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1 INTRODUCTION

1.1 Purpose of this Report

1.1.1 RSK has been instructed by the Southern Regional Assembly (SRA) to carry out a Strategic Environmental Assessment (SEA), Appropriate Assessment (AA), Regional Flood Risk Appraisal (RFRA) and Do No Significant Harm (DNSH) of the Southern, Eastern and Midland Regional Programme 2021- 27 (Hereafter referred to as 'the Regional Programme'). This will sit alongside the existing Regional Spatial and Economic Strategy (RSES) documents for the two regions in the programme area.

1.1.2 The purpose of this document is to provide a DNSH assessment of the Regional Programme and advise the SRA of any environmental risks associated with the programme. The DNSH assessment accompanies both a Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) of the Policy objectives.

1.1.3 In preparing this assessment RSK Ireland Ltd has consulted with the relevant legislation and technical guidance issued by the European Commission namely:

- Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund, Official Journal of the European Union 30.6.2021
- Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 22.6.2020 EN Official Journal of the European Union L 198/13
- Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objective
- Commission Notice Technical guidance on the application of "do no significant harm" under the Recovery and Resilience Facility Regulation, Brussels, 12.2.2021 C(2021) 1054 final
- Annex I Dimensions and codes for the types of intervention for the ERDF, the ESF+, the Cohesion Fund and the JTF - Article 22(5)
- Information from European Union Institutions, Bodies, Offices and Agencies European Commission Notice -Technical guidance on the application of 'do no significant harm' under the Recovery and Resilience Facility Regulation (2021/C 58/01)
- 18.2.2021 EN Official Journal of the European Union C 58/1
- EU 215/2014 - IA - Article 8 - Categories of intervention for the ERDF, the ESF and the Cohesion Fund
- EU 215/2014 - IA - Annex I - Nomenclature for the categories of intervention of the Funds under the Investment for growth and jobs goal and of the Youth Employment Initiative

- EU Taxonomy Compass

1.1.4 Guidance from the European Commission dated 16 Feb 2021 has indicated that DNSH for the ERDF fund should follow the approach outlined in technical guidance provided with the Regulation establishing the Recovery and Resilience Facility (RRF). The RRF indicates that no measure included in a Recovery and Resilience Plan (RRP) should lead to significant harm to environmental objectives within the meaning of Article 17 of the Taxonomy Regulation.

1.1.5 According to the RRF Regulation, the assessment of the RRPs should ensure that each and every measure (i.e. each reform and each investment) within the plan complies with the 'do no significant harm' principle (DNSH) . The RRF Regulation also states that the Commission should provide technical guidance on how DNSH should apply in the context of the RRF. The present document has used the technical guidance and accompanying legislation to advise the report.

2 DO NO SIGNIFICANT HARM

2.1 DEFINITION OF DO NO SIGNIFICANT HARM

2.1.1 For the purposes of this report, DNSH is to be interpreted within the meaning of Article 17 of the Taxonomy Regulation. This article defines what constitutes 'significant harm' for the six environmental objectives covered by the Taxonomy Regulation:

" 1. An activity is considered to do significant harm to climate change mitigation if it leads to significant greenhouse gas (GHG) emissions;

2. An activity is considered to do significant harm to climate change adaptation if it leads to an increased adverse impact of the current climate and the expected future climate, on the activity itself or on people, nature or assets;

3. An activity is considered to do significant harm to the sustainable use and protection of water and marine resources if it is detrimental to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters;

4. An activity is considered to do significant harm to the circular economy, including waste prevention and recycling, if it leads to significant inefficiencies in the use of materials or in the direct or indirect use of natural resources, or if it significantly increases the generation, incineration or disposal of waste, or if the long-term disposal of waste may cause significant and long-term environmental harm;

5. An activity is considered to do significant harm to pollution prevention and control if it leads to a significant increase in emissions of pollutants into air, water or land;

6. An activity is considered to do significant harm to the protection and restoration of biodiversity and ecosystems if it is significantly detrimental to the good condition and resilience of ecosystems, or detrimental to the conservation status of habitats and species, including those of Union interest."

2.2 EU CLIMATE COEFFICIENTS

Annex I Dimensions and codes for the types of intervention for the ERDF, the ESF+, the Cohesion Fund and the JTF - Article 22(5) indicates how the EU climate coefficients are allocated for the European Regional Development Fund, the list of intervention fields with their associated climate and environmental coefficient.

Coefficients are assigned to specific intervention fields, which correspond to an activity that might be included in the national recovery and resilience plans under the ERDF. For some activities, multiple intervention fields with different coefficients exist, and the choice between them depends on whether those activities fulfil certain EU Taxonomy technical screening criteria or not. Coefficients for climate change objectives are defined as follows:

" • 100% ("substantial contribution") when the activity's expected results make a substantial contribution to climate mitigation or adaptation objectives and/or comply with the EU Taxonomy technical screening criteria. A substantial contribution could be considered if an activity has a very substantial impact on climate mitigation or adaptation either directly through reducing the emissions from the activity overall – e.g., for example in activities such as energy generation or transport – or indirectly – e.g., for example in research and development or education.

• 40% ("moderate contribution") when the activity's results are moderately contributing to climate mitigation or adaptation objectives. A moderate contribution could be considered if an activity does not fully comply with the necessary conditions for the 100% coefficient but would still be expected to have a positive impact on climate mitigation or adaptation.

• 0% means that the activity was examined but found to have no or an insignificant impact on climate objectives."

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2.3 DNSH ASSESSMENT PROCESS

Figure 1 indicates the process of the DNSH and how this is positioned within the statutory assessments for the programme.

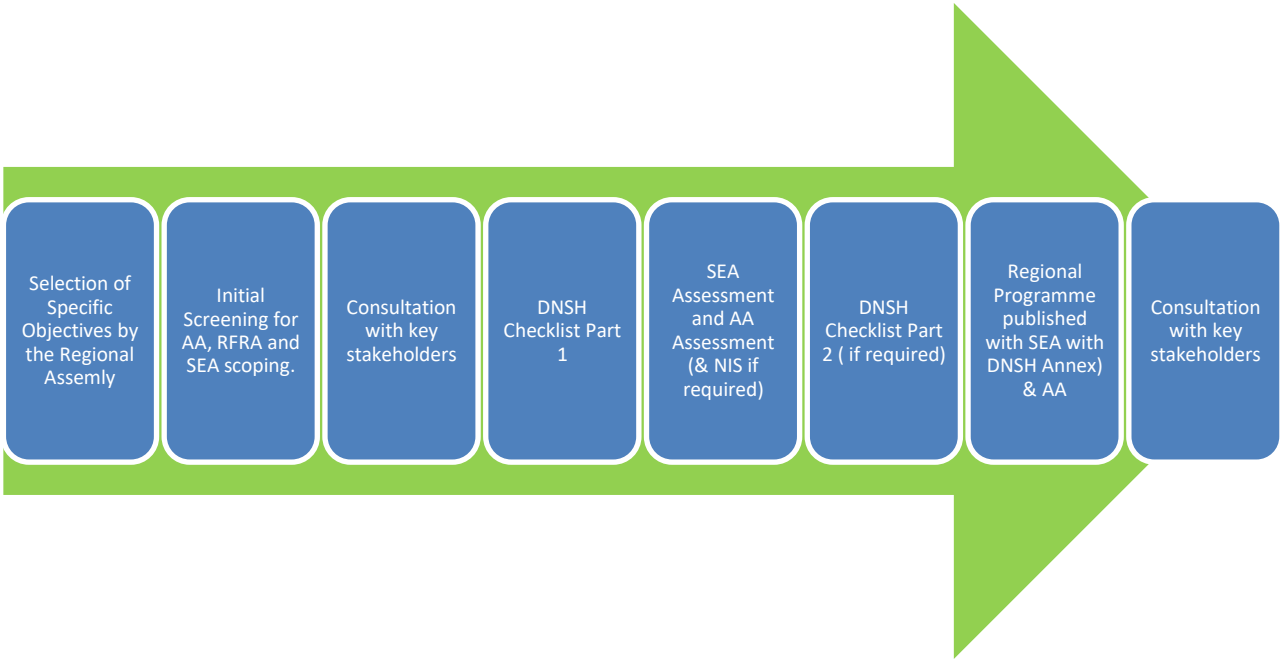

Figure 1- Graphic Representation of the DNSH process

This document considers first an initial DNSH Checklist (Part 1) where the Specific Objectives (RSOs) and types of actions are considered in conjunction with the results of the Appropriate Assessment (AA), Strategic Environmental Assessment (SEA) and Regional Flood Risk Appraisal (RFRA) Screening. Where the type of actions under a RSO are not screened out at Part 1 further commentary and recommendations will be made in the DNSH (Part 2).

3 THE REGIONAL PROGRAMME

3.1 THE REGIONAL PROGRAMME AND PROGRAMME OBJECTIVES

The Southern, Eastern and Midland Regional Programme 2021-2027 ['the Programme'] is an ERDF co-funded investment programme that supports balanced regional development across two of the three NUTS2 regions of Ireland, the Southern Region and the Eastern and Midland Region. The two regions comprise eighteen counties and include the four metropolitan city areas of Dublin, Cork, Waterford and Limerick-Shannon, the regional growth centres of Athlone in the Midlands and Drogheda-Dundalk-Newry on the Dublin-Belfast corridor, a network of twenty-five key towns and an extensive rural hinterland.

This €641 million co-funded programme of investment is supported by €265 million of EU funding and €376 million of national funding provided by the Government of Ireland. The Southern, Eastern and Midland Regional Programme is being developed in the framework of the five Policy Objectives as set out in the Common Provision Regulation:

• **Policy Objective 1**: A more competitive and smarter Europe by promoting innovative and smart eco-nomic transformation and regional ICT connectivity (PO 1)

• **Policy Objective 2**: A greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility (PO 2)

• **Policy Objective 3**: A more connected Europe by enhancing mobility (PO 3)

• **Policy Objective 4**: A more social and inclusive Europe implementing the European Pillar of Social Rights (PO 4)

• **Policy Objective 5**: A Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives (PO 5)

The Programme assists the Government's aim of promoting balanced regional development by supporting the implementation of the Regional Economic and Spatial Strategies in each of the two regions in the programme area. For the programming period of 2021 to 2027, the focus of the Southern, Eastern and Midland Regional Programme will be on the following key strategic outcomes

1. ***Developing Smarter More Competitive Regions*** by building RD&I capacity within the public research institutions in our regions, by accelerating the translation of cutting-edge research into commercial applications at a regional level, by supporting innovation diffusion and by strengthening regional innovation ecosystems in line with Ireland's Smart Specialisation Strategy and the Regional Enterprise Plans.
2. ***Creating Greener More Energy Efficient Regions and a Just Transition*** by focusing on scaling up investment in actions that improve the energy efficiency of residential homes while targeting homeowners in, or at risk of, energy poverty.

3. ***Supporting Sustainable Urban Development in our Regions*** by taking an integrated strategic approach to the regeneration of our towns using a Town Centres First Framework.

Specific Objectives (RSOs) and Types of Actions (TOA) arising that have been selected for the Regional Programme are detailed below in Table 1.

Table 1 The Regional Programme Policy Objectives and Specific Objectives

Objectives	Types of Action	Comments
EU Policy Objective 1: A Smarter Europe - A more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity (PO 1). **Regional Programme Priority: SEM1**. Smarter and More Competitive Regions		
RSO1.1 Developing and enhancing research and innovation capacities and the uptake of advanced technologies.	The following Types of Actions (TOAs) will be taken under this priority to develop and enhance research and innovation capacities and the uptake of advanced technologies in the programme area. **Capacity building within the regions new Technological University (TU).** • **Action RSO1.1.1:** Establish, strengthen and systemise the technological universities' research and innovation offices which support their academic staff and researchers and wider enterprise and community stakeholders within their regions. This will include developing researcher human capital in the technological universities, including staff development, recruitment, postgraduate training and supervision, networking, and more structured collaborative knowledge-transfer and mobility schemes. • **Action RSO1.1.2:** Provide industry gateways with dedicated staff who work with industry to articulate company problems in a manner that can be addressed by the established expert base in each TU. Gateway staff will manage the interaction between enterprises and the technological university, help enterprises source funding where necessary, and ensure projects are delivered successfully and in an industry-friendly manner. **Capacity building within both universities and our Technological Universities (TUs).** • **Action RSO1.1.3:** Retain Technology Transfer specialists to help companies and investors to access new knowledge and expertise, to drive innovation through collaboration, and to identify and	The five overarching actions associated with this RSO all relate to funding, investment and enhancing capacity within existing establishments. The SRA have confirmed that none of the TOAs under RSO1.1 would lead to the development of new buildings or transport infrastructure.

Objectives	Types of Action	Comments
	license new technologies and IP. These specialists will continue to develop the Technology Transfer System in public research institutions and will provide new resources to place a focus on developing spin out company opportunities.	
	Accelerating the translation of cutting-edge research into commercial applications at a regional level. • **Action RSO1.1.4:** Establish a new "Smart Hub" model for regional innovation and entrepreneurial training. The model will integrate critical elements of a research and innovation (R&I) ecosystem with entrepreneurial approaches, thus accelerating time to market from research concept to spin-outs, new product introduction, licences and innovations. The new regional Smart Hubs for Entrepreneurial Research and Innovation will be established in key thematic areas aligned with the Ireland's Smart Specialisation Strategy and regional strategic priorities.	
	Supporting innovation diffusion, enterprise innovation and entrepreneurship in the regions. • **Action RSO1.1.5:** Develop new immersive-based, needs-led innovation training programmes, closely aligned to S3 in the regions and capable of attracting high calibre individuals and inter-disciplinary teams who, through their immersion and observation of real needs in their immersive environment and the use of a design methodology, will be supported to generate product and process ideas, new IP and in some cases, the creation of high-potential-start-ups (HPSUs) from research. These programmes will build on existing international and national best practice connecting on multiple levels with the industry sector clusters in the regions.	
RSO1.3 Enhancing sustainable growth and competitiveness of SMEs and job creation in SMEs, including by	The following types of action will be taken under this priority to enhance sustainable growth and competitiveness of SMEs and job creation in SMEs, including by productive investment, in the regions and sub-regions of the programme area. **Strengthening and developing functional regional ecosystems that support innovation diffusion, enterprise innovation and entrepreneurship in the regions.**	Actions under this RSO have the potential to lead to development, in particular in relation to job creation and delivery of regional capital investment projects and strategic infrastructure.

