



**Statement in Accordance with the  
Planning and Development  
Regulations 2001 (as amended)  
Glencarrig, Celbridge, Co. Kildare**

**Garyaron Homes Ltd**

**August 2022**

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## **1. Introduction**

### **1.1 Background**

Malachy Walsh and Partners Engineering and Environmental consultants (MWP) has been engaged by John Fleming Architects (JFA) to prepare this statement in relation to the proposed 'Large-scale Residential Development' (LRD) application. The LRD application is being lodged to Kildare County Council under the appointment of the applicant Garyaron Homes Ltd, on lands at Glencarrig House, Simmonstown, Celbridge, Co. Kildare (hereafter referred to as the 'proposed development site').

Permission is being sought for the construction of 137 No. residential units with childcare facility, landscaped spaces and associated works and services (hereafter referred to as the 'proposed development').

The Planning and Development (Amendment) (Large-scale Residential Development) Act 2021 came into effect as of 17th December 2021, which is the commencement date for dealing with LRD applications. New Regulations and Fee Structures also came into effect on 17th December 2021.

This statement is part of the information provided by the Applicant to Kildare County Council. It is provided so that Kildare County Council may have regard to the nature and purpose of the proposed development and of its possible effects on the environment in accordance with European Union Legislation other than the Environmental Impact Assessment Directive.

This statement should be read in conjunction with the following reports respectively and enclosed with the application:

- Screening for Environmental Impact Assessment (EIA) report (MWP, 2022a);
- Screening for Appropriate Assessment (AA) report (MWP, 2022b);
- Ecological Impact Assessment (EcIA) (MWP, 2022c);
- Flood Risk Assessment (JBA Consulting, 2022);
- Traffic Assessment (NRB Consulting Engineers, 2022);
- Noise Assessment (iAcoustics, 2022); and
- Landscape and Visual Impact Assessment (Ronan MacDiarmada & Associates Ltd, 2022).

## **2. Project Description**

The proposed development site covers an area of circa 2.1 Ha.

The proposed development will consist of:

- a) the demolition (total area approximately 800 m<sup>2</sup>) of the existing buildings on site and the existing front boundary treatment; and
- b) the construction of a new residential and creche scheme of 137 no. units in a mixture of houses and apartment units ranging from 2 to 5 storeys in height as follows:

- Block A (3-5 storey apartment block) comprising 39 no. apartments (19 no. 1 bed and 20 no. 2 bed units);
- Block B (4-5 storey apartment block) comprising 51 no. apartments (24 no. 1 bed and 27 no. 2 bed units);
- Block C (3-4 storey apartment block) comprising 25 no. apartments (11 no. 1 bed and 14 no. 2 bed units); and
- Houses (2 -3 storeys) comprising 22 no. house units (5 no. 4-bed semi-detached, 6 no. 3 bed semi-detached, 4 no. 3-bed terraced and 7 no. 3-bed end of terrace).

A separate building will accommodate a Childcare Facility/creche of approximately 248 m<sup>2</sup> with outdoor play area of 430 m<sup>2</sup>. A Bike Store building (86 m<sup>2</sup>) and a Plant Room/ESB-Sub-station building (66.9 m<sup>2</sup>) are also proposed. Each residential unit will be afforded with private open space in the form of a balcony or terrace in the case of the apartment units and a rear garden in the case of the housing units. Public open space is proposed in the form of play areas, outdoor seating and planting and pedestrian and cyclist links (approximately 4,380 m<sup>2</sup>).

A total of 129 no. car parking spaces are provided at surface level (44 housing/81 apartments/4 creche), including 7 no. Accessible spaces; 80 no. bicycle spaces (for Visitors and Residents, in bike stands) together with 124 no. secure bicycle spaces within 5 no. bike stores.

The proposed development shall be served via a new vehicular access point from the L5062. Upgrade works are proposed to the vehicular access point from the R405 onto the L5062 to facilitate the proposed development and to provide for improved access and egress for the overall development. New pedestrian and cyclist access points will be provided on to the R405 from the proposed development site.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works.

