

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Friday, 2nd August 2019
[By Hand]

Dear Sir

RE: ENVIRONMENTAL SCREENING REPORT – PROPOSED MIXED-USE (STUDENT ACCOMMODATION AND CAFE) DEVELOPMENT AT 355 SOUTH CIRCULAR ROAD, DUBLIN 8, D08 TX20

1.0 INTRODUCTION

1.1 Report Assesses EIAR Requirements

This Environmental Screening Report is submitted by Tom Phillips + Associates (TPA), Town Planning Consultants, on behalf of our Client, Molaga Capital Limited, in respect of the proposed mixed-use development of the site at the above location.

In summary, the proposed development will comprise the demolition of part of the existing building and the construction of a student accommodation facility with 317 No. student bedspaces on a c. 0.3 ha site together with all related ancillary development and services including site development works.

The purpose of this Report is to provide:

- i. An assessment of the proposed development in the context of the relevant thresholds for this form of development (residential), which require the preparation of a mandatory Environmental Impact Assessment Report (EIAR);
- ii. An assessment of sub-threshold considerations for the proposed development, and;
- iii. An outline of the scope and content of the proposed Planning Application including all relevant assessments, which we propose to submit in lieu of a formal EIAR regarding the proposed development.

This Report has had regard to the *EIA Guidance for Consent Authorities regarding Sub-threshold Development* (guidance), which was published by the then Department of the Environment, Heritage and Local Government in August 2003. We have also considered the provisions of the *Environmental Impact Assessment of Projects (EIAR) Guidance on Screening* published by the European Union in 2017. The Screening Checklist included in that document is enclosed as Appendix A to this Report.

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1.2 Summary – Subthreshold Development Unlikely to give rise to Environmental Effects

In summary, having regard to the relevant thresholds set out in Schedule 5 of the *Planning and Development Regulations 2001 (as amended)* regarding mandatory EIS (now EIAR) provision for this form of development, in our opinion, the subject proposal comprises a sub-threshold development.

Secondly, according to the *EIA Guidance for Consent Authorities regarding Sub-threshold Development, August 2003*, a formal EIAR would not be required for this particular development. This is due, *inter alia*, to the development site area (0.3 ha) and its locational characteristics, and to the fact that this proposal is unlikely to give rise to significant environmental effects.

Thirdly, while it is considered that a formal EIAR is not required in this instance, it is proposed that detailed and comprehensive assessments as required will be prepared and will accompany the planning application, which will assess and address all of the relevant potential planning and environmental issues pertaining to the subject development.

These assessments will inform development responses to the specific issues raised by development within the site. The assessments enclosed with the application will also be designed to address the issues raised by this type of development and provide the requisite levels of environmental assessment to the appropriate standards.



2.0 STATUTORY INSTRUMENTS

2.1 Schedule 5 of the *Planning and Development Regulations 2001 2019*

Part X of the *Planning and Development Act 2000* (as amended) provides a basis in primary legislation for EIA. Part X of the Act establishes a framework for EIA with the detail provided in Schedules 5, 6 and 7 of the *Planning and Development Regulations 2001* (as amended) (*Regulations*).

Schedule 5 of the *Regulations* sets out types of development for which mandatory EIA is required and is, therefore, an important reference point in the context of establishing the threshold for EIS preparation.

In terms of the different categories of development listed in Schedule 5 of the *Regulations*, the subject development relates to Part 2(10)(b)(i) and (iv) of the *Planning and Development Regulations 2001* as amended regarding ‘*Infrastructure Projects*’ respectively and provides the relevant area/development thresholds as follows:

‘Construction of more than 500 dwelling units’

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

The proposed development in this case comprises 317 No. bedspaces on 313 No. bedrooms on a site of c. 0.3 ha, which is significantly below the above threshold.

As such, it is considered that a mandatory EIAR is not required on the basis of number of dwelling units. This is further borne out by the EIAR Screening Checklist enclosed as Appendix A.

With regard to urban development and site area, the site is not located in an area that would be considered to comprise a ‘business district’ as per the above definition. The subject site is located in what would be considered a built-up area.

The subject site area is c. 0.3 ha, which is very significantly below the ‘built-up area’ threshold of 10 hectares.

Thus, having regard to the above thresholds and the nature of the subject proposal, it is submitted that a mandatory EIAR is not required in respect of this development.



2.2 EIA Guidance for Consent Authorities regarding Sub-threshold Development

The issue that consequently arises is whether the proposed development, which is sub-threshold, still warrants EIAR? In this regard, we have assessed the proposal against the criteria as identified in the *EIA Guidance for Consent Authorities regarding Sub-threshold Development* (guidance), which was published by the then Department of the Environment, Heritage and Local Government in August 2003.