Objectives	Types of Action	Comments
productive investments.	• **Action RSO1.3.1:** Provide appropriate infrastructure and key staff resources to deliver innovative solutions including support programmes to support entrepreneurship, start-ups and scaling companies. This will include: ▪ Delivery of small to medium scale regional projects (with minimum or no building requirements) or expansion of existing regional ecosystem projects. ▪ Scoping and preparing new large-scale regional projects, e.g., design and planning, project development, recruitment of key managers. ▪ Delivery of large-scale regional capital investment projects that provide key strategic infrastructural solutions to support the regional ecosystem. Actions will be targeted at strategic regional locations where an identifiable deficit exists in key infrastructure which is necessary to develop functional regional ecosystems which can support this client base. Projects must be collaborative in nature, they must be innovative, viable and sustainable with metrics and Key Performance Indicators (KPI's) which provide additionality to the existing regional infrastructure. Projects will complement the solutions provided by the existing regional providers including higher education institutions, state agencies and private sector entities at a regional level.	
EU Policy Objective 2: A Greener, Low Carbon Europe - A greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility (PO 2). **Regional Programme Priority: SEM2**. Low-Carbon Energy Efficient Regions		

Objectives	Types of Action	Comments
RSO2.1. Promoting energy efficiency and reducing greenhouse gas emissions.	The following types of action will be taken under this priority to promote energy efficiency and reduce greenhouse gas emissions in the programme area. **Improving the energy efficiency of residential homes.** • **Action RSO2.1.1:** Support the delivery of energy efficiency renovations free of charge to owner-occupied lower-income households who meet the defined eligibility criteria and who are in, or are vulnerable to, energy poverty. This action will use learnings from similar actions in the 2014-2020 programming period and will: ▪ retrofit homes with the aim to achieve, on average, at least a medium-depth level renovation ▪ pilot the installation of heat pumps in existing premises, to replace older less efficient heating systems ▪ gather evidence from the pilot to inform the appropriate process and approach to increasing the number of B2 upgrades and heat pump installations going forward ▪ provide an evidence base to improve the targeting of energy efficiency schemes ▪ examine the impact of retrofitting on alleviating energy poverty	Actions under this RSO focus on improving energy efficiency in existing housing stock. The proposed actions aim to deliver a range of energy efficiency measures free of charge to lower-income households. The SRA have confirmed that this policy would not lead to development outside of footprint of existing dwellings or lead to other renewable energy schemes.
EU Policy Objective 5: A Europe Closer to its Citizens - Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives (PO 5) **Regional Programme Priority: SEM3.** Sustainable and Integrated Urban Development		
RSO5.1. Fostering the integrated and inclusive social, economic and environmental development, culture, natural heritage, sustainable tourism, and security in urban areas.	The following types of action will be taken under this priority to foster integrated and inclusive social, economic and environmental development, culture, natural heritage, sustainable tourism, and security in urban areas within the programme area. **Supporting locally lead and locally selected projects that take an integrated strategic approach to the regeneration of our towns, using a Town Centre First Health Check framework to gather data, develop action plans and lead actions on regeneration.** • **Action RSO5.1.1:** Prepare integrated urban regeneration action plans / masterplans (either using procured multi-disciplinary service or short-term contract within the Local Authority for required	Actions under this RSO have the potential to lead to development, in particular in the vicinity of the Key Towns identified within the Region.

Objectives	Types of Action	Comments
	skills) which identify projects and initiatives tackling town centre regeneration, placemaking, vacancy and dereliction. • **Action RSO5.1.2:** Deliver pilot and pathfinder projects for selected towns (priority for Key Towns or Strategic Growth Centres) tackling town centre regeneration, placemaking, vacancy and dereliction. This will involve capital investment and may include public realm improvement projects.	

3.2 ENVIRONMENTAL STATEMENT

From the outset the Programme has outlined its commitment to environmental protection. The excerpt from the Programme below demonstrates high level principles for economic activities arising out of investments associated with the Programme

"ENVIRONMENTAL AND DO NO SIGNIFICANT HARM (DNSH) STATEMENT

The programme area has a wealth of environmental assets from Ireland's highest mountains, dramatic coastlines, and remote rural areas to fertile agricultural landscapes. Our rich urban environment includes a strong and historic network of cities, towns and villages. These have associated flora, fauna, biodiversity and cultural heritage assets, many of which are protected through European and National legislation, including Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas and Proposed Natural Heritage Areas. The Programme includes environmental assessment documents, on Strategic Environmental Assessment (SEA), an Appropriate Assessment (AA) and a Strategic Flood Risk Appraisal Screening (SFRA).

Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the programme will contribute to mainstreaming climate actions and to support activities that would respect the climate and environmental standards and priorities of the Union and would Do No Significant Harm (DNSH) to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council. To ensure compliance with the requirements for DNSH the programme will endeavour to support projects and activities that protect biodiversity, water, air & land quality, and marine resources, that encourages circular economy initiatives that reduce waste and increases recycling and that reduce greenhouse gas emissions.

At the project level, all applications for development consents for projects emanating from any policies that may give rise to likely significant effects on the environment will need to be accompanied by one or more of the following, as relevant:

- **Ecological Impact Assessment Report (EcIA);**
- **Environmental Report;**
- **Environmental Impact Assessment Report - if necessary, under the relevant legislation;**
- **Natura Impact Statement - if necessary, under the relevant legislation.**

Environmental Assessment

(a) Any reference to support for all plans, projects, activities and development in the Programme should be considered to refer to 'environmentally sustainable development' that has no adverse effects on the integrity of European sites and no net loss of biodiversity, that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints such as landscape, cultural heritage, the protection of water quality, flood risks and biodiversity as a minimum), environmental assessment including EcIA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate

(b) The Programme seeks to protect, manage, and through enhanced ecological connectivity, improve the coherence of the Natura 2000 Network in the Region.

(c) Support for other plans/ programmes (and initiatives arising) is based on appropriate SEA, SFRA, EIA and AA processes being undertaken to ensure the avoidance of adverse effects on European Sites and ensure implementation of mitigation measures where required.

(d) The Programme supports relevant development proposals that aim to protect of inland surface waters, transitional waters, coastal waters and groundwater, preventing pollution, further deterioration of water quality, promotes sustainable water use and enhances improvement of the aquatic environment.

(e) Any planning consent process emanating from support through the programme will ensure compliance with the EU's Waste Framework Directive and EU Action Plan for the Circular Economy as such projects will be subject to:

- **i. the objectives of City and County Development Plans and Local Area Plans supporting the circular economy and prioritizing waste prevention followed by re-use, recycling and recovery before landfill;**
- **ii. adhere to Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of Housing Local Government and Heritage and any updated guidelines and**
- **iii. adhere to the new National Waste Management Plan for a Circular Economy (NWMPCE), which will replace the Southern Region Waste Management Plan 2015-2021 and the Eastern and Midland Waste Management Plan 2015-2021.**

Thereby, minimising the use of natural resource inputs, reducing waste, pollution and carbon emissions and improving the productivity of resources used in development through extending the life span of materials and facilitating the repurposing, recycling and re-use of these resources at end of life".

It is important to be cognisant of this statement when assessing the specific policy objectives and the types of action arising.

At the time of assessment no specific project details are available, but it is understood that without this detail it is recognised that the ERDF funding associated with the programme will be diligently allocated towards projects that Do No Significant Harm and that the Regional Assembly and their appointed agents will ensure that the necessary safeguards are installed to maintain environmental protection and compliance with the relevant environmental legislation and policies."

4 DNSH CHECKLIST PART 1

4.1 INTRODUCTION

The DNSH Checklist Part 1 considers an initial screening of the proposed types of action under each specific objective (RSO) and concludes with a statement of DNSH for the RSO or a recommendation to proceed to the DNSH checklist Part 2 for further commentary and analysis.

4.2 POLICY OBJECTIVE 1- SMARTER AND MORE COMPETITIVE REGIONS (P01) RSO1.1

RSO 1.1. Developing and enhancing research and innovation capacities and the uptake of advanced technologies (ERDF)

- Capacity building within the new and emerging technological universities (TUs)

- Capacity building within both universities and technological universities (TUs)

- Accelerating the translation of cutting-edge research into commercial applications at a regional level

- Supporting innovation diffusion, enterprise innovation and entrepreneurship in the regions.

Table 2 – DNSH Checklist Part 1 Policy Objective RSO1.1

Which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation		No	See note below
Climate change adaptation		No	See note below
The sustainable use and protection of water and marine resources		No	See note below
The circular economy, including waste prevention and recycling		No	See note below
Pollution prevention and control to air, water or land		No	See note below
The protection and restoration of biodiversity and ecosystem		No	See note below

Justification

Actions under this RSO have been designed to align with two ERDF EU Intervention Fields 012 and 028.

012" Research and innovation activities in public research centres, higher education and centres of competence including networking (industrial research, experimental development, feasibility studies)"

028 "*Technology transfer and cooperation between enterprises, research centres and higher education sector"*

Provided that the types of action that are delivered under this RSO continue to align with the Intervention, the Climate Coefficients attached to these actions are

Table 3 RSO1.1 ERDF coefficients for DNSH

Code	Description	Rating (%)
012	Coefficient for the calculation of support to climate change objectives	0%
012	Coefficient for the calculation of support to environmental objectives	0%
028	Coefficient for the calculation of support to climate change objectives	0%
028	Coefficient for the calculation of support to environmental objectives	0%

A Strategic Environmental Assessment (SEA) has been completed for all of the specific objectives in the Programme. At the SEA Scoping stage it was determined that for this specific objective

"There is potential for likely positive significant effects associated with this Specific Objective in relation to the socio economic oriented SEA objectives"

In consideration of the protection and restoration of biodiversity and ecosystem, an Appropriate Assessment Screening exercise has been carried out in association with this policy objective and has determined

"*The potential for likely significant effects (alone) resulting from source-pathway-receptor links can be ruled out and no further assessment is required of this Specific Objective."*

The accompanying Regional Flood Risk Appraisal Screening Report determined:

"Research and innovation could potentially be beneficial, if used to understand and address flood risk. Examples of this could be smart monitoring of drainage networks, more research on accurate forecasting of surface water flooding events, etc. At this stage, objective RSO1.1 does not propose any infrastructure on the ground, so it is likely to have a neutral impact. Recommendation: no further flood risk analysis is required at this stage."

No specific project details are currently available. At the programme level, the proposed types of action under this RSO Do No Significant Harm. Further positive contributions from actions under this RSO can be achieved through the recommendations in Table 4

Table 4 Recommendations for positive interventions for RSO1.1

DNSH Category	Recommendations
Climate Mitigation	Research, applied research and experimental development of solutions, processes, technologies, business models and other products dedicated to the reduction, avoidance or removal of GHG emissions (RD&I) for which the ability to reduce, remove or avoid GHG emissions in the target economic activities has at least been demonstrated in a relevant environment, corresponding to at least Technology Readiness Level (TRL) 6 . The implementation of the technologies, products or other solutions being researched results in overall net GHG emissions reductions over their life cycle. The results of the research, development and innovation enable one or more of those economic activities to meet the respective criteria for substantial contribution to climate change mitigation, while respecting the relevant criteria for doing no significant harm to other environmental objectives. The activity is not undertaken for the purposes of fossil fuel extraction, transport or use. The projected life-cycle GHG emissions from the researched technology, product or other solution do not undermine GHG mitigation objectives under the Paris Agreement or hinder the deployment of climate mitigation solutions The economic activity aims at bringing to market a solution that is not yet in the market and is expected to have a better performance in terms of life-cycle GHG emissions than best commercially available technologies based on public or market information. The implementation of the technologies, products or other solutions being researched results in overall net GHG emissions reductions over their life cycle.
Climate Adaption	The researched technology, product or other solution complies with the criteria set out in Appendix A.
Water	Any potential risks to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters from the researched technology, product or other solution are evaluated and addressed.
Circular Economy	Any potential risks to the circular economy objectives from the researched technology, product or other solution are evaluated and addressed, by considering the types of potential significant harm as set out in Article 17(1), point. (d), of Regulation (EU) 2020/852.

	The equipment used meets the requirements laid down in Directive 2009/125/EC for servers and data storage products. The equipment used does not contain the restricted substances listed in Annex II to Directive 2011/65/EU of the European Parliament and of the Council, except where the concentration values by weight in homogeneous materials do not exceed the maximum values listed in that Annex. A waste management plan is in place and ensures maximal recycling at end of life of electrical and electronic equipment, including through contractual agreements with recycling partners, reflection in financial projections or official project documentation. At its end of life, the equipment undergoes preparation for reuse, recovery or recycling operations, or proper treatment, including the removal of all fluids and a selective treatment in accordance with Annex VII to Directive 2012/19/EU of the European Parliament and of the Council.
Pollution Prevention	Any potential risks to generate a significant increase in the emissions of pollutants to air, water or land from the researched technology, product or other solution are evaluated and addressed.
Biodiversity	Any potential risks to the good condition or resilience of ecosystems or to the conservation status of habitats and species, including those of Union interest, from the researched technology, product or other solution are evaluated and addressed.

4.3 POLICY OBJECTIVE 1 SMARTER AND MORE COMPETITIVE REGIONS (PO1) RSO1.3

RSO 1.3. Enhancing sustainable growth and competitiveness of SMEs and job creation in SMEs, including by productive investments (ERDF)

- Strengthening and developing functional regional ecosystems that support innovation diffusion, enterprise innovation and entrepreneurship in the regions.