Providing green spaces is key to the overall objective of the proposed development. The design of the green spaces is intended to enable easy pedestrian links, connecting people to each other and to the town. A standalone Creche is located on the south-west corner of the proposed development site, with access to a private enclosed play space. It is envisaged that the creche will be managed by a third party creche operator.

The proposed development also makes provision for a connection to the future development area (KDA 5 Simmonstown) to the south. Particular consideration has been given to connectivity to these lands and the location of the estate road to the south will allow flexibility for pedestrian, cycle and vehicle connections for any future development.

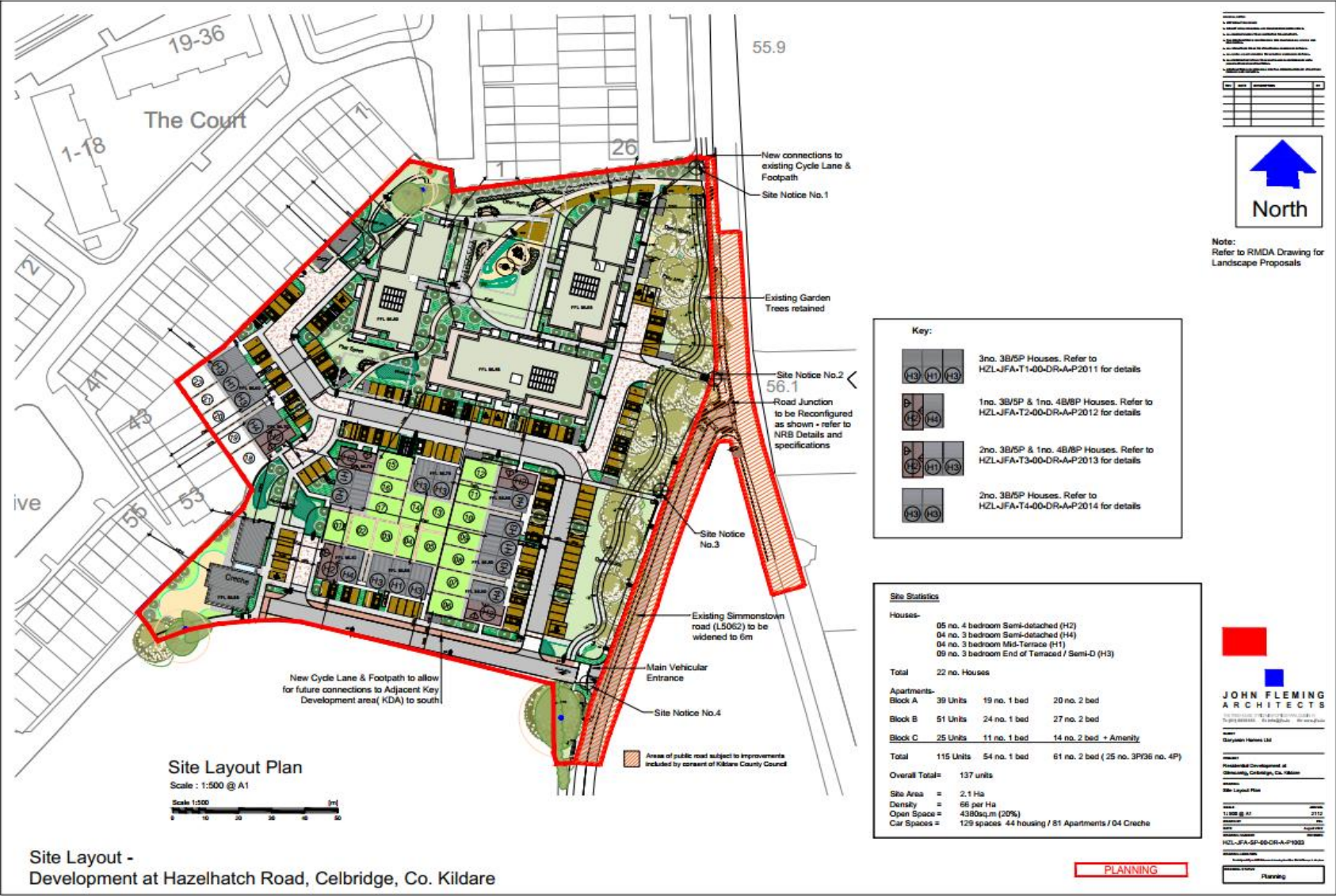


Figure 2-1 Site Layout

## **2.1 Project Purpose**

The proposed development will assist in addressing the current housing need in the country. The proposal balances the need to provide increased density while being conscious of the existing residential amenity.