The primary aim of that document is:

“To provide practical guidance for the competent/consent authorities in deciding whether or not a sub-threshold development is likely to have significant effects on the environment. The guidance should also assist developers and EIA practitioners in forming an opinion as to whether or not EIA would be appropriate to a specific sub-threshold development proposal”.

The Guidance also notes that:

‘Irish EIA legislation mirrors the mandatory requirement in the Directive to carry out EIA in respect of certain project classes. In many cases, Ireland has adopted a substantially lower threshold than set in the Directive.’

As illustrated above, the subject development is very substantially below the mandatory EIA thresholds identified in the Regulations.

Paragraph 3.4 further states:

‘In light of the approach by Ireland (i) in setting mandatory thresholds for each of the Annex II project classes and (ii) in setting these thresholds at substantially lower levels than comparable Annex I thresholds in the Directive, the need for sub-threshold EIA should be fairly limited in Ireland’.

We concur with this statement and consider that the current proposal similarly does not require the preparation of a formal sub-threshold EIAR.

2.2.1 Key Issues

The stated key issue for the competent/consent authorities in the context of the possible need for an EIA regarding sub-threshold developments is *‘whether or not such development is likely to have significant effects on the environment’*. The document, therefore, provides guidance to assist authorities in determining whether or not *“significant”* effects on the environment are likely in the context of sub-threshold development.

While the guidance acknowledges that *‘there are no hard and fast rules which can be applied’*, it sets out three criteria that competent/consent authorities must have regard to, in assessing whether or not the likely effects are *“significant”*.



The stated criteria for determining whether a development would or would not be likely to have significant effects on the environment are:

- (i) Characteristics of the Proposed Development;
- (ii) Location of the Proposed Development, and;
- (iii) Characteristics of Potential Impacts.

The guidance also advises that particular attention should be paid to projects which are '*close to the national statutory thresholds*', which is not the case here as illustrated above.

2.2.2 Characteristics of the Proposed Development

The six sub-criteria which the guidelines identify as being important in terms of the characteristics of the proposed development are set out below. The relationship between the proposed development and each of these criteria is detailed below. (An amendment to the *Regulations* in 2008 referenced '*the nature of any associated demolition works*' as being a relevant characteristic for assessment. Whilst this application includes a demolition component, the scale of it is not sufficient to give rise to any significant impacts on the environment.)

2.2.3 Size of the Proposed Development

As previously outlined in Section 2.1, the subject development involves a site area of c. 0.3 ha and is situated in an area which would be classified as a 'built-up area'. The appropriate threshold for development in such areas is 10 hectares. The subject development, therefore, involves an area which equates to just 3% of this threshold.

2.2.4 The Cumulation with other Proposed Development

The guidance references the issue of cumulation with other projects. In this regard, the Site layout Plan illustrates how the proposed development relates to sites in the vicinity, in particular the adjoining Dolphin Estate, which is due for redevelopment, but an application for same has not been lodged yet.

In terms of other permitted, but unbuilt, developments located outside the site, but within its vicinity, the Applicant is cognisant of same and where there is a cumulative relationship between these developments and the subject proposal (e.g., sanitary services provision, water supply, cumulative traffic impact, etc.), potential impacts will be assessed in a cumulative manner.

2.2.4.1 The Use of Natural Resources

The proposed development will not involve the use of natural resources. Therefore, this is not deemed a relevant consideration in terms of the subject proposal.



2.2.4.2 The Production of Waste

The production of waste is not considered a primary characteristic of the proposed development. Waste Management both at Demolition/Construction and Operation stages will be addressed as part of the planning application and will be integrated into the overall management regime for the development.

2.2.4.3 Pollution and Nuisances

As with the production of waste, pollution and nuisances will not be primary characteristics of the proposed development. It is proposed that an assessment of, *inter alia*, Conservation, Engineering Services, Flooding and Visual Impact will form part of the Application.

2.2.4.4 The Risk of Accidents, having regard to Substances or Technologies Used

It is proposed that the risk of accidents, having regard to substances or technologies used, will be extremely low in this case, given the nature of the proposed development.

2.2.5 Location of the Proposed Development

In terms of the location of the proposed development, the guidance identifies three sub-criteria, which should be considered in the context of the environmental sensitivity of geographical areas likely to be affected:

- *“The existing land use;*
- *The relative abundance, quality and regenerative capacity of natural resources in the area;*
- *The absorption capacity of the natural environment, paying particular attention to the following areas: Wetlands; coastal zones; mountain and forest areas; nature reserves and parks; areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC¹ and 92/43/EEC²; areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded; densely populated areas; and, landscapes of historical, cultural or archaeological significance.”*

The site is currently in a derelict state, with its last known use being a motor sales’ showroom. It is zoned as district centre, where “residential” is a permitted use. In this regard, the proposed development of the site for student accommodation and ancillary café purposes will be similar to these adjoining land uses whilst according with the statutory provisions for the development of

¹ Council Directive on the conservation of wild birds.