Table 5 DNSH Checklist Part 1 for Policy Objective RSO1.3

Which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation		No	See note below
Climate change adaptation		No	See note below

The sustainable use and protection of water and marine resources	yes		The potential of the policy objective to lead to infrastructure development and 'built' schemes requires further assessment on the potential impact on water and marine resources.
The circular economy, including waste prevention and recycling	yes		The potential of the policy objective to lead to infrastructure development and 'built' schemes requires further assessment on the potential for waste arising from construction activities and the use of resource efficient designs and considerations for repurposing and recycling materials at end of life.
Pollution prevention and control to air, water or land	yes		The potential of the policy objective to lead to infrastructure development and 'built' schemes requires further assessment on the potential impact on pollution to air water or land.
The protection and restoration of biodiversity and ecosystem	yes		The potential of the policy objective to lead to infrastructure development and 'built' schemes requires further assessment on the potential impact on biodiversity

Justification

Objective RSO1.3 could include new buildings (or the adaptation of existing ones) to assist and promote innovation. However, the priority does not include any earmarked location for development. The impact could be both positive or negative depending on how development and supporting infrastructure are implemented and maintained.

Actions under this RSO align with ERDF EU Intervention Field 026.

"Support for innovation clusters including between businesses, research organisations and public authorities and business networks primarily benefiting SMEs"

Provided that the types of action that arise from this policy objective continue to align with the Intervention, the Climate Coefficients attached to this objective are

Table 6 RSO1.3 ERDF coefficients for DNSH

Code	Description	Rating (%)
026	Coefficient for the calculation of support to climate change objectives	0%
026	Coefficient for the calculation of support to environmental objectives	0%

The determination from the SEA is
"This Specific Objective has the potential to lead to development in the form of strategic infrastructure through large-scale regional capital investment. It will support job creation and the growth of SME's.
There is potential for likely positive significant effects on health & quality of life and socio-economic orientated SEA objectives.
Other potential SEA Objectives including landscape, soil and land use, air quality, water, natural capital and ecology and nature conservation may have uncertain or adverse effects in relation to physical development and increased economic output from existing businesses."

As this Specific Objective has the potential to lead to development, in particular in relation to job creation and delivery of regional capital investment projects and strategic infrastructure the Appropriate Assessment screening determination is:

"The potential for likely significant effects (alone) resulting from source-pathway-receptor links cannot be ruled out at this stage of the assessment and therefore further Appropriate Assessment of this Specific Objective will be required."

The accompanying Regional Flood Risk Appraisal Screening Report determined:

"Recommendation: no further flood risk analysis can be undertaken at this stage. However, any development and supporting infrastructure, should have due consideration to flood risk and drainage guidance and adhere to Regional Policy Objectives relevant to flood risk (refer to section 4.2 above). Adaptive and resilient regeneration schemes in flood risk areas may lead to flood risk reduction. Development funding should be leveraged to implement defences to protect existing communities and businesses in those areas. Flood risk should be assessed at planning application stage following national, regional and local flood risk guidance. It is important that Strategic Flood risk Assessments are updated in a timely fashion to reflect regional and national plans. Due consideration should also be given to local policies as, although they should be in conformity with the RSES and Project Ireland 2040 Our Plan (National Planning Framework), they may contain specific local flood risk and drainage requirements, supported by an evidence base. "

As a result of the potential of built environment aspect of this policy objective, actions under this RSO will proceed to the DNSH Checklist Part 2.

4.4 POLICY OBJECTIVE 2 ; LOW-CARBON ENERGY EFFICIENT REGIONS (PO2) RSO2.1

Efficient Regions (PO2) RSO 2.1. Promoting energy efficiency and reducing greenhouse gas emissions (ERDF).

- Improving the energy efficiency of residential homes.

Table 7 DNSH Checklist for Policy Objective RSO2.1

Which of the environmental objectives below require a	Yes	No	Justification if 'No' has been selected

substantive DNSH assessment of the measure			
Climate change mitigation		No	See note below
Climate change adaptation		No	See note below
The sustainable use and protection of water and marine resources	yes		See note below
The circular economy, including waste prevention and recycling	yes		See note below
Pollution prevention and control to air, water or land	yes		See note below
The protection and restoration of biodiversity and ecosystem		No	See note below

Justification

Actions under this Specific Objective focus on improving energy efficiency in existing housing stock. The proposed actions aim to deliver a range of energy efficiency measures free of charge to lower-income households.
SRA has confirmed that these actions would not lead to development outside of footprint of existing dwellings or lead to other renewable energy schemes.

The measures under this specific objective are expected to create more efficient use of energy and reduce fossil fuels in energy supply. The use of a Building Energy Rating (BER) pre and post works is an effective measure in identifying the energy efficiency improvements and for demonstrating a positive contribution.

Actions under this specific objective align with ERDF EU Intervention Field 042.

"*Energy efficiency renovation of existing housing stock, demonstration projects and supporting measures compliant with energy efficiency criteria.*"

Provided that the types of action that arise from this specific objective continue to align with the Intervention, the Climate Coefficients attached to this objective are

Table 8 ERDF DNSH Coefficients for RSO2.1

Description	Rating (%)
Coefficient for the calculation of support to climate change objectives	100%
Coefficient for the calculation of support to environmental objectives	40%

The determination from the SEA is
"There is potential for positive and uncertain significant effects through this Specific Objective on health & quality of life, socio-economic, climate, air quality and material assets."

The Appropriate Assessment screening determination is:

"This Specific Objective focuses of improving energy efficiency in existing housing stock. The schemes which would arise from this policy aim to deliver a range of energy efficiency measures free of charge to lower-income households.

The SRA have confirmed that this policy would not lead to development outside of footprint of existing dwellings or lead to other renewable energy schemes.

The potential for likely significant effects (alone) resulting from source-pathway-receptor links can be ruled out and no further assessment is required of this Specific Objective."

The accompanying Regional Flood Risk Appraisal Screening Report determined:

"Reducing carbon usage has a net positive impact on climate change. Climate change increases flood risk so this could be positive, but the connection is quite distant. At this stage, both the priority and objective RSO2.1 are high level and do not propose any infrastructure on the ground. Therefore, they are likely to have a neutral-slightly positive impact. Recommendation: no further flood risk analysis is required at this stage."

The measures under this specific objective when implemented are expected to reduce GHG emissions through energy efficiency and replacement of fossil fuel based energy systems.

The measures under this specific objective are expected to reduce the impact on the current climate and the expected future climate.

This specific objective has been screened from further Appropriate Assessment, so it has a 0% coefficient as the policy objective as written is expected to have an insignificant impact on biodiversity and ecosystems.

The specific objective does not explicitly refer to marine resources, circular economy or, pollution control. For these DNSH factors it is recommended that actions under this specific objective proceed to the DNSH Checklist Part 2.

4.5 POLICY OBJECTIVE 3 : SUSTAINABLE AND INTEGRATED URBAN DEVELOPMENT (PO5) RSO5.1

RSO 5.1. Fostering the integrated and inclusive social, economic, and environmental development, culture, natural heritage, sustainable tourism, and security in urban areas (ERDF)

- Planning Phase - Prepare integrated urban regeneration action plans / masterplans (either using procured multi-disciplinary service or short term contract within the Local Authority for required skills) which identify projects and initiatives tackling town centre regeneration, placemaking, vacancy and dereliction.

- Implementation Phase

- Deliver pilot and pathfinder projects for selected towns (priority for Key Towns or other settlements as justified by the Local Authority under selection criteria) tackling town centre

regeneration, placemaking, vacancy and dereliction. This will involve capital investment and may include public realm improvement projects.

Table 9 DNSH Checklist Part 1 for Policy Objective RSO5.1

Which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation		No	See note below
Climate change adaptation		No	See note below
The sustainable use and protection of water and marine resources	Yes		See note below
The circular economy, including waste prevention and recycling	Yes		See note below
Pollution prevention and control to air, water or land	Yes		See note below
The protection and restoration of biodiversity and ecosystem	Yes		See note below

Justification

Actions under this specific objective align with ERDF EU Intervention Fields 168 and 169.

168 "Physical regeneration and security of public spaces"

169 "Territorial development initiatives, including preparation of territorial strategies"

Provided that the types of action that arise from this policy objective continue to align with the Intervention, the Climate Coefficients attached to this objective are

Table 10 ERDF Coefficients for DNSH for RSO5.1

Code	Description	Rating (%)
168	Coefficient for the calculation of support to climate change objectives	0%
168	Coefficient for the calculation of support to environmental objectives	0%
169	Coefficient for the calculation of support to climate change objectives	0%
169	Coefficient for the calculation of support to environmental objectives	0%

Actions under this Specific Objective have the potential to lead to development through town centre regeneration and public realm improvements, particularly in the vicinity of the Key Towns identified within the Region

The determination from the SEA Scoping Report is

.

"There is potential for likely significant uncertain effects resulting from this Specific Objective on all of the SEA Objectives. Particularly from the implementation phase but this would be largely dependent on the size of schemes, materials used, and the use of green infrastructure, SUDS, pedestrian zones etc."

The Appropriate Assessment screening determination is:

"The potential for likely significant effects (alone) resulting from source-pathway-receptor links cannot be ruled out at this stage of the assessment and therefore further Appropriate Assessment of this Specific Objective will be required."

The accompanying Regional Flood Risk Appraisal Screening Report determined:

"Objective RSO5.1 will include new development and associated infrastructure. However, the priority does not include any earmarked location for development. The impact is likely to be positive as sustainable development should address flood risk and drainage in an integrated way.

Recommendation: no further flood risk analysis can be undertaken at this stage. However, any development and supporting infrastructure, should have due consideration to flood risk and drainage guidance and adhere to Regional Policy Objectives relevant to flood risk (refer to section 4.2 above). Flood risk should be assessed at planning application stage following national, regional and local flood risk guidance and supported by updated Strategic Flood Risk Assessments. Due consideration should be given to local policies as, although they should be in conformity with the RSES and Project Ireland 2040 Our Plan (National Planning Framework), they may contain specific local flood risk and drainage requirements, supported by an evidence base."

Within the Planning Stage the proposed actions under this specific objective are considered to Do No Significant Harm. As no projects are currently available it is not possible to accurately assess the potential for significant harm within the Implementation Stage. It is within the Planning Stage that the necessary environmental aspects and impacts should be assessed for any works and necessary mitigations designed. The determination is that this actions under this specific objective should proceed to the DNSH Checklist Part 2.

4.6 SUMMARY

Having completed DNSH Checklist Part 1 the summary findings are as follows:

- Policy Objective 1- Smarter and more Competitive Regions (P01) RSO1.1 -Does No Significant Harm – does not proceed to DNSH Checklist Part 2
- Policy Objective 1- Smarter and more Competitive Regions (P01) RSO1.3 – Proceed to DNSH Part 2 for further recommendations.
- Policy Objective 2 ; Low-Carbon Energy Efficient Regions (PO2) RSO2.1- Proceed to DNSH Part 2 for further recommendations.
- Policy Objective 3 : Sustainable and Integrated Urban Development (PO5) RSO5.1 – Proceed to DNSH Part 2 for further recommendations.

5 DNSH CHECKLIST PART 2

For actions under specific objectives that have been referred for additional assessment, the DNSH Checklist Part 2 describes inclusions to ensure that these proposed actions Do No Significant Harm and makes further recommendations on positive specification and interventions that can improve the rating.

5.1 POLICY OBJECTIVE 1 SMARTER AND MORE COMPETITIVE REGIONS (PO1) RSO1.3

RSO 1.3. Enhancing sustainable growth and competitiveness of SMEs and job creation in SMEs, including by productive investments (ERDF)

- Strengthening and developing functional regional ecosystems that support innovation diffusion, enterprise innovation and entrepreneurship in the regions.

Table 11 DNSH Checklist Part 2 RSO1.3

Questions	No	Substantive Justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	This has been screened out in the DNSH Checklist Part 1. It is not expected to lead to significant GHG emissions. Further positive interventions that can be implemented within economic activities include: Buildings designed and constructed should not be dedicated to extraction, storage, transport or manufacture of fossil fuels. Suitable standards for constructions of new buildings should target: • The Primary Energy Demand (PED), defining the energy performance of the building resulting from the construction, is at least 10 % lower than the threshold set for the nearly zero-energy building (NZEB) requirements in national measures implementing Directive 2010/31/EU of the European Parliament and of the Council. The energy performance is certified using an as built Energy Performance Certificate (EPC). • For buildings larger than 5000 m^2, upon completion, the building resulting from the construction undergoes testing for air-tightness and thermal integrity, and any deviation in the levels of performance set

		at the design stage or defects in the building envelope are disclosed to investors and clients. As an alternative; where robust and traceable quality control processes are in place during the construction process this is acceptable as an alternative to thermal integrity testing. • For buildings larger than 5000 m^2, the life-cycle Global Warming Potential (GWP)(of the building resulting from the construction has been calculated for each stage in the life cycle and is disclosed to investors and clients on demand.
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	This has been screened out in the DNSH Checklist Part 1. Further positive interventions that can be implemented within economic activities include: • The economic activity should consider implemented physical and non-physical solutions ('adaptation solutions') that substantially reduce the most important physical climate risks that are material to that activity. • Where buildings and infrastructure are created, the physical climate risks that are material to the activity have been identified from those listed in Appendix A by performing a robust climate risk and vulnerability assessment with the following steps: a. screening of the activity to identify which physical climate risks from the list in Appendix A to this Annex may affect the performance of the economic activity during its expected lifetime; b. where the activity is assessed to be at risk from one or more of the physical climate risks listed in Appendix A, a climate risk and vulnerability assessment to assess the materiality of the physical climate risks on the economic activity; c. an assessment of adaptation solutions that can reduce the identified physical climate risk. • The climate risk and vulnerability assessment is proportionate to the scale

		of the activity and its expected lifespan, such that: (i) for activities with an expected lifespan of less than 10 years, the assessment is performed, at least by using climate projections at the smallest appropriate scale; (ii) for all other activities, the assessment is performed using the highest available resolution, state-of-the-art climate projections across the existing range of future scenarios consistent with the expected lifetime of the activity, including, at least, 10 to 30 year climate projections scenarios for major investments. iii) The climate projections and assessment of impacts are based on best practice and available guidance and take into account the state-of-the-art science for vulnerability and risk analysis and related methodologies in line with the most recent Intergovernmental Panel on Climate Change reports, scientific peer-reviewed publications and open source or paying models. • The adaptation solutions implemented should: a.) not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of cultural heritage, of assets and of other economic activities; b.) favour nature-based solutions or rely on blue or green infrastructure to the extent possible; c.) be consistent with local, sectoral, regional or national adaptation plans and strategies; d.) be monitored and measured against pre-defined indicators and remedial action is considered where those indicators are not met; e.) where the solution implemented is physical and consists in an activity for which technical screening criteria have been specified, the solution complies with the do no significant harm technical screening criteria for that activity. • The activity complies with the criteria set out in Appendix A.

The sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) (ii) to the good environmental status of marine waters?	X	The types of actions (economic activities) that are supported by the specific objective has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. Where construction of a building or a large scale project is anticipated, building designs and construction should be consistent with local, sectoral, regional or national adaptation plans and strategies for environmental degradation risks related to preserving water quality and water stress. Where applicable building designs should specify details of water fittings or water-using appliances being installed and their compliance with the relevant standards.
The transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures (; or (iii) cause significant and long-term harm	X	The types of actions (economic activities) that are supported by the specific objective has an insignificant foreseeable impact on this environmental objective. Where the economic activity involves the construction of new buildings: 1.) At least 70 % (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol. 2.) Operators should limit waste generation in processes related to construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and using selective demolition to enable

to the environment in respect to the circular economy		removal and safe handling of hazardous substances and facilitate reuse and high-quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste. 3.) Building designs and construction techniques should support circularity and in particular demonstrate, with reference to ISO 20887 or other standards for assessing the disassembly or adaptability of buildings, how they are designed to be more resource efficient, adaptable, flexible and dismantleable to enable reuse and recycling.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	The types of actions (economic activities) that are supported by the specific objective has an insignificant foreseeable impact on this environmental objective, Building components and materials used in the construction should comply with the criteria set out in Appendix C. Building components and materials used in the construction that may come into contact with occupiers should emit less than 0,06 mg of formaldehyde per m^3 of material or component upon testing in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006 and less than 0,001 mg of other categories 1A and 1B carcinogenic volatile organic compounds per m^3 of material or component, upon testing in accordance with CEN/EN 16516 or ISO 16000-3 or other equivalent standardised test conditions and determination methods. Where the new construction is located on a potentially contaminated site (brownfield site), the site will require an investigation for potential contaminants, for example using standard ISO 18400 or equivalent. Measures should be taken to reduce noise, dust and pollutant emissions during construction or maintenance works.
The protection and restoration of biodiversity and	X	The types of actions (economic activities) that are supported by the specific objective has an

ecosystems: Is the measure expected to be: (i) significantly detrimental to the good condition and resilience of ecosystems; or (ii) (ii) detrimental to the conservation status of habitats and species, including those of Union interest?		insignificant foreseeable impact on this environmental objective, The activity should comply with the criteria set out in Appendix D. To ensure a neutral position as a minimum, any new construction should not be built on one of the following: a. arable land and crop land with a moderate to high level of soil fertility and below ground biodiversity as referred to in the EU LUCAS survey; b. greenfield land of recognised high biodiversity value and land that serves as habitat of endangered species (flora and fauna) listed on the European Red List or the IUCN Red List; c. land matching the definition of forest as set out in national law used in the national greenhouse gas inventory, or where not available, is in accordance with the FAO definition of forest. When potential sites are being considered for construction, the local, regional, national and EU policy and legislation should be followed and positive biodiversity enhancements included within the design.

The determination is that actions under RSO 1.3 Do No Significant Harm at policy level. Proposed actions create a neutral effect on climate mitigation, climate adaption and on the environmental objectives.

Economic activities that are brought forward under this specific objective will be subject to all relevant existing and emerging policy and legislation at local, regional, national and EU level. Appendix F contains a sample list of legislation for reference purposes.

Where possible the integration of positive actions should be encouraged.

5.2 POLICY OBJECTIVE 2 ; LOW-CARBON ENERGY EFFICIENT REGIONS (PO2) RSO2.1

Efficient Regions (PO2) RSO 2.1. Promoting energy efficiency and reducing greenhouse gas emissions (ERDF).

- Improving the energy efficiency of residential homes.

Table 12 DNSH Checklist Part 2 RSO2.1

Questions	No	Substantive Justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	This has been screened out in the DNSH Checklist Part 1 The economic activity building renovation complies with the applicable requirements for major renovations. The RSO describes at least a medium to high level of energy retrofit which is understood to lead to a reduction of primary energy demand (PED) of at least 30 % Further positive interventions and specifications include: • The buildings intended in the economic activity are not dedicated to extraction, storage, transport or manufacture of fossil fuels. • The economic activity consists in one of the following individual measures, if installed on-site as technical building systems: a. installation, maintenance and repair of solar photovoltaic systems and the ancillary technical equipment; b. installation, maintenance and repair of solar hot water panels and the ancillary technical equipment; c. installation, maintenance, repair and upgrade of heat pumps contributing to the targets for renewable energy in heat and cool in accordance with Directive (EU) 2018/2001 and the ancillary technical equipment; d. installation, maintenance and repair of wind turbines and the ancillary technical equipment;

		e. installation, maintenance and repair of solar transpired collectors and the ancillary technical equipment; f. installation, maintenance and repair of thermal or electric energy storage units and the ancillary technical equipment; g. installation, maintenance and repair of high efficiency micro CHP (combined heat and power) plant; h. installation, maintenance and repair of heat exchanger/recovery systems. Where a heat pump is installed, the installation and operation of electric heat pumps should comply with both of the following criteria: a. refrigerant threshold: Global Warming Potential does not exceed 675; b. energy efficiency requirements laid down in the implementing regulations under Directive 2009/125/EC are met
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	This has been screened out in the DNSH Checklist Part 1 Proposed actions under this RSO positively contribute to this environmental objective through reduced energy demand using energy efficiency retrofits and is expected to deliver positive benefits for a life span of at least 10 years. The types of action (economic activities) are aligned to Ireland's National Energy and Climate Action Plan and the National Residential Retrofit Plan. The activity complies with the criteria set out in Appendix A. Further positive interventions and specifications include: • The economic activity will implement physical and non-physical solutions ('adaptation solutions') that substantially reduce the most important physical climate risks that are material to that activity. • The physical climate risks that are material to the activity will be identified from those listed in Appendix A by performing a

		robust climate risk and vulnerability assessment with the following steps: a. screening of the activity to identify which physical climate risks from the list in Appendix A may affect the performance of the economic activity during its expected lifetime; b. where the activity is assessed to be at risk from one or more of the physical climate risks listed in Appendix A, a climate risk and vulnerability assessment (required if the investment exceeds €10 million in value) to assess the materiality of the physical climate risks on the economic activity; c. an assessment of adaptation solutions that can reduce the identified physical climate risk. The climate risk and vulnerability assessment is proportionate to the scale of the activity and its expected lifespan, such that: a. for activities with an expected lifespan of less than 10 years, the assessment is performed, at least by using climate projections at the smallest appropriate scale; b. for all other activities, the assessment is performed using the highest available resolution, state-of-the-art climate projections across the existing range of future scenarios consistent with the expected lifetime of the activity, including, at least, 10 to 30 year climate projections scenarios for major investments. • The climate projections and assessment of impacts are based on best practice and available guidance and take into account the state-of-the-art science for vulnerability and risk analysis and related methodologies in line with the most recent Intergovernmental Panel on Climate Change reports, scientific peer-reviewed publications and open source or paying models. • The adaptation solutions implemented should: a. not adversely affect the adaptation efforts or the level of resilience to physical climate risks of

		other people, of nature, of cultural heritage, of assets and of other economic activities; b. favour nature-based solutions or rely on blue or green infrastructure to the extent possible; c. be consistent with local, sectoral, regional or national adaptation plans and strategies; d. be monitored and measured against pre-defined indicators and remedial action is considered where those indicators are not met; e. where the solution implemented is physical and consists in an activity for which technical screening criteria have been specified , the solution complies with the do no significant harm technical screening criteria for that activity.
The sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?	X	The RSO makes no specific reference to this environmental objective or to water and marine resources. Proposed actions under this RSO are targeted at existing properties so it is expected that the position for water and marine resources will remain neutral but in undertaking the economic activity improvements to surface water, groundwater or marine water can be realised these should be included. The economic activity should comply with the criteria set out in Appendix B Any renovations will be subject to the EU and national regulations required to achieve planning permission including any statutory and project specific technical survey reports as determined by regulators. A sample list of these regulations which will have to be observed is included in Appendix F of this statement. Given the period of this programme is 2021-2027 any project proposed will also have to be compliant with any relevant new and emerging legislation. It is also noted that for any renovations, a Construction Environmental Management Plan, A Construction Waste Management Plan and an Operational Waste Management Plan will be required and the necessary mitigations to protect

		water and marine resources, prevent pollution and promote the use of recyclable materials and the compliant disposal and recycling (where possible) of residual materials during the renovation stages.
The transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (iv) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (v) (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures ; or (vi) (iii) cause significant and long-term harm to the environment in respect to the circular economy	X	The types of action (economic activities) will require substantial (medium to high) retrofitting which is expected to create waste. As specific details are not available regarding estimated quantities of waste, the economic activity should design activities to fulfil the following criteria: • At least 70 % (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol. • Operators should limit waste generation in processes related construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and use selective demolition to enable removal and safe handling of hazardous substances and facilitate reuse and high-quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste. • Building designs and construction techniques should support circularity and in particular demonstrate, with reference to ISO 20887 or other standards for assessing the disassembly or adaptability of buildings, how they are designed to be more resource efficient, adaptable, flexible and dismantleable to enable reuse and recycling.

		• The activity assesses availability of and, where feasible, uses equipment and components of high durability and recyclability and that are easy to dismantle and refurbish. • A waste management plan is in place and ensures maximal reuse, remanufacturing or recycling at end of life, including through contractual agreements with waste management partners, reflection in financial projections or official project documentation.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	As specific details are not available regarding estimated quantities of waste, the economic activity should design activities that ensure building components and materials used in the construction, renovation and retrofitting activities should comply with the criteria set out in Appendix C. Additionally in the retrofit activities the following guidance should be observed: • In case of addition of thermal insulation to an existing building envelope, a building survey is carried out in accordance with national law by a competent specialist with training in asbestos surveying. Any stripping of lagging that contains or is likely to contain asbestos, breaking or mechanical drilling or screwing or removal of insulation board, tiles and other asbestos containing materials is carried out by appropriately trained personnel, with health monitoring before, during and after the works, in accordance with national law. • Building components and materials used in the building renovation that may come into contact with occupiers should emit less than 0,06 mg of formaldehyde per m^3 of material or component upon testing in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006 and less than 0,001 mg of other categories1A and 1B carcinogenic volatile organic compounds per m^3 of

		material or component, upon testing in accordance with CEN/EN 16516 or ISO 16000-3:2011 or other equivalent standardised test conditions and determination methods • Measures should be taken to reduce noise, dust and pollutant emissions during construction or maintenance works. • Where appropriate, given the sensitivity of the area affected, in particular in terms of the size of population affected, noise and vibrations from use of infrastructure should be mitigated by introducing open trenches, wall barriers or other measures and comply with Directive 2002/49/EC. • Measures should be taken to reduce noise, dust and pollutant emissions during construction or maintenance works. • For air to air heat pumps with rated capacity of 12kW or below, indoor and outdoor sound power levels are below the threshold set out in Commission Regulation (EU) No 206/2012
The protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (iii) significantly detrimental to the good condition and resilience of ecosystems; or (iv) (ii) detrimental to the conservation status of habitats and species, including those of Union interest?	X	This has been screened out in the DNSH Checklist Part 1. As the economic activity is directed towards existing buildings and not to the construction of new buildings it is not expected to be detrimental to biodiversity and ecosystems. If biodiversity enhancements can be implemented in undertaking the economic activity then these should be included. The reduction of energy demand through energy efficiency retrofits and the installation of renewable energy technologies will act to improve air quality which as an indirect positive effect on biodiversity. Cleaner air achieved through reduced carbon emissions creates a healthier ecosystem for humans and flora and fauna releasing additional health benefits.

The determination is that the proposed actions under RSO 2.1 Do No Significant Harm at policy level. The proposed actions create a positive impact on climate adaption and climate mitigation and a neutral impact on the environmental objectives. If further positive environmental interventions can be achieved these should be encouraged in undertaking the economic activity.

Economic activities that are brought forward under this Specific Objective will be subject to all relevant existing and emerging policy and legislation at local, regional, national and EU level. Appendix F contains a sample list of legislation for reference purposes.

5.3 POLICY OBJECTIVE 3 : SUSTAINABLE AND INTEGRATED URBAN DEVELOPMENT (PO5) RSO5.1

RSO 5.1. Fostering the integrated and inclusive social, economic, and environmental development, culture, natural heritage, sustainable tourism, and security in urban areas (ERDF)

- Planning Phase - Prepare integrated urban regeneration action plans / masterplans (either using procured multi-disciplinary service or short term contract within the Local Authority for required skills) which identify projects and initiatives tackling town centre regeneration, placemaking, vacancy and dereliction.

- Implementation Phase

- Deliver pilot and pathfinder projects for selected towns (priority for Key Towns or other settlements as justified by the Local Authority under selection criteria) tackling town centre regeneration, placemaking, vacancy and dereliction. This will involve capital investment and may include public realm improvement projects.