## **3. Statement on Environmental Assessments**

### **3.1 European Union Legislation**

Given the type of development, the following EU Directives have been considered in this statement:

- Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive;
- Directive 2014/52/EU, EIA Directive;
- Directive 2007/60/EC, Floods Directive;
- Directive 2002/49/EC, Environmental Noise Directive;
- Directive 2000/60/EC, Water Framework Directive; and
- Directive 2008/50/EC, Clean Air for Europe Directive.

#### **3.1.1 Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive**

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs). It is the responsibility of each member state to designate SPAs and SACs, both of which form part of Natura 2000, a network of protected sites throughout the European Community.

##### **3.1.1.1 Appropriate Assessment Screening**

There are four Natura 2000 sites within the zone of potential impact influence of the proposed development site. These are:

1. Rye Water Valley/Carton SAC;
2. Glenasmole Valley SAC;
3. Red Bog Kildare SAC; and
4. Poulaphouca Reservoir SPA.

The AA screening assessment report concluded that owing to a lack of hydrological or ecological pathways, significant impacts on Natura 2000 sites can be excluded.

##### **3.1.1.2 Bat Assessment**

Specific mitigation measures are required to protect the on-site bat populations and a derogation licence is required for the proposed removal of the main house building that is currently in use by bats. During surveys four bat species were recorded commuting and foraging throughout the proposed development site (Common

pipistrelle, soprano pipistrelle, Liesler's bat and natterers bat), while two no. common pipistrelle were observed roosting into the main house building (FGE Consulting, 2021).

### 3.1.1.3 Ecological Impact Assessment

There will be a loss of mixed conifer and woodland habitat due to the removal of predominantly non-native trees to facilitate the development. This will have a moderate impact on the local populations of birds and mammals that utilise this habitat. In order to mitigate the impact on the local biodiversity, it is recommended to plant native trees, hedges and shrubs around the perimeter of the proposed development site in order to provide shelter, foraging and commuting habitat and to maintain connectivity throughout the landscape.

### 3.1.2 Directive 2014/52/EU, EIA Directive

EIA requirements derive from Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC) and as codified and replaced by Directive 2011/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment. EIA Directive 2014/52/EU, amends Directive 2011/92/EU (hereafter referred to as the 'EIA Directive').

The EIA Directive requires an environmental assessment to be carried out prior to development consent being granted for projects considered likely to have a significant effect on the environment.

As outlined in the Screening for EIA Report, based on the size and design, the proposed development does not meet the thresholds requiring a mandatory EIA under the Planning and Development Regulations 2001 (as amended). The proposed development site is a total of approximately 2.1 ha in area and will comprise 137 no. residential units, thus an EIA is not a mandatory requirement as the proposed development site does not fall under the criteria set on in Schedule 5 of the Planning and Development Regulations 2001 (as amended), as well as Section 50 of the Roads Act 1993 (as amended) (Table 3-1).

**Table 3-1 Summary of the Mandatory Legislative Requirements for Environmental Impact Assessment Impact Screening**

Mandatory	Screening Assessment	Mandatory Criteria Met?
Part 2 of Schedule 5 (10)(b)(i) Construction of more than 500 dwelling units.	The proposed development does not exceed the specified thresholds.	No
Part 2 (10) (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	The proposed development does not exceed the specified thresholds.	No

Therefore, the proposed development has been identified as being sub-threshold.

The proposed development was also further assessed in accordance with the regulated criteria for determining whether or not a development would or would not be Likely to have Significant Effects on the Environment as specified in Annex III of the EIA Directive 2011/92/EU (as amended by 2014/52/EU).

