Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 - 2021

Proposed Strategic Housing Development Ardarostig, Bishopstown Cork.

Ardstone Homes Limited

May 2021

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01. Introduction

1.1 BACKGROUND

HW Planning have been appointed by the Applicant, Ardstone Homes Ltd., to prepare this statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 to 2021 (the "Planning Regulations") in relation to the proposed Strategic Housing Development (SHD) at Ardarostig, Bishopstown, Cork.

This statement is part of the information provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations.

In particular, it is provided so that the Board may have regard to the "the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive" in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

1.2 POLICY CONTEXT

The proposed SHD is a sub-threshold development, as it comprises 276 residential units and this is below the 500 dwelling threshold at paragraph (1)(b)(i) of Part 2 of Schedule 5 to the Planning Regulations.

No screening determination was requested or made under Section 7 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) (the "2016 Act").

Articles 299B and 299C of the Planning Regulations prescribe the requirements for sub-threshold development where no screening determination was made under Section 7 of the 2016 Act.

The application is not accompanied by an Environmental Impact Assessment Report (EIAR).

In cases where an application for sub-threshold development is not accompanied by an EIAR, but where there is "significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development", Article 299B(1)(b)(ii)(II) of the Planning Regulations requires that the must Board satisfy itself that the Applicant has provided the following:

> *(A) the information specified in Schedule 7A,*
>
> *(B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and*
>
> *(C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account*

Article 299B(1)(c) of the Planning Regulations indicates that:

> *The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.*

The information required by sub-paragraphs (A) and (B) of Article 299B(1)(b)(ii)(II), namely, the information specified in Schedule 7A and any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, is contained in the Environmental Impact Assessment Screening document prepared by HW Planning and enclosed with the application.

The information required by sub-paragraph (C) of Article 299B(1)(b)(ii)(II), namely, a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, is contained in this standalone statement.

All of this information is provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations. It is provided so that the Board may have regard to the all of the matters prescribed at Article 299C(1)(a) of the Planning Regulations.

This statement, in particular, is provided so that the Board may have regard to the "the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive" in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

1.3 DEVELOPMENT DESCRIPTION

The nature and extend of the proposed development is described in full detail within the application documents.

It consists of the construction of a mixed use residential development of 276 no. residential units with ancillary single storey crèche (271 sq. m), café (147 sq. m), landscaping, road improvements, pedestrian / cycleway and associated site development works. The development includes:

- 137 houses comprising of 40 no. 2-storey 3-bedroom semi-detached, 12 no. 2-storey 3-bedroom detached, 56 no. 2-storey 3-bedroom terraced,14 no. 2-storey 4-bedroom semi-detached and 15 no. 3-storey 4-bedroom terraced.
- 72 no. apartments to be provided in 5 apartment blocks. » Block 1 - 11 no. 1-bedroom & 7 no. 2-bedroom over 4 storeys,
    - » Block 2 - 11 no. 1-bedroom & 7 no. 2-bedroom over 4-storeys
    - » Block 3 - 10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys
    - » Block 4 - 10 no. 1-bedroom & 8 no. 2-bedroom over 4-storeys
    - » Block 5 - 12 no. 1-bedroom & 15 no. 2-bedroom over 5 storeys
- 67 Duplex apartments to be provided in 5 no. duplex buildings.

» 4 no Type F Buildings fronting Waterfall Road and containing 16 no. 2-bedroom duplex apartments & 16 no. 3-bedroom duplex apartments over a 4-storey split level building.

» 1 no. Type G duplex building to the south of Apartment Block 4 containing 4 no. 2-bedroom duplex apartments and 4 no. 3-bedroom duplex apartments over 3 storeys.