Table 13 DNSH Checklist Part 2 RSO5.1

Questions	No	Substantive Justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	Proposed actions under this specific objective may be used to fund regeneration projects in towns including the renovation of derelict structures. Additional Appropriate Assessment Screening, SEA Screening and EIA Screening may be required under local, regional, national and EU policy. Once project details on specific designs and works programmes are known, then the relevant assessments can be conducted. On the basis that economic activities are compliant with the relevant existing and emerging legislation, and that appropriate environmental assessment of the extent of works are undertaken then this policy objective will not have a negative impact on climate change mitigation. Guidelines for the economic activity include: 1. The economic activity has implemented physical and non-physical solutions ('adaptation solutions') that substantially reduce the most important physical climate risks that are material to that activity. 2. The physical climate risks that are material to the activity have been identified from those listed in Appendix A by performing a robust climate risk and vulnerability assessment (required if the

		investment exceeds €10 million in value)with the following steps: a. screening of the activity to identify which physical climate risks from the list in Appendix A may affect the performance of the economic activity during its expected lifetime; b. where the activity is assessed to be at risk from one or more of the physical climate risks listed in Appendix A , a climate risk and vulnerability assessment to assess the materiality of the physical climate risks on the economic activity; c. an assessment of adaptation solutions that can reduce the identified physical climate risk. The climate risk and vulnerability assessment is proportionate to the scale of the activity and its expected lifespan, such that: a. for activities with an expected lifespan of less than 10 years, the assessment is performed, at least by using climate projections at the smallest appropriate scale; b. for all other activities, the assessment is performed using the highest available resolution, state-of-the-art climate projections across the existing range of future scenarios consistent with the expected lifetime of the activity, including, at least, 10 to 30 year climate projections scenarios for major investments. 3. The climate projections and assessment of impacts are based on best practice and available guidance and take into account the state-of-the-art science for vulnerability and risk analysis and related methodologies in line with the most recent Intergovernmental Panel on Climate Change reports, scientific peer-reviewed publications and open source or paying models. 4. The adaptation solutions implemented: a. do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of

		cultural heritage, of assets and of other economic activities; b. favour nature-based solutions or rely on blue or green infrastructure to the extent possible; c. are consistent with local, sectoral, regional or national adaptation plans and strategies; d. are monitored and measured against pre-defined indicators and remedial action is considered where those indicators are not met; e. where the solution implemented is physical and consists in an activity for which technical screening criteria have been specified in this Annex, the solution complies with the do no significant harm technical screening criteria for that activity. 5. In order for an activity to be considered as an enabling activity as referred to in Article 11(1), point (b), of Regulation (EU) 2020/852, the economic operator demonstrates, through an assessment of current and future climate risks, including uncertainty and based on robust data, that the activity provides a technology, product, service, information, or practice, or promotes their uses with one of the following primary objectives: a. increasing the level of resilience to physical climate risks of other people, of nature, of cultural heritage, of assets and of other economic activities; b. contributing to adaptation efforts of other people, of nature, of cultural heritage, of assets and of other economic activities. The activity should not be undertaken for the purposes of fossil fuel extraction or fossil fuel transport.
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	As the economic activity may include public realm enhancements, in the planning stage the economic activity is predominantly aimed at the provision of consultancy that helps one or more economic activities for which the technical screening criteria have been set out in this Annex to meet those respective criteria for substantial contribution to climate change adaptation, while

		respecting the relevant criteria for doing no significant harm to other environmental objectives. The economic activity complies with one the following criteria: a. it uses state-of-the-art modelling techniques that: i. properly reflect climate change risks; ii. do not rely only on historical trends; iii. integrate forward-looking scenarios; b. it develops climate models and projections, services and assessment of impacts, the best available science for vulnerability and risk analysis and related methodologies line with the most recent Intergovernmental Panel on Climate Change reports and scientific peer-reviewed publications. The economic activity removes information, financial, technological and capacity barriers to adaptation. The potential to reduce material impacts due to climate risks is mapped through a robust climate risk assessment in the target economic activity. Activities in architectural design take into account climate proofing guidelines, climate-related hazards modelling and enable the adaptation of construction and infrastructure, including building codes and integrated management systems. In the implementation of the economic activity phase the adaptation solutions implemented: a. do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of cultural heritage, of assets and of other economic activities; b. favour nature-based solutions(636) or rely on blue or green infrastructure(637) to the extent possible;

		c. are consistent with local, sectoral, regional or national adaptation plans and strategies; d. are monitored and measured against pre-defined indicators and remedial action is considered where those indicators are not met; e. where the solution implemented is physical and consists in an activity for which technical screening criteria have been specified in the DNSH Annex, the solution complies with the do no significant harm technical screening criteria for that activity.
The sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?	X	Any built developments will be subject to the EU and national regulations required to achieve planning permission including any statutory and project specific technical survey reports as determined by regulators. A sample list of these regulations which will have to be observed is included in Appendix F of this statement. No specific activity location or details are known, nor is there any specific reference to water, groundwater or marine waters. Given the period of this programme is 2021-2027 any project proposed will also have to be compliant with any relevant new and emerging legislation and on this basis should deliver as a minimum a neutral position against this environmental objective. It is also noted that for any built works, a Construction Environmental Management Plan, A Construction Waste Management Plan and an Operational Waste Management Plan will be required and the necessary mitigations to protect water and marine resources, prevent pollution, promote the use of recyclable materials and protect and restore biodiversity The implementation of SUDS (Sustainable Urban Drainage Systems) within economic activities is a positive intervention where appropriate. SuDS are designed to both manage the flood and pollution risks resulting from urban runoff and to contribute wherever possible to environmental enhancement and place making. With this in mind, the multi-functionality and multiple benefits of SuDS should always be considered.

		Where other water quality improvements and protective measure scan be integrated within the economic activity, these should be considered at Planning Stage.
The transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (vii) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (viii) (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures (; or (ix) (iii) cause significant and long-term harm to the environment in respect to the circular economy	X	The economic activity seeks to enable derelict structures to be reused or repurposed. This provides advantages in that existing building stock can be used with renovations. Reusing existing structures as an alternative to new construction utilises existing developed areas and reduces the impact of the construction of new buildings on a new site. The extent of renovations is unknown, but is expected to generate a quantity of waste and the use of additional materials to return the structures to usable condition. The quantity of waste will be unique to each economic activity so is as yet unknown. Similarly with public realm enhancements, in compliance with existing legislation this economic activity at policy level provides a neutral position against the environmental objective. The economic activity should design activities that fulfil the following criteria: • At least 70 % (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol. • Operators should limit waste generation in processes related construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and use selective demolition to enable removal and safe handling of hazardous substances and facilitate reuse and high-

		quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste. • Building designs and construction techniques (including retrofitting of derelict buildings) should support circularity and in particular demonstrate, with reference to ISO 20887 or other standards for assessing the disassembly or adaptability of buildings, how they are designed to be more resource efficient, adaptable, flexible and dismantleable to enable reuse and recycling. • The activity assesses availability of and, where feasible, uses equipment and components of high durability and recyclability and that are easy to dismantle and refurbish. • A waste management plan is in place and ensures maximal reuse, remanufacturing or recycling at end of life, including through contractual agreements with waste management partners, reflection in financial projections or official project documentation.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	If in compliance with existing policy and legislation, actions under this RSO are neutral in terms of DNSH. The building components and materials used in the construction should comply with the criteria set out in Appendix C. • In case of addition of thermal insulation to an existing building envelope, a building survey is carried out in accordance with national law by a competent specialist with training in asbestos surveying. Any stripping of lagging that contains or is likely to contain asbestos, breaking or mechanical drilling or screwing or removal of insulation board, tiles and other asbestos containing materials is carried out by appropriately trained personnel, with health monitoring before, during and

		after the works, in accordance with national law. • Building components and materials used in the building renovation that may come into contact with occupiers should emit less than 0,06 mg of formaldehyde per m^3 of material or component upon testing in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006 and less than 0,001 mg of other categories1A and 1B carcinogenic volatile organic compounds per m^3 of material or component, upon testing in accordance with CEN/EN 16516 or ISO 16000-3:2011 or other equivalent standardised test conditions and determination methods • Measures should be taken to reduce noise, dust and pollutant emissions during construction or maintenance works. • Where appropriate, given the sensitivity of the area affected, in particular in terms of the size of population affected, noise and vibrations from use of infrastructure should be mitigated by introducing open trenches, wall barriers or other measures and comply with Directive 2002/49/EC. • Measures should be taken to reduce noise, dust and pollutant emissions during construction or maintenance works. Where derelict buildings are renovated and fitted with air to air heat pumps these should be installed with rated capacity of 12kW or below, indoor and outdoor sound power levels are below the threshold set out in Commission Regulation (EU) No 206/2012. Within public realm schemes the introduction of Electric Vehicle (EV) infrastructure has the potential to improve air quality through a reduction in the use of petrol and diesel vehicles and should be used as a positive intervention where appropriate.

The protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (v) significantly detrimental to the good condition and resilience of ecosystems; or (vi) (ii) detrimental to the conservation status of habitats and species, including those of Union interest?	X	Actions under this RSO that are in keeping with the initial environmental statement and in compliance with existing legislation and policy present as a neutral position for DNSH. Where the economic activity relates to repurposing derelict buildings, further ecological assessment should be undertaken to identify if derelict buildings have become habitats for protected species. Prior to any renovation, repair or maintenance or other construction work on these premises The activity should comply with the criteria set out in Appendix D Where relevant, maintenance of vegetation along road transport infrastructure ensures invasive species do not spread. Mitigation measures to prevent wildlife collisions on economic activities for public realm enhancements should be implemented where relevant and appropriate.

The determination is that actions under RSO 5.1 Do No Significant Harm at policy level. Proposed actions create a neutral impact on climate adaption and climate mitigation and a neutral impact on the environmental objectives. If further positive environmental interventions can be achieved these should be encouraged in undertaking the economic activity.

Economic activities that are brought forward under this Specific Objective will be subject to all relevant existing and emerging policy and legislation at local, regional, national and EU level. Appendix F contains a sample list of legislation for reference purposes.

6. CONCLUSION

6.1 SUMMARY OF DNSH ASSESSMENT.

From the initial Environmental Statement in the Programme, there is a high level commitment to respecting environmental objectives and implementing measures that have as a minimum a neutral effect on the environment.

The conclusion of the DNSH assessment for the Programme as described is that type of actions proposed under each of the Specific Objectives considered in this report **Do No Significant Harm.**

As described these are high level objectives indicting types of actions and economic activities that may arise as a result of ERDF funding being made available.

In conjunction with the DNSH Assessment both a Strategic Environmental Assessment and an Appropriate Assessment have been undertaken in addition to Regional Flood Risk Assessment Screening on the Specific Objectives as they apply to the geographic area. Additional environmental assessment while mandatory in this instance is a positive action to assess the impact of the Programme.

The conclusions of these reports can be viewed in conjunction with the DNSH, but each indicates that the proposed actions under each of the Specific Objectives are not intended to be harmful to the environment but signpost the need to screen and assess specific economic activities against local, regional, national and EU policy guidance and legislation when activity locations and activity details are understood.

It will be the responsibility of the Regional Assembly and it's appointed agents to require that full compliance with the appropriate legislation is maintained and respected during the lifetime of the Programme and that economic activities undertaken do not create an impact that is prolonged after the completion of the Programme.

Furthermore, proposed economic activities relevant to the Programme objectives should also consider a 'no intervention' scenario, where the DNSH criteria can be used to determine the environmental position if no activity is undertaken. If the activity provides an improved environmental condition against any of the DNSH criteria while remaining at least neutral on the others this is a positive activity. By applying this methodology, it can assist with prioritising activities and types of actions that are more beneficial rather than those that simply meet the criteria for selection.

Where appropriate and relevant further positive environmental interventions should be designed and implemented particularly where economic activities involve retrofitting or renovating existing or derelict properties and undertaking public realm enhancements. Examples of these are included in the DNSH Checklist justification and recommendations and details of standards are included in the Appendices of this report and are taken from the Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing

Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives.

At each decision gateway the Regional Assembly and its appointed agents should encourage the use of and consider the information contained within what the Commission Notice Technical guidance on the application of 'do no significant harm' under the Recovery and Resilience Facility Regulation (2021/C 58/01) describes as ***"Cross-cutting supporting evidence",*** examples of which include:

- "***The applicable part of the EU environmental legislation (in particular environmental assessments) has been complied with and relevant permits/authorisations have been granted.***
- ***The measure includes elements requiring companies to implement a recognised environmental management system, such as EMAS (or alternatively ISO 14001 or equivalent), or to use and/or produce goods or services that are awarded an EU Ecolabel or another Type I environmental label***
- ***The measure concerns the implementation of best environmental practices or the reaching of benchmarks of excellence set out in the Sectoral Reference Documents adopted according to Article 46(1) of Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a community eco-management and audit scheme (EMAS).***
- ***For public investments, the measure respects green public procurement criteria***
- ***For infrastructure investments, the investment has been subject to a climate and environmental proofing."***

Where supporting evidence is presented to the Regional Assembly and/or its appointed agents the timing, validity and the technical content should also be verified to ensure that the information provided is both relevant and current.

If any economic activity is proposed using technology or methods that are untested or unproved or the environmental impacts are uncertain, the Regional Assembly and its appointed agents should exercise due diligence and request as a minimum that further evidence should be presented to justify its compliance to the Do No Significant Harm criteria and the relevant local, regional, national and EU policies and legislation.

Any economic activity under consideration should also consider in combination or cumulative effects with other developments. It is not possible to assess this as activity details and locations are not yet available. Once known, then other economic activities in the geographical area that have the potential to create a cumulative effect should be reviewed and the potential cumulative effect assessed with consideration to all the DNSH criteria.

6.2 MINIMUM SAFEGUARDS

Minimum safeguards should be implemented by an undertaking that is carrying out an economic activity to ensure the alignment with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, including the principles and rights set out in the eight fundamental conventions identified in the Declaration of the International Labour Organisation on Fundamental Principles and Rights at Work and the International Bill of Human Rights.

When implementing these procedures, undertakings shall adhere to the principle of 'do no significant harm' referred to in point (17) of Article 2 of Regulation (EU) 2019/2088

7. TECHNICAL SUMMARY

Having completed DNSH Assessment - Checklist Part 1 & 2 the findings are as follows:

- Policy Objective 1- Smarter and more Competitive Regions (P01) RSO1.1 -

Does No Significant Harm

- Policy Objective 1- Smarter and more Competitive Regions (P01) RSO1.3

Does No Significant Harm

Policy Objective 2 ; Low-Carbon Energy Efficient Regions (PO2) RSO2.1

Does No Significant Harm

- Policy Objective 3 : Sustainable and Integrated Urban Development (PO5) RSO5.1

Does No Significant Harm

A summary of the intervention codes are enclosed in Table 14.

