



## **Section 299B Statement**

### **Strategic Housing Development**

**O'Flynn Construction Co. Unlimited**

**Company**

**Old Fort Road, Ballincollig, Co.  
Cork**



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## 1 INTRODUCTION

Malone O'Regan Environmental (MOR) were commissioned by O'Flynn Construction Co. Unlimited Company ("O'Flynn Construction") to prepare a statement in accordance with Section 299B for the construction of a new residential development and all ancillary works (Proposed Development). The Proposed Development is located at Old Fort Road, Ballincollig, Co. Cork (the Site).

This statement has been prepared to provide the information required under Section 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended) [1] ("the P&D Regulations") to the planning authority.

The location of the Site is shown in Figure 1-1 below.

**Figure 1-1: Site Location.**



### 1.1 Site Context

The Site is located within the townland of Ballincollig, Co. Cork ca. 200m north of the main street and ca. 8.2km from Cork City Centre. The Site is ca. 1.23 hectares (ha) in size and is a brownfield site. The Site is on lands zoned for "Town Centre Uses" in the Ballincollig – Carrigaline Municipal District Local Area Plan and is surrounded by predominantly residential dwellings. The Site is adjacent to a number of residential developments to the west and south. To the north are sports facilities and the local urban wastewater treatment plant (UWWTP). To the east of the Site is a medical centre and nursing home. The nearest hydrological feature to the Site is the River Lee ca. 430m north of the Site at its closest point.

## **1.2 Description of The Proposed Development**

The Proposed Development comprises the following:

- The construction of 123 No. residential units in 3 No. blocks which range in height from three (3 No.) and six (6 No.) storeys and comprising a mixture of one and two bed apartments;
- 1 No. Creche / Childcare facility, internal residential amenity space and multipurpose amenity room;
- The provision of landscaping and amenity areas including play / amenity areas at podium level;
- The provision of a set down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road; and,
- All associated ancillary development to include pedestrian / cyclist facilities, lighting drainage, boundary treatments, bin storage, plant, ESB Sub-station and bicycle, motorcycle and car parking provided at ground and under-croft level.

## 2 METHODOLOGY

The Proposed Development is a Strategic Housing Development (SHD). Under Section 299B of the P&D Regulations where an application for sub-threshold SHD has been made to An Bord Pleanála, and where a determination as to whether or not an Environmental Impact Assessment is required has not been given under Section 7 of the 2016 Act, the Board must carry out a screening for EIA of the Proposed Development. Section 299B(1)(b) of the P&D Regulations states that;

- (i) *The Board shall carry out a preliminary examination of, at the least, the nature, size or location of the development*
- (ii) *Where the Board 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 events on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided to the Board*
    - (A) *The information specified in Schedule 7A;*
    - (B) *Any further 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 pursuant to the European Union Legislation other than the Environmental Impact Assessment Directive have been taken into account.*

The following significant pieces of legislation which affect environmental planning were assessed;

1. Strategic Environmental Assessment (SEA) Directive [2];
2. The Birds Directive [3];
3. The Habitats Directive [4];
4. The Water Framework Directive [5];
5. The Marine Strategy Framework [6];
6. The Ambient Air Quality Directive [7];
7. The Heavy Metals in the Ambient Air Directive [8];
8. Noise Directive: Directive 2002/49/EC of the European Parliament [9];
9. Directive 2002/44/EC – Vibration [10];
10. The Waste Framework Directive [11];
11. Industrial Emissions Directive [12];
12. Seveso Directive [13];
13. Trans-European networks: TEN-E, TEN-T and TEN-TEC Regulations [14];
14. Aarhus Convention (including Directive 2003/4/EC [15]);
15. ESPOO Convention (including Directive 2003/35/EC [16]);
16. European Floods Directive [17]; and,
17. European Landscape Convention [18].

An EIA Screening Report has been completed and submitted with this application. The EIA Screening Report provides the information required in Schedule 7 and Schedule 7A of the P&D Regulations.

### **3 ASSESSMENT**

This section sets out a statement of compliance accordance with the methodology set out in section 2.