- The road improvements, pedestrian / cycleway and associated site development works consist of:

  » a two-way cycle track and pedestrian footpath along the site frontage to Waterfall Road which will continue via the site, and to the rear of properties fronting onto Waterfall Road, to link to an existing shared surface pathway south of the N40,

  » upgrades to this shared surface path to provide two-way cycle track and pedestrian footpath, upgrades to Waterfall Road to extend the existing pedestrian pathway to the subject lands,

  » pelican crossing on Waterfall Road opposite The Rise/Halldene Villas junction (approximately 445 metres north east of the main development site),

  » uncontrolled pedestrian crossing at the Audi Cork/Heiton Buckley entrance junction adjacent to N40 (approximately 370 metres north east of the main development site),

  » infrastructure development works comprising the relocation/undergrounding of ESB powerlines, wastewater infrastructure upgrades, surface water attenuation, water utility services, public lighting, bin stores, bicycle stores, ESB substation, CCTV and all ancillary site development works.

02. Statement on the Results of Other Environmental Assessments

2.1 EU LEGISLATION

The following sections outline the various EU Directives (other than the EIA Directive) relevant to the proposed SHD at Ardarostig, Bishopstown, Cork. It highlights the nature of the assessments carried out in accordance with the said directives. Where individual assessments have influenced the details of the proposed scheme, this is also described below, to show how the results of those assessments have been taken into account.

2.1.1 Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive

The Birds Directive (Directive 2009/147/EC on the conservation of wild birds), first adopted by the Member States in 1979, is the European Union's oldest piece of nature legislation.

Adopted in 1992, the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.

The subject site is not located in close proximity to any European Site (including Special Protection Area (SPA), Special Area of Conservation (SAC)) or even any Natural Heritage Areas (NHA). The site is located approximately 6.8 kilometres from the Cork Harbour SPA at its closest point and 13.6 kilometres from the Great Island Channel SAC at its closest point. The project ecologist has determined that there are no invasive plant species, including those listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations, on the residential part of the study site.

2.1.1.1 AA Screening

Article 6.3 of the Habitats Directive 92/43/EEC requires that an Appropriate Assessment (AA) should be carried out where plans or projects are likely to have a significant effect on any European Site. A Stage One AA Screening Report has been prepared by Kelleher Ecology Services and concludes the following:

- *As none of the Natura 2000 sites overlap the study site, direct impacts via habitat loss are not relevant.*

• No indirect construction/operational stage surface-water run-off impacts on Cork Harbour SPA and Great Island Channel SAC are expected as a result of the proposed development as follows. Standard environmental controls will be implemented as part of the project to ensure the appropriate management and control of surface-water run-off associated with the proposed development that will be specific to the site, proposed works/operations and Glasheen (Cork City) River. Such controls are not intended to address any particular risks to other water-features and associated Natura 2000 sites downstream of the Glasheen (Cork City) River here; such controls would be proposed regardless of the Natura 2000 sites. Therefore, no measures are specifically required to address risks to the Natura 2000 sites in this case.

• Disturbance/displacement impacts of fauna that are listed as qualifying interests of the Natura 2000 sites are not relevant here as (i) the site does not overlook Natura 2000 sites due to distance combined with screening from existing buildings/vegetation and topography (ii) the conservation objectives of Great island Channel SAC relate to habitats and not fauna and (iii) the study site does not support habitats of ex-situ ecological value for qualifying interest species of Cork Harbour SPA.

As it has been concluded that no direct or indirect construction/operational stage impacts on any European Site (most specifically, Cork Harbour SPA and Great Island Channel SAC) are expected as a result of the proposed development, progression to Stage 2 Appropriate Assessment was not required. The results of the assessment done mean that no changes to the proposed development were required.

2.1.1.2 Bat Assessment

The application has been accompanied by a Bat Assessment prepared by Kelleher Ecology Services, which assesses the potential impact of the proposed development on bats. All bat species are listed as Annex IV species under the EU Habitats Directive as an animal species of 'community interest in need of strict protection'. Lesser Horseshoe Bat (Rhinolophus hipposideros) is also listed on Annex II of the EU Habitats Directive as a species whose core areas of habitat require designation under Special Areas of Conservation.

The primary potential impact on bats was identified as the proposed removal of trees, which may provide temporary roosting for bats. Following an assessment of the suitability of the trees identified for removal to support roosting bats, it was considered that the impact was negligible/low. This was based on the fact that the 7 no. trees proposed for removal were determined to be of low to moderate suitability for bat roosting, due to the level of extensive heavy ivy cover combined with branching that might not be wide/large enough to support roosting opportunities.