Table 14 Summary of intervention codes used for the Specific Policy Objectives of the Regional Programme

Specific Policy Objective	Intervention Code	Coefficient for the calculation of support to climate change objectives	Coefficient for the calculation of support to environmental objectives
RSO 1.1	012	0%	0%
RSO 1.1	028	0%	0%
RSO 1.3	026	0%	0%
RSO 2.1	042	100%	40%
RSO 5.1	168	0%	0%
RSO 5.1	169	0%	0%

APPENDIX A – GENERIC CRITERIA FOR DNSH TO CLIMATE CHANGE ADAPTION

APPENDIX A Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council

APPENDIX A: GENERIC CRITERIA FOR DNSH TO CLIMATE CHANGE ADAPTATION

I. Criteria

- The physical climate risks that are material to the activity have been identified from those listed in the table in Section II of this Appendix by performing a robust climate risk and vulnerability assessment with the following steps:

(a) screening of the activity to identify which physical climate risks from the list in Section II of this Appendix may affect the performance of the economic activity during its expected lifetime;
(b) where the activity is assessed to be at risk from one or more of the physical climate risks listed in Section II of this Appendix, a climate risk and vulnerability assessment to assess the materiality of the physical climate risks on the economic activity;
(c) an assessment of adaptation solutions that can reduce the identified physical climate risk.

- The climate risk and vulnerability assessment is proportionate to the scale of the activity and its expected lifespan, such that:

(a) for activities with an expected lifespan of less than 10 years, the assessment is performed, at least by using climate projections at the smallest appropriate scale;
(b) for all other activities, the assessment is performed using the highest available resolution, state-of-the-art climate projections across the existing range of future scenarios consistent with the expected lifetime of the activity, including, at least, 10 to 30 year climate projections scenarios for major investments.

- The climate projections and assessment of impacts are based on best practice and available guidance and take into account the state-of-the-art science for vulnerability and risk analysis and related methodologies in line with the most recent Intergovernmental Panel on Climate Change reports , scientific peer-reviewed publications, and open source or paying models.
- For existing activities and new activities using existing physical assets, the economic operator implements physical and non-physical solutions (‘adaptation solutions’), over a period of time of up to five years, that reduce the most important identified physical climate risks that are material to that activity.
- An adaptation plan for the implementation of those solutions is drawn up accordingly. For new activities and existing activities using newly-built physical assets, the economic operator integrates the adaptation solutions that reduce the most important identified physical climate risks that are material to that activity at the time of design and construction and has implemented them before the start of operations.
- The adaptation solutions implemented do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of cultural heritage, of assets and of other economic activities; are consistent with local, sectoral, regional or national adaptation strategies and plans; and consider the use of nature-based solutions4 or rely on blue or green infrastructure5 to the extent possible

- Other economic activities; are consistent with local, sectoral, regional or national adaptation strategies and plans; and consider the use of nature-based solutions or rely on blue or green infrastructure to the extent possible.

- Future scenarios include Intergovernmental Panel on Climate Change representative concentration pathways RCP2.6, RCP4.5, RCP6.0 and RCP8.5.
- Assessments Reports on Climate Change: Impacts, Adaptation and Vulnerability, published periodically by the Intergovernmental Panel on Climate Change (IPCC), the United Nations body for assessing the science related to climate change produces, https://www.ipcc.ch/reports/. Such as Copernicus services managed by the European Commission.

II. Classification of climate-related hazards

	Temperature Related	Wind Related	Water Related	Solid Mass Related
Chronic	Changing temperature (air, freshwater, marine water)	Changing wind patterns	Changing precipitation patterns and types (rain, hail, snow/ice)	Coastal erosion
	Heat stress		Precipitation or hydrological variability	Soil degradation
	Temperature variability		Ocean acidification	Soil erosion
	Permafrost thawing		Saline intrusion	Solifluction
			Sea level rise	
			Water stress	
Acute	Acute Heat wave	Cyclone, hurricane, typhoon	Drought	Avalanche
	Cold wave/frost	Storm (including blizzards, dust and sandstorms)	Heavy precipitation (rain, hail, snow/ice)	Landslide
	Wildfire	Tornado	Flood (coastal, fluvial, pluvial, ground water)	Subsidence
			Glacial lake outburst	

- Nature-based solutions are defined as 'solutions that are inspired and supported by nature, which are cost-effective, simultaneously provide environmental, social and economic benefits and help build resilience. Such solutions bring more, and more diverse, nature and natural features and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions'.
- Therefore, nature-based solutions benefit biodiversity and support the delivery of a range of ecosystem services. (version of [adoption date]: https://ec.europa.eu/research/environment/index.cfm?pg=nbs).
- See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Green Infrastructure (GI) — Enhancing Europe's Natural Capital (COM/2013/0249 final).

The list of climate-related hazards in this table is non-exhaustive, and constitutes only an indicative list of most widespread hazards that are to be taken into account as a minimum in the climate risk and vulnerability assessment.

APPENDIX B – GENERIC CRITERIA FOR DNSH TO SUSTAINABLE USE AND PROTECTION OF WATER AND MARINE RESOURCES

APPENDIX B Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council

APPENDIX B: GENERIC CRITERIA FOR DNSH TO SUSTAINABLE USE AND PROTECTION OF WATER AND MARINE RESOURCES

- Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed with the aim of achieving good water status and good ecological potential as defined in Article 2, points (22) and (23), of Regulation (EU) 2020/852, in accordance with Directive 2000/60/EC and a water use and protection management plan, developed thereunder for the potentially affected water body or bodies, in consultation with relevant stakeholders.
- Where an Environmental Impact Assessment is carried out in accordance with Directive 2011/92/EU and includes an assessment of the impact on water in accordance with Directive 2000/60/EC, no additional assessment of impact on water is required, provided the risks identified have been addressed.

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).
For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan developed in consultation with relevant stakeholders which ensures that
1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed and
2) deterioration or prevention of good status/ecological potential is avoided or, where this is not possible,
3) justified by the lack of better environmental alternatives which are not disproportionately costly/technically unfeasible, and all practicable steps are taken to mitigate the adverse impact on the status of the body of water.
Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1)

APPENDIX C – GENERIC CRITERIA FOR DNSH TO POLLUTION PREVENTION AND CONTROL REGARDING USE AND PRESENCE OF CHEMICALS

APPENDIX C Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council

APPENDIX C: GENERIC CRITERIA FOR DNSH TO POLLUTION PREVENTION AND CONTROL REGARDING USE AND PRESENCE OF CHEMICALS

The activity does not lead to the manufacture, placing on the market or use of:

i. substances, whether on their own, in mixtures or in articles, listed in Annexes I or II to Regulation (EU) 2019/1021, except in the case of substances present as an unintentional trace contaminant;
ii. mercury and mercury compounds, their mixtures and mercury-added products as defined in Article 2 of Regulation (EU) 2017/852;
iii. substances, whether on their own, in mixture or in articles, listed in Annex I or II to Regulation (EC) No 1005/2009;
iv. substances, whether on their own, in mixtures or in an articles, listed in Annex II to Directive 2011/65/EU, except where there is full compliance with Article 4(1) of that Directive;
v. substances, whether on their own, in mixtures or in an article, listed in Annex XVII to Regulation (EC) 1907/2006, except where there is full compliance with the conditions specified in that Annex;
vi. substances, whether on their own, in mixtures or in an article, meeting the criteria laid down in Article 57 of Regulation (EC) 1907/2006 and identified in accordance with Article 59(1) of that Regulation, except where their use has been proven to be essential for the society;
vii. other substances, whether on their own, in mixtures or in an article, that meet the criteria laid down in Article 57 of Regulation (EC) 1907/2006, except where their use has been proven to be essential for the society.

- Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).
- Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1).
- Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1).
- Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. (OJ L 174, 1.7.2011, p. 88).
- Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. (OJ L 396, 30.12.2006, p. 1)

APPENDIX D – GENERIC CRITERIA FOR DNSH TO PROTECTION AND RESTORATION OF BIODIVERSITY AND ECOSYSTEMS

APPENDIX D Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council

APPENDIX D: GENERIC CRITERIA FOR DNSH TO PROTECTION AND RESTORATION OF BIODIVERSITY AND ECOSYSTEMS

- An Environmental Impact Assessment (EIA) or screening has been completed in accordance with Directive 2011/92/EU .
- Where an EIA has been carried out, the required mitigation and compensation measures for protecting the environment are implemented.
- For sites/operations located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas), an appropriate assessment, where applicable, has been conducted and based on its conclusions the necessary mitigation measures are implemented.

- The procedure through which the competent authority determines whether projects listed in Annex II to Directive 2011/92/EU is to be made subject to an environmental impact assessment (as referred to in Article 4(2) of that Directive).
- For activities in third countries, in accordance with equivalent applicable national law or international standards requiring the completion of an EIA or screening, for example, IFC Performance Standard 1: Assessment and Management of Environmental and Social Risks. In accordance with Directives 2009/147/EC and 92/43/EEC.
- For activities located in third countries, in accordance with equivalent applicable national law or international standards, that aim at the conservation of natural habitats, wild fauna and wild flora, and that require to carry out :
- (1) a screening procedure to determine whether, for a given activity, an appropriate assessment of the possible impacts on protected habitats and species is needed;
- (2) such an appropriate assessment where the screening determines that it is needed, for example IFC Performance Standard
- Biodiversity Conservation and Sustainable Management of Living Natural Resources.
- Those measures have been identified to ensure that the project, plan or activity will not have any significant effects on the conservation objectives of the protected area.

APPENDIX E – TECHNICAL SPECIFICATIONS FOR WATER APPLIANCES

APPENDIX E Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council

APPENDIX E: TECHNICAL SPECIFICATIONS FOR WATER APPLIANCES

1. The flow rate is recorded at the standard reference pressure 3 -0/+ 0,2 bar or 0,1 -0/+0,02 for products limited to low pressure.

2. The flow rate at the lower pressure 1,5 -0/+ 0,2 bar is ≥ 60 % of the maximum available flow rate.

3. For mixer showers, the reference temperature is 38 ± 1℃.

4. Where the flow has to be lower than 6 L/min, it complies with the rule set out in point 2.

5. For taps the procedure described in clause 10.2.3 of EN 200 is followed, with the following exceptions:

(a) for taps that are not limited to low pressure applications only: apply a 3 -0/+ 0,2 bar pressure to both the hot and the cold inlets, alternatively;

(b) for taps that are limited to low pressure applications only: apply a 0,4 -0/+0,02 bar pressure to both the hot and the cold inlets and fully open the flow control.

Reference to EU standards is available at EU level to assess technical specifications of products: EN 200 on "Sanitary tapware. Single taps and combination taps for water supply systems of type 1 and type 2. General technical specification"; EN 816 "Sanitary tapware –Automatic shut-off valves PN 10";·EN 817 "Mechanical mixing valves (PN 10) -General technical specifications";·EN 1111 "Sanitary tapware –Thermostatic mixing valves (PN 10) – General technical specification"; EN 1112 on "Sanitary tapware. Shower outlets for sanitary tapware for water supply systems of type 1 and type 2 –General technical specification";·EN 1113 on "Sanitary tapware – Shower hoses for sanitary tapware for water supply systems of type 1 and type 2 –General technical specification", including a method to test the resistance to flexing of the hose;·EN 1287 on "Sanitary tapware. Low pressure thermostatic mixing valves. General technical specifications";·EN 15091 "Sanitary tapware –Electronic opening and closing sanitary tapware".'

APPENDIX F – REGISTER OF LEGISLATION

A1: IPPC Legislation

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
Integrated Pollution Control (IPC) Licensing	Since 2002, any person or company involved in certain large-scale or complex industrial processes with significant polluting potential are required to have an IPC licence.	Adhere to IPC improvement programme, as per licence granted
Environmental Protection Agency (Integrated Pollution Control) (Licensing) (Amendment) Regulations 2020, S.I. No. 189 of 2020	Amendments outlined within regulations with regards to environmental impact assessment report requirements by the EPA in respect of an application for a licence	For information purposes only
European Union (Environmental Impact Assessment) (Integrated Pollution & Prevention Control) (No 2) Regulations 2012 (S.I. No. SI 282/ 2012)	These Regulations amend the Environmental Protection Agency Act 1992 (No. 7 of 1992) and the Planning and Development Act 2000 (No. 30 of 2000) so as to ensure that an environmental impact assessment is carried out, where required under Directive No. 2011/92/EC, in relation to relevant decisions of the EPA to grant an integrated pollution prevention and control licence.	These Regulations only apply to integrated pollution prevention and control licence applications made to the Agency before 30 September 2012

Integrated Pollution Prevention & Control Directive 96/61/EC Codified and Directive 2008/1/EC	The IPC Act was amended in 2003 by the Protection of the Environment Act, 2003 which gave effect to the Integrated Pollution Prevention Control (IPPC) Directive (96/61/EC), codified (Directive 2008/1/EC)	The IPPC regime will replace existing IPC regime. The EPA will review IPC licences and transfer under the new PPC regime. Operators will be advised of any amendments to their licence.
Environmental Protection Agency (Licensing Fees) Regulations 2013 - S.I. No. 284 of 2013	These Regulations set fees for applications to the EPA for licences to carry out certain Industrial Emissions Directive (2010/75/EU) waste activities specified in the First Schedule to the Environmental Protection Agency Act 1992 (inserted by the Protection of the Environment Act 2003 and amended by the European Union (Industrial Emissions) Regulations 2013 (S.I. No. 138 of 2013)).	Refer to schedule of fees table for class II waste activities. Fees payable to EPA for certain activity / class of activity. Fees apply for a review of a licence or revised licence
Protection of the Environment Act 2003	This Act transposes the Integrated Pollution Prevention and Control (IPPC) Directive into Irish law. All major industry in the Republic of Ireland is now subject to this system of licensing. These licences are issued by the EPA and cover all aspects of an affected company's environmental performance, including on-site waste storage activities which have environmental implications. The EPA is responsible for monitoring emissions from large or complex industries with significant polluting	Adhere to emission limits within licence to ensure any impacts to the environment are prevented

	potential and dealing with any infringements of the terms of the licence.	
Environmental Protection Agency Act, Section 81, 1992.	This section of the Act calls for licences to be in place when dealing an industrial process in terms of; air and water quality management, special control and such other matters relating to the prevention, limitation, elimination, abatement or reduction of environmental pollution as it considers necessary.	Adhere to emission limits within licence to ensure any impacts to the environment are prevented
European Union (Environmental Impact Assessment) (Environmental Protection Agency Act 1992) (Amendment) Regulations 2020, S.I. No. 191 of 2020	Amends the Environmental Protection Agency of 1992 as follows - - by the substitution of “environmental impact assessment report” for “environmental impact statement” and “environmental impact assessment reports” for “environmental impact statements” in each place where either occurs throughout the regulations	For information purposes only

A2 : Legislation related to Air Quality

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
Air Pollution Act, 1987	These Regulations prescribe the 1st February 1989 as the day on or after which industrial plant shall not be operated unless a licence under the Air Pollution Act, 1987 is in force in relation to the plant. The Regulations provide that existing plant of any class specified in the First Schedule shall not be operated on or after 1st March 1989 unless a licence under the Act is in force in relation to the plant, and also provide for various procedural matters under the Act in relation to the licensing of industrial plants, appeals to An Bord Pleanala n relation there to, register of license, and fees for applications for licences and appeals.	Industrial plant in operation shall have a licence under the Air Pollution Act, 1987.
Air Pollution Act, 1987 (Air Quality Standards) Regulations, 1987	The Regulation specifies air quality standards for sulphur dioxide, suspended particulates, lead and nitrogen dioxide regarding their limit and emission values. Regulations places responsibility on the EPA for the measurement of air quality.	Comply with limit and emission values. Minimise emissions where reasonable.
Air Pollution Act, 1987 (Sulphur Content of Heavy Fuel Oil and Gas Oil) Regulations, 2011	These Regulations replace the Air Pollution Act, 1987. They give effect to Council Directive 1999/332/EC relating to a reduction in the Sulphur content of certain liquid fuels and amending Directive 93/12/EEC. They - prohibit the use of heavy fuel oils with a sulphur content exceeding 1% by mass from 1 January 2003. - Replaces the ban on the marketing of gas oils with a Sulphur content exceeding 0.2% by mass (in operation since 1 October	A person or operator shall not use heavy fuel oil, the sulphur content of which exceeds 1% by mass.