**Table 3-1: Assessment**

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
<p>1. Strategic Environmental Assessment (SEA) Directive [2]</p> <p>The project design, including the zoning of the subject site is discussed in Sections 2.1 and 2.2 of the EIA Screening Report.</p>	<p>The SEA legislation [19] requires that the Planning Authority must make available an SEA Statement summarising how the SEA and consultations have been taken into account in the making of the Plan. An SEA Statement was prepared for the Cork County Development Plan 2014-2021 [20], the Cork County Development Plan 2022-2028 Draft and Ballincollig – Carrigaline Municipal District Local Area Plan 2017 [21].</p> <p>The SEA statement must include information on;</p> <ul style="list-style-type: none"> <li>a) How the environmental considerations have been integrated into the Plan;</li> <li>b) How the Environmental Report, submissions and observations made to the planning authority on the Draft Plan and Environmental Report, and any transboundary consultations (where relevant) have been taken into account during the preparation of the Plan;</li> <li>c) The reasons for choosing the Plan, as adopted, in the light of the other reasonable alternatives dealt with; and,</li> <li>d) The measures decided upon to monitor the significant environmental effects of implementation of the Plan.</li> </ul>	<p>The Proposed Development has been designed to meet building standards and provide high-quality housing which will contribute to Ballincollig and assist with ongoing population increases. The Proposed Development will also assist areas such as Cork City centre as it will provide housing suitable for commuting to the city and surrounding areas.</p> <p>Statement of Consistency has been prepared by McCutcheon Halley Planning to accompany the planning application. The statement highlights how the Proposed Development is consistent with the relevant planning policies at national and local levels. This statement details how the Proposed Development is consistent with the policies and objectives of the Cork County Development plan 2014-2021, the Draft Cork City Development Plan 2022 and the Ballincollig-Carrigaline Municipal District Local Area Plan 2017.</p>

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
<p>2. Birds [3] and                      3. Habitats Directives [4]</p> <p>The findings of the Ecological Impact Assessment and AA are discussed in section 5.2.2 of the EIA Screening Report.</p>	<p>AA Screening has been completed and submitted with the planning application. The AA screening concluded that the proposed strategic housing development and ancillary works alone or in combination will not adversely affect the integrity of the Cork Harbour SAC or any other Natura 2000 sites.</p> <p>The adherence to legal requirements, voluntary implementation of best practice measures and measures specified in the EclA, AA Screening and CEMP submitted with the application will reduce the risk of any significant direct or indirect effects arising from the Proposed Development.</p>	<p>The AA Screening concluded that it is not likely for the Proposed Development to significantly impact the conservation objectives of any European designated sites or any of their designated features of interest.</p>
<p>4. Water Framework Directive [5]</p> <p>The Water Framework Directive Status of water courses in proximity is considered in Section 4 of the EIA Screening Report.</p>	<p>The hydrological features in proximity to the Site were assessed in the AA Screening and EclA and considers the potential impacts the Proposed Development on surface water. The status River Lee at the closest point to the Site is deemed “<i>moderate</i>” [22].</p> <p>The Proposed Development will be connected to existing public mains for foul and stormwater drainage. The existing drainage runs along the eastern boundary and along a portion of the northern boundary from east to west. The Proposed Development will drain to the Ballincollig UWWTP D0049-01 which discharges into the River Lee.</p>	<p>Potential impacts from the Proposed Development on water includes risks associated with the construction phase of a development such as accidents and spills. Measures are outlined in the AA Screening, EclA and CEMP to protect the integrity of the nearby River Lee, such as spill kits and bunded areas for fuel and chemicals.</p>

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
5. Marine Strategy Framework [6]	The Marine Strategy Framework is not applicable to the Proposed Development given its nature and location.	Not applicable.
6. Ambient Air Quality Directive [7], and 7. Heavy Metals in the Ambient Air Directive [8]  Air Quality is considered in Section 5.2.1 of the EIA Screening Report.	The nearest air quality station to the Site is located in Munster Technology University in Bishopstown. The air quality at this station is deemed as "good".  Given the nature of the Proposed Development it is not likely to create significant risk to human health during the construction or operational phase.  The CEMP states that dust monitoring will be carried out weekly to ensure that the proposed mitigation measures are implemented and that construction impacts are minimal.	The CEMP submitted with this application outlines measures to reduce impact from the Proposed Development on air quality. Dust minimisation measures are outlined in the CEMP including regularly watering areas with potential fugitive dust where appropriate, mesh netting will be erected around the scaffolding during construction. Trucks will be covered if transporting construction materials with dust potential. Weekly dust monitoring will also be put in place.