The Bat Assessment also highlights that the permanent loss of any trees at the site will be fully compensated through the relatively extensive planting of native tree species associated with the proposed development of native woodland planting. This will result in a net gain of native tree/shrub species through the appropriate implementation of the Landscape Masterplan that will also provide new commuting/feeding opportunities for bats as landscaping matures. The results of the assessment done mean that no changes to the proposed development were required.

2.1.1.3 Ecological Hedgerow Appraisal

The assessment carried out by Kelleher Ecology Services Limited included an appraisal of:

- Existing hedgerow features bounding the agricultural field, which also includes trees present as part of hedgerows identified overall.
- Existing proposed cycle/pedestrian route and existing shared surface pathway area due to be upgraded/extended.

No habitats listed on Annex I of the EU Habitats Directive were recorded within the proposed pedestrian connection area. Similarly, no botanical species protected under the Flora (Protection) Order 2015, listed in Annex II or IV of the EU Habitats Directive (92/43/EEC), or Red listed in Ireland were recorded.

While a number of non-native invasive were recorded overall, no species listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations (i.e. species of which it is an offense to disperse, spread or otherwise cause to grow in any place) and no invasive alien plant species of European Union concern6 (IAS Regulation 1143/2014) were recorded. The results of the assessment done mean that no changes to the proposed development were required.

2.1.2 Directive 2007/60/EC, Floods Directive

2.1.2.1 Flood Risk Assessment

The Floods Directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to participate in the planning process.

The site specific Flood Risk Assessment (FRA), prepared by DOSA Consulting Engineers and accompanying the application has been carried out in accordance with 'The Planning System and Flood Risk Management Guidelines' (hereafter referred to as the FRM Guidelines) published in November 2009 jointly by the then Department of the Environment, Heritage and Local Government, DEHLG, (now the Department of the Environment, Community and Local Government, DECLG) and the Office of Public Works (OPW). The guidelines were prepared in accordance with the requirements of the Floods Directive.

As outlined in the FRA, there are no watercourses located within the site. The closest river is the Twopot River which is located approximately 500 metres to the west of the site and at a lower elevation. The topography and gradient on the site negate any flood risk. The OPW's online national flood hazard mapping (www.floodmaps.ie) indicates that the subject lands are well removed from any flood risk areas and historical flood events.

The FRA carried out by DOSA Consulting Engineers concludes the following:

> *• The Glasheen River, Curragheen River & Twopot River all flow in a northerly direction to the east & west of the site. Historical flood data gathered from www.floodmaps.ie has indicated that these rivers have a history of recurring and localised floods within 1-1.5km of the site, however, there has been no flooding on the site itself.*
>
> *• The CFRAMS Maps indicate that the site lies within Flood Zone C.*

• The type of development is defined as 'Highly Vulnerable Development'. Using the sequential approach mechanism, it is assessed that a justification test is not required for the proposed development.

• To prevent any increased flooding within the vicinity from the proposed development, it is proposed to implement SuDS (Sustainable Urban Drainage System) measures as discussed in the Infrastructure Report in order to limit the discharge from the site to the current discharge rates. The implementation of these SuDS measures will not increase the risk of flooding elsewhere. It is considered that the proposed development will have a negligible impact on the existing flood regime of the area.

It has therefore been concluded that flood risk associate with the development is minimal. The results of the assessment done mean that the risk of the development increasing flood risk elsewhere can be minimised through the implementation of proposed SuDS measures, outlined in the Infrastructure Report prepared by DOSA Consulting Engineers that accompanies the application.

2.1.3 Directive 2002/49/EC, Environmental Noise Directive.

The Environmental Noise Directive focuses on three action areas:

- The determination of exposure to environmental noise;
- Ensuring that information on environmental noise and its effects is made available to the public; and,
- Preventing and reducing environmental noise where necessary and preserving environmental noise quality where it is good.