	1994) with a ban on the use of these oils. - Provides for further Sulphur reduction to content not exceeding 0.1% by mass from 1 January 2008. The Directive widens the definition of "gas oil" so that the Regulations now encompass both aviation kerosene and marine gas oils.	
Air Quality Standards (Amendment) and Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air (Amendment) Regulations 2016 (S.I. S.I. No. 659/2016)	These Regulations transpose Commission Directive (EU) 2015/1480 of 28 August 2015 amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality. In so doing, they amend the Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations 2009 (S.I. No. 58 of 2009) and Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011) respectively, which transposed the earlier Directives.	Refer to Part 3 and 4 of Schedule 1 for sampling points selection criteria, monitoring site locations and documentation requirements

Air quality standards regulations 2011 (S.I. No. 180 of 2011)	These Regulations transpose the Directive on ambient air quality and cleaner air for Europe (CAFE) into Irish law. They introduce a limit value to PM2.5 in addition to the existing limit values for PM10, nitrogen dioxide and oxides of nitrogen, sulphur dioxide, lead, ozone, carbon monoxide and benzene.	BM must ensure that the monitoring, assessment and management of ambient air quality is in accordance with the limit detailed within the directives.

S.I. No. 44/2017 - European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2017	These Regulations make provisions necessary for the purposes of full and effective implementation in Ireland of Regulation (EU) No. 517/2014 on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006. The new EU Regulation builds on the existing regulation whereby it aims to gradually over time phase down high global warming potential (GWP) fluorinated greenhouse (F-gases) and replace them with more environmentally friendly alternatives. Some key provisions include: Extended containment provisions including recording leak checks · Service and maintenance ban using high GWP refrigerants · Extended placing on the market bans (Annex III) · Phasing down the amount of F-gases that can be placed on the market through gradually reducing quotas given to F-gas producers and importers	Leak checks will be required on equipment which contains fluorinated greenhouse gases in quantities of 5 tonnes of CO2 equivalent or more (10 tonnes of CO2 equivalent if the unit is hermetically sealed). Equipment containing less than 3kg; or 6kg if hermetically sealed, is not required to undertake leak checks until 1 January 2017. Ensure that any maintenance or servicing is only undertaken by a certified company. Do not use banned refrigerants.

Regulation (EU) No. 517 of 2014 on fluorinated greenhouse gases Repealing Regulation (EC) No. 842 of 2006	The objective of this Regulation is to protect the environment by reducing emissions of fluorinated greenhouse gases. Accordingly, this Regulation: (a) establishes rules on containment, use, recovery and destruction of fluorinated greenhouse gases, and on related ancillary measures; (b) imposes conditions on the placing on the market of specific products and equipment that contain, or whose functioning relies upon, fluorinated greenhouse gases; (c) imposes conditions on specific uses of fluorinated greenhouse gases; and (d) establishes quantitative limits for the placing on the market of hydrofluorocarbons.	Leak checks will be required on equipment which contains fluorinated greenhouse gases in certain quantities. The frequency of leak checks is determined by the tonnage of CO2 equivalent of F Gas in the equipment. Equipment included in the scope of the regulations: a) stationary refrigeration equipment b) stationary air- conditioning equipment c) stationary heat pumps d) stationary fire protection equipment e) electrical switchgear Companies that service air conditioning, refrigeration and fire protection systems that contain F gas must be certified. Servicing includes installing, repairing, maintaining and decommissioning. Company certification is in addition to the requirement to ensure employees are suitably trained.

Control of Substances that Deplete the Ozone Layer Regulations 2011 (S.I. No. 465/2011)	These Regulations implement in Ireland Regulation (EC) No. 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer. They, among other things: designate the EPA as the competent authority for the purposes of the Regulation; prescribe restrictions on the import and export of controlled substances (i.e. those substances falling within the scope of Regulation (EC) No. 1005/2009) in line with the Regulation; provide for inspections by the Agency and support to the Agency by competent bodies in promoting recycling and recovery of controlled substances and inspections; define responsibility of producers, undertakings and any other person whose business involves the use of controlled substances, or the marketing, maintenance or servicing of products or equipment which contain such substances; and provide for waste management in respect of controlled substances.	Various requirements for persons whose business involves the use of controlled substances. Qualification requirements for persons whose business or employment involves leakage control, recovery, recycling, reclamation or destruction of controlled substances. Installation, servicing, maintenance dismantling or disposal of equipment in which controlled substances are used.
Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products (Amendment) Regulations 2012 (S.I. 186 of 2012) and Emissions of Volatile Organic Compounds from Organic Solvents Regulations, 2002	These Regulations transpose Directive 2010/79/EU on the limitation of emissions of volatile organic compounds (VOCs). Directive 2010/79/EU amends Directive 2004/42/EC by inserting a new Annex III concerning analytical methods used to determine the VOC content of products specified in Annex I. The Volatile Organic Compounds from Organic Solvents Regulations introduced controls on emissions of VOCs from various sectoral activities ranging from dry cleaning and pharmaceutical manufacture to vehicle respraying.	Retain records of solvent use. Liaise with regulator and determine if activities exceed threshold levels following extension of paint plant line

European Communities (Vehicle Testing) 1981-1986	These regulations require roadworthiness tests on heavy goods vehicles, buses and ambulances including pollution / smoke tests.	Any company heavy goods vehicles to be checked and kept in good running order All company vehicles to comply with required test intervals
European Communities (Vehicle Testing) Regulations, 2004	These Regulations consolidate the existing Regulations relating to the arrangements for the compulsory testing of commercial vehicles. They also provide for the use of design gross vehicle weight for determining vehicle classification for the purposes of testing vehicles, the introduction of a retest, the differentiation of heavy goods vehicles by size for test fee purposes, and a revision in the scale of test fees.	
Road Vehicle (construction & Use) Regulations (NI) 1999 SR1999/104 / (Amendment) (No. 3) Regulations 2009	It is an offence to use a vehicle if it is emitting "smoke, visible vapour, grit, sparks, ashes, cinders or oily substances" in such a way as is likely to cause "damage to any property or injury or danger to any person. Sets emissions limits for CO, HC, NOX and particulates (diesel only). Drivers are required to switch of their vehicle's engines when stationary and to keep engines in tune and any emission control equipment working efficiently.	Company to only use / drive vehicles with up to date roadworthiness tests
European Communities (Mechanically Propelled Vehicle Emission Control) Regulations, 1997	The Regulations aim to control emissions from vehicles that have the potential to produce smoke, visible vapour, grit, sparks ashes, cinders and oily substances.	Ensure vehicles adhere to emission standards.
European Communities (Mechanically Propelled Vehicle Emission Control) Regulations, 1996	These Regulations prohibit the issue for certain new vehicles from 1 November 1996 unless the vehicles conform to the air pollutant emission control requirements of the Directive.	

European Communities (Protection of Workers) (Exposure to Asbestos) Regulations, 1989	Employers who are responsible for those working in an environment with possible asbestos-containing materials to Identify any asbestos on a site before work commences; Assess the risks to employees' health from the work, provide employees with information, instruction and training; Prevent employees' exposure to asbestos and Dispose of any waste containing asbestos properly.	Ensure an asbestos survey is undertaken prior to any planned works if there is any likelihood of asbestos being present in the building.
Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 & 2010	A series of Regulations have been made to ensure that workers are protected from risks related to exposure to asbestos at work. They apply to all places of work and all sectors of work where asbestos-containing materials (ACMs) may be present, and to everyone who may be at risk from exposure when at work.	Ensure that the presence of asbestos is assessed and all risks mitigated prior to any major works commencing

A3 : Legislation related to Water

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
Local Government (Water Pollution) Regulations 1978-96 and Local Government (Water Pollution) Act 1977 and 1990	This is the main national legislation regarding water management and protection. Enables local authorities to prosecute for water offences, enforce pollution control conditions in the licensing of effluent discharges from industry to waters or to sewers, issue notices specifying measures to be taken to prevent water pollution or requiring a person to cease the pollution of waters and requiring the mitigation or remedying of any effects of the pollution and seek court orders to prevent, terminate or remedy pollution effects.	Pollution potential should be minimised where possible, actual effluent discharge from site to any waterway or underground stratum is prohibited. Consent from local authorities must be sought for any discharge into a waterway. Refer to Schedule 1(ii) Effluent Treatment Control of IPC licence

The Local Government (Water Pollution) (Amendment) Regulations, 1999	These Regulations amend Part VI of the Local Government (Water Pollution) Regulations, 1992. They extend the application of certain water quality standards under those Regulations to a wider range of functions performed by local authorities, the Environmental Protection Agency and An Bord Pleanala under the Local Government (Water Pollution) Acts, the Environmental Protection Agency Act, 1992 and the Waste Management Act, 1996.	For information purposes only
European Communities (Water Policy) (Amended) Regulations, 2010	The European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003) as amended by the European Communities (Water Policy) (Amendment) Regulations, 2005 (S.I. No. 413 of 2005), by the European Communities (Water Policy) (Amendment) Regulations, 2008 (S.I. No. 219 of 2008), and by the European Communities (Water Policy) (Amendment) Regulations, 2010 (S.I. No. 93 of 2010) provide for transposition of the EU Water Framework Directive (Directive 2000/60/EC).	Not directly applicable - for information purposes only

European Communities Environmental Objectives (Groundwater) (Amendment) Regulations 2011 and European Communities Environmental Objectives (Groundwater) Regulations 2010.	These Regulations amend the European Communities Environmental Objectives (Groundwater) Regulations 2010 in regulation 8 so as to facilitate the possibility of carbon capture and storage following the transposition of Directive 2009/31/EC on the geological storage of carbon dioxide. The 2010 Regulations revoke the Local Government (Water Pollution) (Amendment) Regulations 1999 (S.I. No. 42 of 1999) from 2013 and establish a new strengthened regime for the protection of groundwater by giving effect to the measures needed to achieve the environmental objectives established for groundwater by Directive 2000/60/EC and by giving effect to the requirements of Directive 2006/118/EC. The Regulations establish clear environmental objectives to be achieved in groundwater bodies within specified timeframes and introduce the legal basis for a more flexible, proportionate and risk-based approach to implementing the legal obligation to prevent or limit inputs of pollutants into groundwater, which already exists under Directive 80/68/EE.	Point source discharges and diffuse sources liable to cause groundwater pollution shall be controlled so as to prevent or limit the input of pollutants into groundwater. The direct discharge of pollutants into groundwater is prohibited - Consent from local authorities must be sought for any discharge into a waterway.
European Union (Waste Water Discharge) Regulations 2020, S.I. No. 214 of 2020	These regulations amend the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007), the Waste Water Discharge (Authorisation) (Amendment)Regulations 2010 (S.I. No. 231 of 2010), the Waste Water Discharge (Authorisation) (Environmental Impact Assessment) Regulations 2016 (S.I. No. 652 of 2016). These Regulations, other than Part II, may be collectively cited as the European Union (Waste Water Discharge) Regulations 2020.	For information only - no direct impact.

Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) Regulations 1994 **and** **Urban Waste Water Treatment Regulations, 2001** **and** **Urban Waste Water Treatment (amendments) Regulations, 2010**	These regulations set out the requirements in relation to the provision of collecting systems and treatment standards and other requirements for urban wastewater treatment plants, generally and in sensitive areas. They also provide monitoring procedures in relation to treatment plants and make provisions for pre-treatment requirements in relation to industrial wastewater entering collecting systems and urban wastewater treatment plants. These Regulations revoke and generally re-enact in consolidated form the Environmental Protection Agency Act 1992 (Urban Waste Water Treatment Regulations, 1994, as amended) and prescribe a further 30 water bodies as sensitive areas. The Regulations: prescribe requirements in relation to the provision of collection systems and treatment standards and other requirements for urban waste water treatment plants, generally and in sensitive areas provide for monitoring procedures in relation to treatment plants and make provision for pre-treatment requirements in relation to industrial waste water entering collection systems and urban waste water treatment plants, and give effect to provisions of Council Directive 91/271/EEC of 21 May 1991, as amended, concerning urban waste water treatment, and Directive 2000/60/EC of 23 October 2000 - the Water Framework Directive. Amendments to the regulations include (a) designating ten additional areas (in River Boyne, River Liffey, River Barrow, River Shannon, River Fergus, River Brosna, Tullamore River, Boyne Estuary, Clonakilty Harbour and Wexford Harbour) as sensitive areas, and (b) making some minor technical amendments. The Regulations impose requirements in relation to discharges from urban waste water treatment facilities and give effect to Directive No. 91/271/EEC (the Urban Waste Water Treatment Directive) and Directive No. 2000/60/EC (the Water Framework Directive).	Must follow requirements if working close to a designated sensitive area.