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
<p>8. Noise Directive: Directive 2002/49/EC of the European Parliament [9]</p> <p>Noise is considered in Section 4, 5.2.1 and 5.2.3 of the EIA Screening Report.</p>	<p>During the Construction Phase of the Proposed Development noise levels in the local area will be increased, however it will be temporary. Significant effects from the construction phase are not predicted. The CEMP submitted with this application outlines monitoring and mitigation measures proposed for potential impacts.</p> <p>There will be minimal impacts on noise from the Proposed Development once it is operational.</p>	<p>The CEMP submitted with this application outlines noise management to reduce the potential impact of the Proposed Development during the construction phase. The measures within the CEMP includes machinery being shut down when not in use, the selection of quiet machinery and work where possible and ensuring the mechanical plant and equipment are fitted with exhaust silencers and are maintained in good working order. A complaints procedure will continue to be operated by the contractor throughout the construction phase.</p>
<p>9. Directive 2002/44/EC – Vibration of 25 June 2002 [10]</p> <p>Vibration is considered in Section 5.2.1 of the EIA Screening Report.</p>	<p>During the construction phase of the Proposed Development vibrations in the local area will likely be increased. The construction phase is temporary, and it is not predicted that there will be significant impacts from the construction phase. The CEMP outlines measures to manage vibrations during this phase.</p> <p>There will be no impacts on vibration from the Proposed Development during the operational phase.</p>	<p>Mitigation measures implemented will be in accordance with best practice and BS5228: Noise and vibration control on construction and open sites [23], which details guidance on the control of noise and vibration from construction and demolition works.</p> <p>The CEMP outlines measures to manage vibrations during the construction phase. Operations will be limited to the operational hours enclosed in the CEMP. Machinery in intermittent use will be shut down in the intervening periods between works.</p>

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
<p>10. Waste Framework Directive [11]</p> <p>The production and management of waste is considered in Section 5.2.1 of the EIA Screening Report.</p>	<p>During the construction phase, common construction waste is predicted such as timber, concrete, plaster etc. The contractor will implement effective waste management of these materials as per the CEMP.</p> <p>Where possible, materials will be reused onsite. Waste that cannot be reused will be segregated and recycled or disposed of in accordance with relevant waste legislation such as the Waste Framework Directive (2008/98/EC).</p> <p>During the operational phase, common municipal waste is expected which will be managed largely on an individual household basis.</p>	<p>The CEMP submitted with this application outlines appropriate mitigation measures for waste management during the construction phase.</p>
<p>11. Industrial Emissions Directive [12]</p>	<p>The Proposed Development does not fall within any of the thresholds set out in the first scheduled of the EPA Act 1992, and therefore the Industrial Emissions (IE) directive does not apply. The Site is not located adjacent to an IE licenced site.</p>	<p>Not applicable.</p>
<p>12. Seveso Directive [13]</p> <p>Risk of Major Accidents considered in Section 5.2.1 of the EIA Screening Report.</p>	<p>The Proposed Development does not fall within the thresholds set out in the Seveso Directive and related COMAH legislation. It is not located within 1km of an upper tier or lower tier established on the notified Seveso establishment list.</p>	<p>No risk identified.</p>

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
13. Trans-European networks: TEN-E, TEN-T and TEN-TEC Regulations [14]	The Trans-European Regulations are not applicable as the Proposed Development comprises a strategic housing development.	Not applicable.
14. Aarhus and 15. ESPOO conventions (including Directive 2003/4/EC [15] and 2003/35/EC [16])	The pre-planning discussions with An Bord Pleanála and Cork County Council and the feedback received during the meetings have informed the project design and the EIA Screening. Further public consultation will occur during the application process with An Bord Pleanála in accordance with Articles 301 and 302 of S.I. No. 271/2017 [24].	Key design aspects have been shaped directly by feedback and comments received from both Kildare County Council and An Bord Pleanála, with the design and in particular the layout having been amended and altered throughout the design process. The layout and design have been informed by relevant planning policy documents at national and local levels.
16. European Floods Directive [17]  Flood Risk is considered in Section 4 of the EIA Screening Report.	A desk-based review of the flood risk in the area was completed. This included the flood risk from the nearby River Lee located ca. 430m north of the Site at its closest point and determined the high, medium and low risks of flooding from this river. It was concluded that the Site is not located in areas of high, medium or low risks of flooding.	Not applicable, as the Site is located outside of an area of high, medium or low risk of flooding. Regardless, the drainage on site has been designed in accordance with relevant sustainable drainage system guidance.

EU Legislation and relevant section of accompanying EIA Screening Report	Results of Relevant Assessment	How this has been taken into account in project design.
<p>17. European Landscape Convention [18]</p> <p>Potential impacts on the landscape are considered in Sections 2 of the EIA Screening.</p>	<p>The Proposed Development will require earthworks including the removal of soil material and topsoil. The reuse of soil materials onsite is outlined in the CEMP submitted with this application.</p> <p>A Landscape Plan has been prepared by BSM. This report includes for the addition of greenspaces for the Proposed Development along with the planting of native hedgerows and trees. The existing Oak trees onsite will be maintained and protected.</p>	<p>The Proposed Development design involves boundary landscaping work including maintaining and protecting existing Oak trees, tree planting and hedgerow planting. The Landscaping work includes greenspaces and play areas.</p>

## 4 REFERENCES

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