The proposed development was assessed in terms of the potential for noise generation during construction phase and once operational. In addition, potential sources of noise in the surrounding environment were assessed in terms of their potential to impact on future residents of the development. In terms of the construction phase, the proposed development shall be carried out in accordance with a Construction and Environmental Management Plan. The proposed plan, prepared by DOSA consulting engineers, accompanies the application. The plan outlines various mitigation measures to be employed during construction to ensure the development is operated in a way that minimises detrimental impact to the amenities of local residents.

As the proposed development will be primarily residential once operational, it is not envisaged that it will generate any significant levels of noise that would impact nearby sensitive receptors.

In terms of existing sources of noise in the local Environment, the N40 is considered to be the most significant in this regard. The most northerly buildings in the development will be located approximately 84 metres south of the N40 south Ring Road. The stretch of the N40 to the north of the development site is bounded by acoustic barriers on both sides to protect existing residential amenities in the area.

The results of the assessment done mean that the proposed development shall be carried out in accordance with a Construction and Environmental Management Plan.

2.1.4 Directive 2000/60/EC, Water Framework Directive

The Water Framework Directive establishes common principles and an overall framework for action in relation to water protection and developed the overall principles and the structure for protection and sustainable use of water in the European Union.

The Appropriate Assessment Screening Report prepared with the application assesses the potential impact of the proposal in relation to the Lee Catchment and concludes that:

> *• No indirect hydrological impacts on Cork Harbour SPA via waste-water/foul effluent is expected as a result of the proposed development as follows. Prior to the site being connected into the public foul sewer, construction phase waste-water/foul effluent will be managed and controlled at the temporary site compound, where sanitary waste will be removed from site via a licenced waste disposal operator. When the site is connected to the public foul sewer network, construction/operational phase waste-water/foul effluent from the proposed development will be collected via new sewer infrastructure at site and discharged for treatment at Cork City WWTP, which has significant sufficient capacity to accept the additional operational discharge as confirmed by Irish Water's pre-connection enquiry response that the proposed foul connection can be facilitated. Ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on water quality or WFD (Water Framework Directive) status in the receiving environment.*

The proposed development will not affect the surface water status and, in particular, will not cause any deterioration of the status of the relevant water body. The results of the assessment done mean that no changes to the proposed development were required.

2.1.5 Directive 2001/42/EC, SEA Directive:

Strategic Environmental Assessment (SEA) is a process for evaluating at the earliest appropriate stage the likely environmental effects of implementing a Plan or other strategic action in order to ensure that environmental considerations are appropriately addressed in the decision making process both during the preparation and prior to adoption of a Plan.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 2004). The legislation requires that the Planmaking Authority must make available an SEA Statement summarising how the SEA and consultations have been taken into account in the making of the Plan.

The Cork County Development Plan 2014 and the Ballincollig Carrigaline Local Area Plan 2017 were both subject to Strategic Environmental Assessment and included the preparation of SEA statements.

The application for the proposed development at Ardarostig is accompanied by a Statement of Consistency prepared by HW Planning which demonstrates that the details of the proposal are, for the most part, consistent with the relevant objectives of the Cork County Development Plan 2014, Ballincollig Carrigaline Municipal District Local Area Plan 2017, and any relevant guidelines issued by the Minister under Section 28 of the Act of 2000.

There are 2 instances where the proposal is not consistent with the policy objectives contained in the Local Area Plan (LAP) and County Development Plan (CDP) for the area, namely with regard to compliance with residential density and car parking standards. As outlined in accompanying Material Contravention Statement prepared by HW Planning, there are certain inconsistencies between policy guidance on these matters at local and national level. The statement outlines the manner in which the proposal is consistent latest national policy, such as defined by the National Planning Framework, which itself has been subject to SEA and outlines in detail the justification for the proposal to be granted permission despite contravening both the LAP and County Development Plan.

No further assessment was considered to be required to demonstrate compliance with the SEA Directive. The results of the assessment done mean that no changes to the proposed development were required.

2.1.6 Directive 2008/50/EC, Clean Air for Europe Directive.

The 2008 CAFE Directive outlines the appropriate measures to be adopted at a local, regional or national level to provide for the attainment of air quality objectives, including:

- measures to limit transport emissions through traffic planning and management.
- measures to encourage a shift of transport towards less polluting modes.