² Council Directive on the conservation of natural habitats and of wild fauna and flora.



the lands. Thus, it is not considered that the existing land use will be adversely affected in environmental terms by the proposed development.

The natural resources in the area of the subject lands will be unaffected by the proposed development.

The absorption capacity of the natural environment of the proposed development will be addressed in the assessments enclosed with the planning application, but this is considered good in terms of existing infrastructure provision being available to serve the site. In visual terms, the proposed new build elements have been very carefully considered and sited by the scheme architects pursuant to a detailed architectural assessment of the existing built complex and review of potential impacts.

In addition, the subject proposal is sensitively designed to ensure it respects adjoining development and minimises significant visual impact.

Furthermore, the areas noted above as requiring '*particular attention*' in terms of sensitivity will not apply to the subject lands including:

- Landscapes of historical, cultural or archaeological significance (n/a);
- Wetlands (n/a);
- Coastal zones (n/a);
- Mountain and forest areas (n/a);
- Nature reserves and parks (n/a);
- Areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded (n/a); and,
- Densely populated areas (n/a).

2.2.6 Characteristics of Potential Impacts

As previously outlined in Section 2.3.1 and Section 2.3.2 above, there are no "*significant effects*" associated with the proposed development, primarily due to its characteristics (being significantly below all of the appropriate thresholds) and location (within a built-up area with a consolidated built environment).

Therefore, the issues which Schedule 7 lists as being important to have particular regard to, including, *inter alia*, '*the extent of the impact (geographical area and size of the affected population)*' and '*the transfrontier nature of the impact*' are not considered relevant in this context.



2.2.7 Characteristics of Potential Impacts

Notwithstanding the above, detailed assessments will accompany the planning application that will provide a holistic and comprehensive analysis of the proposed development and an assessment of relevant potential planning and environmental impacts.

Whilst not comprising an EIAR in the formal legal sense (which we contend is not required in respect of this proposal) the enclosed documents will provide the level of assessment required to an equivalent standard. A brief summary of the inputs to be included is set out below:

- A description of the characteristics of the site location and description of development;
- An overview of the planning history of the lands and an examination of any issues arising;
- A detailed analysis of the relevant planning policy guidance at a strategic, regional and local level;
- A Site Layout and Design Rationale and other supporting drawings;
- A Daylight and Sunlight/Shadow Analysis;
- An Archaeological Assessment;
- A Conservation Assessment;
- An Appropriate Assessment Screening and Ecological Impact Assessment (including bat assessment);
- A Flood Risk Assessment and Engineering Assessment Report; and,
- A Traffic and Transport Statement.

Collectively, it is envisaged that these assessments will provide a holistic and comprehensive analysis of the proposed development and its planning and environmental implications.



3.0 CONCLUSION

We trust that this information fully addresses the issues as raised on foot of the pre-application meeting.

Please revert to us if we can be of any further assistance or clarification in relation to any aspect of this development and advise if there are any issues which the Authority would like to be addressed in respect of the proposed development.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Phillips', with a long horizontal flourish extending to the right.

Tom Phillips
Managing Director
Tom Phillips + Associates



Appendix A – Screening Checklist

Questions to be Considered For further guidance on factors to be considered see the more detailed questions listed in the Scoping Guidance	Yes/ No/? Briefly describe	Is this likely to result in a significant impact? Yes/ No/?- Why?
1. Will construction, operation, decommissioning or demolition works of the Project involve actions that will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes. The development will comprise the provision of a new purpose-built student accommodation facility. Thus, a new land use will be established on the site.	No. The adjoining area is characterised by residential and commercial developments and the site is zoned for district centres, where residential and restaurant are permitted uses in the statutory <i>Development Plan</i> for the area.
2. Will construction or the operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or are in short supply?	No. The proposed scheme will deliver a sustainable high-density residential proposal that ensures the site will be efficiently used.	No.
3. Will the Project involve the use, storage, transport, handling or production of substances or material which could be harmful to human health, to the environment or raise concerns about actual or perceived risks to human health?	No, other than the small amounts typically used by third level students.	No.
4. Will the Project produce solid wastes during construction or operation or decommissioning?	Yes. Solid waste can be generated during demolition of part of the existing building.	No. The amount of solid waste as a by-product of the demolition stage is not likely to give rise to impacts on the environment.
5. Will the Project release pollutants or any hazardous, toxic or noxious substances to air or lead to exceeding Ambient Air Quality standards in	No. The development comprises a mixed-use (student accommodation and ancillary café) proposal that will not give rise to pollutants. Demolition and construction	No.



