 of the Wildlife Act 1976,**

Response

No likely significant effects on a refuge for flora or a refuge for fauna have been identified.

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

Response

The AA Screening document has not identified any likely significant effect on a place, site or feature of ecological interest.

**vii) a proposed Natural Heritage Area (pNHA).**

Response

The AA Screening document has not identified any likely significant effect on any pNHA.

## 6. SCREENING CONCLUSION

Having regard to the nature and scale of the proposed development which is below the thresholds set out in Class 10 of Part 2 of Schedule 5, the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended, and the following:

- The scale, nature and location of the proposed impacts
- The potential impacts and proposed mitigation measures
- The results of the any other relevant assessments of the effects on the environment

It is considered that the proposed development would not be likely to have significant effects on the environment and it is concluded that an environmental impact assessment report is not required.



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