Subsequent policies at national, regional and local level including but not limited to the National Planning Framework, Regional Spatial Economic Strategy and Cork County Development Plan, have been prepared in accordance with the Directive and include objectives to encourage a shift towards more sustainable modes of travel.

The proposed development has been designed to accord with these policies and includes measures to encourage sustainable travel and to protect air quality. It is proposed to provide significantly enhanced cyclist and pedestrian links from the proposed development to Bandon Road, with new/improved pedestrian crossings of Waterfall Rd at The Rise and at the Audit Garage towards Bishopstown. The high quality of accessibility of the proposed development by non-car modes of travel is addressed in more detail in the Mobility Management Plan prepared by NRB that accompanies the application.

A traffic impact assessment has also been prepared by NRB Consulting Engineers which indicates that the proposed development will have a minimal impact upon the established local traffic conditions and can easily be accommodated on the road network without significantly contributing to congestion in the area.

No additional assessments of the proposal was considered to be required in relation to CAFE Directive. The proposed development will be residential in nature and is not expected to produce any significant emissions once operational. The proposed dwellings will be constructed in accordance with the latest building regulations requiring Near Zero Energy Building (NZEB) design and will employ energy efficient heating and cooling systems such as heat pumps.

The construction phase of the proposal will be guided by a Construction and Environmental Management Plan prepared by DOSA Consulting Engineers. Construction works will be carried out in such a way as to limit the emissions to air of pollutants (particularly dust and fine particles (PM10)), employing Best Practicable Means. The site will be managed in accordance with a Construction Waste Management Plan to minimise the potential effects on air quality from construction.

The results of the assessment done mean that no changes to the proposed development were required.

2.1.7 Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites

This Directive defines minimum safety and health requirements for temporary or mobile construction sites i.e. any construction site at which building or civil engineering works are carried out and intends to prevent risks by establishing a chain of responsibility linking all the parties involved.

The application is accompanied by a Construction and Environmental Management Plan (CEMP) which includes details of Health and Safety provisions for the construction phase of the proposal and has been informed by the Safety Health and Welfare at Work (Construction) Regulations 2013. The aforementioned regulations were prepared pursuant to Directive 92/57/EEC.

The CEMP outlines in detail the various safety requirements in relation to contractors on the site, procedures for control of substances hazardous to health as well as emergency fire and accident procedures.

The results of the assessment done mean that the proposed development shall be carried out in accordance with a Construction and Environmental Management Plan.

2.1.8 Seveso III Directive (2012/18/EU)

The Seveso III Directive (2012/18/EU) aims at the prevention of major accidents involving dangerous substances. However, as accidents may nevertheless occur, it also aims at limiting the consequences of such accidents not only for human health but also for the environment.

A lower tier Seveso site, Irish Oxygen Company, is located approximately 100 metres to the western boundary of the site. The subject site is located partially within the middle zone and partially within the outer zone for the facility having regard to the regulations for COMAH establishments. The category level of the development was determined to be sensitivity level 2.

In their submission to An Bord Pleanála on a previous Strategic Housing application (ABP 303137-18), which included 27 no. dwellings within the inner and outer risk contours associated with the Seveso site the assessment completed by the Health and Safety Authority (HSA) concluded that there was no objection to a grant of planning permission in the context of Major Accident Hazards.

The results of the assessment done mean that the current proposal has reduced the density of development in the western portions of the site resulting in 11 no. dwellings only, within the middle and outer zones of the facility.

No additional risks on the proposed development site are foreseen, subject to strict compliance with standard environmental controls. Based on previous submissions by the HSA, it was not considered that any additional assessments were required to be carried out to comply with the Seveso Directive.

03. Conclusion

This statement indicates how the available results of relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account in this proposed Strategic Housing Development at Ardarostig, Bishopstown, Cork.

Each of the relevant assessments that are available have been identified. The results of those assessments have been identified. This statement also identifies how those results have been taken into account.

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

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

This statement, in particular, is provided so that the Board may have regard to the "the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive" in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

This statement supports the conclusion in the Environmental Impact Assessment Screening document prepared by HW Planning that sub-threshold EIA is not required for the proposed development.

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