Having regard to the characteristics of the proposal in consideration of the size, nature, location and characteristic of the potential impacts, it is considered that the proposed development would not introduce any new or additional effects of a significant or adverse nature such as to have a significant effect on the environment or warrant an EIA.



### **3.1.3 Directive 2007/60/EC, Floods Directive**

Directive 2007/60/EC on the assessment and management of flood risks ('Floods Directive') came into force on 26 November 2007. 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 Floods Directive was transposed into Irish law under Statutory Instrument No. 122 of 2010, as amended by Statutory Instrument No. 495 of 2015.

JBA Consulting undertook a FRA for the proposed development (JBA, 2022). As outlined in the FRA, there are no watercourses located within the proposed development site. The closest water course is the Hazelhatch Stream, which is located 80 m from the proposed development site. The FRA identified that the proposed development site is partially within Flood Zone B from an overland flow route along the local access road from the south. The results shows that when the proposed development was represented in a model, this overland flow route is maintained but is contained to the main access road to the proposed development site and also the green space along the eastern boundary, rather than inundating the proposed development site.

The assessment results indicated that the impacts as a result of the proposed development are negligible in the wider floodplain. In addition, the flood risk to the properties to the north of the proposed development site is removed due to the proposed landscaping within the proposed development site boundary.

The proposed development itself will also be protected due to the proposed minimum floor level which places the developments above the 0.1% Annual Exceedance Probability (AEP) event plus an additional 690mm freeboard, and above the 1% AEP Medium Range Future Scenario (MRFS) and High End Future Scenario (HEFS) climate change flood events. The residual risk of drainage system design exceedance or the impacts of future climate change on groundwater flood risk will also be lessened due to the freeboard of the developments.

The Justification Test was applied and passed as the hydraulic modelling confirms the impact on surrounding water levels is not significant and the proposed development can manage the risk to itself and surrounding lands.

### **3.1.4 Directive 2002/49/EC, Environmental Noise Directive**

Directive 2002/49/EC is the EU legislative instrument for the assessment and management of environmental noise. The Directive aims to provide a common framework to avoid, prevent or reduce, on a prioritised basis, the harmful effects of exposure to environmental noise. The Directive was adopted on 25 June 2002, and came into force on 18 July 2002. The Noise Directive has two objectives:

- Art. 1(1) - Achieve a common European approach to avoid, prevent or reduce the effects of exposure to environmental noise harmful for health, which includes annoyance; and
- Art. 1(2) – to provide a basis for developing Community measures to reduce noise emitted by major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery.

The Noise Directive was transposed into Irish law by the Environmental Noise Regulations 2006 - S.I. No. 140/2006.

As per the Screening for EIA report, during the construction phase, the proposed development will be carried out in accordance with the Construction Management Plan (CMP) submitted as part of this application. A number of control measures are outlined within Section 3.4.3 of the CMP. Noise and vibration limits will also be outlined within the noise and vibration management section of the CEMP that will be produced by the

appointed Contractor. These limits will be adhered to at all times during the construction phase of the proposed development. With these measures in place, no significant effects on sensitive receptors are anticipated. As a result, with these measures in place, no significant effects on sensitive receptors are anticipated.

The Noise Impact Assessment prepared by iAcoustics for the proposed development concluded that the proposed development will not be exposed to noise levels giving rise to significant adverse impacts or other adverse impacts during its operation. Therefore, there is no requirement for mitigating noise measures (iAcoustics, 2022).

No additional noise assessments of the proposed development was considered to be required in relation to the Noise Directive.

### **3.1.5 Directive 2000/60/EC, Water Framework Directive**

The EU Water Framework Directive (2000/60/EC) requires all Member States to protect and improve water quality in all waters so that we achieve good ecological status by 2015 or, at the latest, by 2027. It was given legal effect in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003). It applies to rivers, lakes, groundwater, and transitional coastal waters. The Directive requires that management plans be prepared on a river basin basis and specifies a structured method for developing these plans.

The Appropriate Assessment Screening Report prepared with the application and concludes that:

- The proposed development site is not hydrologically linked to the Rye Water Valley/Carton SAC; and
- During the operational phase, it is objectively concluded that significant water quality impacts to the Rye Water Valley/Carton SAC can be excluded.