Directives 2008/50/EC and 2004/107/EC)?	activities will be subject to on-site management.	
6. Will the Project cause noise and vibration or the releasing of light, heat energy or electromagnetic radiation?	No. The development comprises a mixed-use proposal that will not give rise to noise/vibration impact, light, heat energy or electromagnetic radiation. Demolition and construction activities will be subject to on-site management to mitigate any short term impacts.	No.
7. Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No. The development will connect to the existing public mains water supply and drainage systems. Construction management will ensure no impacts will affect surface or ground water.	No.
8. Will there be any risk of accidents during construction or operation of the Project that could affect human health or the environment?	No. Best construction practice will mitigate the risk of accidents during the construction stage.	No.
9. Will the Project result in environmentally related social changes, for example, in demography traditional lifestyles, employment?	No. The new residential development will add marginally to the local population but this is not deemed a significant impact. No traditional lifestyles or employment will be affected as a result of this development.	No.
10. Are there any other factors that should be considered such as consequential development which could lead to environmental impacts or the potential for cumulative impacts with other existing or planned activities in the locality	No. There are no significant planned developments in the area that will give rise to cumulative impacts. The neighbouring Dolphin Estate redevelopment is still at design stage.	No.
11. Is the Project located within or close to any areas which are protected under international, EU, or national or local legislation	No. This is confirmed in the assessments included with the planning application.	No.



for the ecological, landscape, cultural or other value, which could be affected by the Project?		
12. Are there any other areas on or around the location that are important or sensitive for reasons of their ecology e.g. Wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands that could be affected by the Project?	No. The site does not adjoin any environmentally sensitive areas as confirmed in the Screening Report for Appropriate Assessment enclosed with the planning application.	No.
13. Are there any areas on or around the location that are used by protected, important or sensitive species of fauna or flora eg. For breeding, nesting, foraging, resting, overwintering, migration which could be affected by the project?	No. This is confirmed in the Ecological Impact Statement included with the planning application.	No.
14. Are there any inland, coastal, marine or underground waters (or features of the marine environment) on or around the location that could be affected by the Project?	No. The site is not located in proximity to any inland or other waters that will be affected by this development.	No.
15. Are there any features of high landscape or scenic value on or around the location that could be affected by the Project?	No. The development is not located within a high value landscape area therefore no impacts arise in this regard.	No.
16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the Project?	No. The site is not open to the public at present.	No.
17. Are there any transport routes on or around the location that are susceptible to congestion	No. The Mobility Management Plan submitted states how the proposed development is	No.



or which cause environmental problems, which could be affected by the Project?	reliant entirely on sustainable modes of transport.	
18. Is the Project in a location in which it is likely to be highly visible to many people?	No. The development is located in a built-up area and as demonstrated by the photomontages submitted it will be screened from many locations.	No.
19. Are there any areas or features of historic or cultural importance on or around the location that could be affected by the Project?	Yes. Whilst the existing building is not a Protected Structure, it is listed in the National Inventory of Architectural Heritage. The conservation strategy consists on the retention and incorporation in the proposal of the front building, which is the only portion with architectural value. The site is near to an Area of Archaeological Interest however the archaeological assessment carried out shows that there is limited potential for archaeological remains on site.	No. Full mitigation measures will be employed to ensure that no adverse impacts arise.
20. Is the Project located in a previously undeveloped area where there will be loss of greenfield land	No.	No. The lands zoning permits in principle residential development and at present the site has no significant amenity value and is unavailable for public use.
21. Are there existing land uses within or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying that could be affected by the Project?	Yes. The site adjoins existing residential developments to eastern and western boundary	No. The subject development is carefully designed to ensure no adverse impacts on the amenities of these properties will arise.



22. Are there any plans for future land uses within or around the location that could be affected by the Project?	No. All existing land uses in the site vicinity are well established comprising residential and commercial	No.
23. Are there areas within or around the location which are densely populated or built-up, that could be affected by the Project?	Yes. The site is located in Dublin's inner city, a long-established built-up area	No. The subject development is carefully designed to ensure no adverse impacts on the amenities of these uses will arise.
24. Are there any areas within or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities that could be affected by the Project?	No. No sensitive land uses are in the direct vicinity of the site.	No.
25. Are there any areas within or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, that could be affected by the Project?	No.	No.
26. Are there any areas within or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, that could be affected by the Project?	No.	No.
27. Is the Project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause	No.	No.



the Project to present environmental problems?		
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