As outlined in the Screening for EIA Report, significant effects are not envisaged due to scale of development, the contained nature of the proposed development site and works, as well as the duration of the works. Pollution risk from earthworks in a contained site for a small development considered low. Best practice standards, environmental guidelines and control measures will be defined in the appointed Contractor's CEMP and adhered to in order to reduce the likelihood of potential impacts on the water environment.

During the operational phase, the use of accepted Sustainable Urban Drainage System (SUDS) measures which are built into the design of the proposed development, including attenuation proposals, green roofs and significant amounts of green public open space and green routes, will ensure negative effects to water quality do not arise from surface water run-off when the proposed development is established. The proposed foul sewer will be fully separated from the proposed storm water drainage network. Foul effluent will be pumped to a new discharge manhole constructed in Simmonstown Park from where it will discharge by gravity to the existing foul sewer network in Simmonstown Park approximately 450m to the north of the proposed development site. The existing foul sewer network is linked to Leixlip WWTP. The Leixlip WWTP has adequate capacity to service the proposed development and is currently operating below its population equivalent (p.e.) design.

### **3.1.6 Directive 2008/50/EC, Clean Air for Europe Directive**

The Clean Air for Europe (CAFE) Directive defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole. It sets out measures for the assessment of ambient air quality in Member States as well as for obtaining information on ambient air quality in order to help combat air pollution and nuisance. The CAFE Directive aims at increasing cooperation between

the Member States in reducing air pollution. The CAFE Directive was transposed into Irish Law by the National Air Quality Standards Regulations - S.I. No. 180 of 2011.

The main air quality impacts from the proposed development will be associated with dust generation during site preparation and construction works. The implementation of best management practices, however, will minimise the generation of dust during the construction phase. With the adoption of these measures, it is anticipated that the dust produced would not cause a significant effect on the environment. The construction works will be managed in accordance with a Construction Waste Management Plan to minimise the potential effects on air quality from construction.

During the operational phase, the main air emission will be from road traffic accessing the proposed development site. A traffic impact assessment has been prepared by NRB Consulting Engineers (2022) 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; therefore, significant effects on existing air quality conditions from additional traffic during the operational phase is not anticipated.

During both the construction and operational phase, additional traffic on the existing road network will likely release minor emissions of greenhouse gases to the atmosphere from truck movement and the operation of site construction equipment during the construction phase, as well as vehicles accessing the proposed development; however, a significant effect is not considered likely given the scale and size of the proposed development. In addition, the proposed development has been designed to include measures to encourage sustainable travel and to protect air quality; for example, it is proposed to provide significantly enhance cyclist and pedestrian links.

No additional assessments of the proposed development was considered to be required in relation to the CAFE Directive. The proposed development will be residential in nature and is not expected to produce any significant emissions once operational.

## **4. Summary**

This statement indicates how the available results of relevant assessments of the effects on the environment carried out pursuant to European Union legislation have been taken into account. This statement also supports MWPS's view that the proposed development does not require an EIA.

## **5. References**

FGE Consulting. (2021). Bat Roost Assessment and Survey for the Development of Residential Houses in Hazelhatch, Co. Kildare.

iAcoustics. (2022). Noise Impact Assessment, New Residential and Creche Scheme of 137 no. Residential Units at Glencarrig, Hazelhatch Road, Celbridge, Co Kildare.

JBA Consulting. (2022). Hazelhatch Road, Celbridge, Co. Kildare, Flood Risk Assessment.

Kavanagh Burke. (2022). Drainage Design Report for Residential Development at Hazelhatch Road, Celbridge, Co. Kildare.

MWP. (2022a). Screening for Environmental Impact Assessment, Glencarrig Celbridge, Co. Kildare.

MWP. (2022b). Appropriate Assessment Screening Report, Glencarrig Celbridge, Co. Kildare.

MWP. (2022c). Ecological Impact Assessment Report, Glencarrig Celbridge, Co. Kildare.

NRB Consulting Engineers Ltd. (2022). Transportation Assessment Report, For Proposed Residential Development at Hazelhatch Road, Celbridge, Co. Kildare.