EU Water Framework Directive (2000/60/EC)	These Directive sets a framework for comprehensive management of water resources in the European Community. The fundamental objective of the Water Framework Directive aims at maintaining "high status" of waters where it exists, preventing any deterioration in the existing status of waters and achieving at least "good status" in relation to all waters by 2015 (maintain and improve the quality of water resources) It was given legal effect in Ireland by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003). (link is external) It applies to rivers, lakes, groundwater, and transitional coastal waters. On April 17th, 2018 the Government published the River Basin Management Plan for Ireland 2018-2021. Its sets out the actions that Ireland will take to improve water quality and achieve 'good' ecological status in water bodies (rivers, lakes, estuaries and coastal waters) by 2027. Ireland is required to produce a river basin management plan under the Water Framework Directive (WFD).	Prevent pollution of water resources and maintain the standard of water quality. Minimise the pollution potential of activities on site.
The Protection of Groundwater Regulations, 1999	These Regulations are intended to provide additional protection for groundwater against discharges of certain dangerous substances. The Regulations prohibit the discharge by sanitary authorities of certain dangerous substances to groundwater, and provide for controls by the Environmental Protection Agency, by way of a licensing system, in relation to discharges of other such substances by sanitary authorities.	Prevent pollution of water resources and maintain the standard of water quality. Minimise the pollution potential of activities on site.
European Communities (Quality of Salmonid Waters) Regulations, 1998	These Regulations prescribe quality standards for salmonid waters and designate the waters to which they apply, together with the sampling programmes and the methods of analysis and inspection to be used by local authorities to determine compliance with the standards. The Regulations give effect to Council Directive No. 78/659/EEC of 18 July 1978, (O.J. No. L222/1, 14 August 1978) on the quality of fresh waters needing protection or improvement in order to support fish life.	Not directly applicable - Places responsibility or empowers statutory agencies.

Water Services Act 2017 **Water Service Act 2014 (section 11) (Commencement) Order 2017 (S.I. No. 611/2017)** **Water Service Act 2014 (Commencement) Order 2017 (S.I. No.511/2017)** **Water Service Act 2007 (Threshold Amount and Allowance Amount) Order 2017 (S.I. No. 597/2017)**	Domestic water charges were introduced in 2015 for homes that are connected to a public water supply or to public wastewater services. Irish Water, the national water utility, was given the task of administering the water charges. This system of domestic water charging has now been repealed. A new system of charging is being introduced, to focus on the promotion of water conservation. A levy will apply in certain circumstances for usage of water above a specified threshold. The Water Services Act 2017 has repealed the system of domestic water charging and provided for refunds to be paid. A threshold of 213,000 litres per year has also now been set, to promote water conservation. In general, a dwelling with water usage above this threshold amount may be regarded as having excessive water usage. Dwellings with more than 4 residents have an additional 'allowance amount' of 25,000 litres per year, above the threshold amount, for each extra person living there.	Places responsibility or empowers statutory agencies.
European Communities (Drinking Water) (No. 2) Regulations S.I. No. 122 of 2014	Under Regulation 11, a water supplier shall ensure that the water is wholesome and clean and meets the requirements of these Regulations. A water supplier shall not be in breach of its obligations under Regulation 4(1) where non-compliance is due to the domestic distribution system in a premises, or the maintenance thereof, and that distribution system is not in the charge or control of the water supplier in its capacity as a water supplier. The Agency shall verify compliance of water intended for human consumption supplied by a sanitary authority, or any person acting jointly with it or on its behalf, with the parametric values specified in Part 1 of the Schedule.	The company shall maintain the domestic distribution system of the premises in such condition that it does not cause, contribute to, or give rise to a risk of non-compliance of that water with a parametric value specified in Table A or Table B of Part 1 of the Schedule.

Water Service Act 2007	The Act sets down a comprehensive modern legislative code governing functions, standards, obligations and practice in relation to the planning, management, and delivery of water supply and wastewater collection and treatment services. It consolidates and modernises the legislative code governing water services. The Act focuses on management of water "in the pipe", as distinct from broader water resources issues such as river water quality, etc. Incorporates a comprehensive review, update and consolidation of all existing water services legislation, and facilitates the establishment of a comprehensive supervisory regime to ensure compliance with specified performance standards.	For information - Places responsibility or empowers statutory agencies.
European Communities (Control of Water Pollution by Asbestos) Regulations, 1990	These Regulations give effect to the water pollution control provisions of Council Directive No. 87/217/EEC of 19 March 1987, (O.J. No. L85/40, 28 March 1987) on the prevention and reduction of environmental pollution by asbestos. The Regulations impose a general obligation to prevent the entry of asbestos to waters and specify the measures to be applied to certain industrial plant using asbestos. They also provide for the monitoring of effluent discharges from industrial plant.	Control working with Asbestos. Retain a register of asbestos containing substances. Ensure adequate protection measures are applied.

A4 : Legislation related to Waste

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
Waste Management Act 1996	Prohibits any person from holding, transporting, recovering or disposing of waste in a manner, which causes or is likely to cause environmental pollution. Requires any person who carries out activities of an agricultural, commercial or industrial nature to take all such reasonable steps as are necessary to prevent or minimise the production of waste. Prohibits the transfer of waste to any person other than an authorised person. Requires the EPA to make a national plan in relation to hazardous waste. Requires the EPA to make a national plan in relation to hazardous waste. Prohibits the transfer of waste to any person other than an authorised person.	All persons involved in industrial activities must take steps to *prevent* or *minimise* the production of waste and prohibits the storage, transport, recovery or disposal of waste in a manner which causes or is likely to cause environmental pollution.
The Waste Management Licensing Regulations, 2004 to 2011	These Regulations provide for the continued operation of the system of licensing by the EPA of waste recovery and disposal activities under Part V of the Waste Management Act, 1996. The Regulations set out procedures for the making of waste licence applications, reviews of licences and consideration by the Agency of objections, including the holding of oral hearings.	The company must apply for a licence if it intends to set up a waste disposal site.

Waste Management (Amendment) Act 2001	Amend and extend the Waste Management Act, 2006	As above
European Communities (Amendment of Waste Management Act 1996) Regulations, 1998	These Regulations amend certain provisions of the Waste Management Act, 1998. It enables full effect to be given to requirements of EU legislation in relation to waste. In particular, enable a waste permit system to be operated by local authorities in relation to certain waste recovery and disposal activities for the purpose of giving further effect to Council Directive 75/442/EEC of 15 July 1975 (as amended) on waste.	For information only - Applicable to statutory bodies who must ensure all waste disposal contractors and facilities are appropriately permitted.
Waste Management (Planning) Regulations 1997	Specifies issues to be addressed in waste management plans and the bodies to which the plans must be submitted.	Ensue that waste transfer and storage is undertaken so as to prevent pollution.
European Communities (Waste) Regulations 1979 & 1984	1979 Regulation allocates responsibility to local authorities for the planning, organisation and supervision of waste activities, the making of waste plans and the issue of waste permits in regard to waste disposal activities. 1984 regulations implement EEC Directive 76/403/EEC*of 6 April 1976 relating to the disposal of polychlorinated biphenyls (PCBs).	For information only - Local Authority responsibility.

Waste Management (Landfill Levy) (Amendment) Regulations 2013 (S.I. No. 194/2013) **Waste Management (Landfill Levy) Regulations 2015 (S.I. No. 189/2015)**	These Regulations increase the landfill levy for waste disposed of at authorised and unauthorised landfill facilities from €65 per tonne to €75 per tonne with effect from 1 July 2013. The Waste Management (Landfill Levy) Regulations 2015 replace the Waste Management (Landfill Levy) Regulations 2011. They make provision for the continued operation of the landfill levy provided for under section 73 of the Waste Management Act 1996 and make some amendments to application of the levy.	The cost of taking waste to landfill by the contractor or the company will be at least €75 per tonne plus gate fees. Ireland aims to reduce to 0% direct disposal of unprocessed residual waste to landfills from 2016 onwards, and to achieve the Landfill Directive target on biodegradable waste by 2020.
European Union (Waste Management) (Environmental Impact Assessment) Regulations 2020 S.I. 130 of 2020	Amends the Waste Management Act and Waste Management (Licensing) Regulations 2004 with references to environmental imp0acty assessment report and impact assessment statement in relation to an application for a waste licence	For information purposes only.

European Union (Environmental Impact Assessment) (Waste) Regulations 2012 (S.I. 283 of 2012) **and** **European Union (Environmental Impact Assessment) (Waste) Regulations 2013 (S.I. 505 of 2013)**	The purpose of these Regulations is to give further effect in Irish law to Article 3 and Articles 2 to 4 of Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment insofar as it applies to certain licensable activities that require both a land-use consent and a waste licence. Under the Irish waste licensing regime where an EIA is required as part of a waste management activity application, the EPA will assess and give advice on the Environmental Impact Statement (EIS) submitted as part of the EIA process. The EPA shall consider the content of the EIS and any other supplementary material submitted as part of the licence application.	Ensure that an environmental impact assessment is carried out, and a waste licence is granted by EPA where required. Where a license application requires an EIA, the company must ensure that EIS adequately identifies, describes and assesses all the direct and indirect effects of the proposed development on the environment.
Waste Management (Miscellaneous Provisions) Regulations, 1998	These Regulations requires a waste collection permit (in accordance with section 34 (1) of the Waste Management Act, 1996). They provide, for instance, including the prosecution of offences by any person, the transfer of waste, the making of waste management plans, the defrayal of costs incurred by local authorities and the provision of information.	Require those collecting waste to have a waste collection permit.

European Communities (Asbestos Waste) Regulations, 1990 and 1994	These Regulations set out conditions for the packaging, storage, transport and disposal of asbestos waste	Prevention and reduction of asbestos waste and environmental pollution from such waste. Only specialist licensed contractors can legally remove asbestos

Waste Management (Facility Permit and Registration) Regulations 2007 **and** **Waste Management (Facility Permit and Registration) (Amendment) Regulations 2008 (SI 2008/86)** **Waste Management (Facility Permit and Registration) (Amendment) Regulations 2014**	Amend and replace the Waste Management (Permit) Regulations 1998 and provide for a system of permitting or registration of waste facility activities. The Regulations make provision to enable the EPA to decide if the facility requires a waste licence or permit. Empower local authorities to recover all or part of the reasonable costs incurred by ongoing monitoring of compliance with a facility permit, including the costs of inspections and investigations. A local authority shall only grant a waste facility permit where it is satisfied that the facility is planning compliant. Empower local authorities to attach such conditions to a waste facility permit as are necessary to give effect to the objectives of regional Waste Management Plans or the National Hazardous Waste Management Plan. The 2014 Regulations amend the Waste Management (Facility Permit and Registration) Regulations 2007 by strengthening conditions in relation to traceability of material being recovered or recycled by putting an onus on proof of ownership and full traceability for material purchased at permitted waste facilities.	Waste facility permit is required for all waste management facilities i.e. where waste is processed or held.

Waste Management (Collection Permit) Regulations, 2007 **Waste Management (Collection Permit) (Amendment) Regulations 2008** **Waste Management (Collection Permit) (Amendment) Regulations 2016 (S.I. 346/2016**	Amend and replace the Waste Management (Collection Permit) Regulations 2001 and provide for a system of permitting by local authorities of commercial waste collection activities. Empower local authorities to recover all or part of the reasonable costs incurred by them in ongoing monitoring of compliance with a collection permit, including the costs of inspections and investigations. Provides for conditions to be attached to collection permits specifying the requirements to be complied with in respect of the types and quantities of wastes collected and the place or places to which waste concerned may or shall be delivered. These Regulations amend the Waste Management (Collection Permit) Regulations 2007 to remove the requirement on a collector of household waste to charge on a pay by weight per kilogramme basis and other associated requirements for collecting household kerbside waste.	Ensure that all operators collecting waste from your premises have an up to date waste collection permit.
Waste Management (Register) Regulations, 1997	These Regulations prescribe the entries to be made in the registers maintained by the Agency and each local authority under the section 19 of the Waste Management Act, 1996.	For information only - Responsibility of the Local Authorities.

Waste Management (Trans frontier Shipment of Waste) Regulations, 1998 **And** **Waste Management (Shipment of Waste) Regulations, 2007**	On the supervision and control of shipments of waste within, into and out of the European Community, as amended The purpose of these Regulations is to streamline the administration of the Trans frontier Shipment of Waste legislation in Ireland in order to provide a better and more consistent level of implementation. These Regulations put Dublin City Council as the sole authority responsibly for the implementation of the Waste Shipment Regulations. Prior to which, 34 local authorities were competent for waste exports and the EPA were competent for imports and movements through the State.	Only applicable if importing material classified as waste from other jurisdictions, including Northern Ireland.
Waste Management (Registration of Brokers and Dealers) Regulations 2008 S.I No. 113 of 2008	These Regulations provide a registration system of waste brokers and dealers who arrange the shipment of waste to and from Ireland and also the transfer of waste through the State.	It would be good practice under these regulations to only use waste brokers and dealers registered with the appropriate competent authority and can provide records of the types and quantities of waste dealt with from the company.

Waste Management (Licensing) (Amendment) Regulations 2010.	These Regulations provide for the commencement and operation of the system of licensing by the EPA of waste disposal activities under the Waste Management Act, 1996. Licensing ensures that a high standard of environmental protection applies to the location, design, construction, operation and aftercare of waste disposal facilities. The Regulations set out procedures for the making of licence applications, reviews of licences and consideration by the Agency of objections, including the holding of oral hearings. The Regulations also prescribe the day on or after which specified classes of waste disposal activity require a waste licence. These Regulations are for the purpose of giving effect to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.	It applies to new facilities and to certain existing facilities with effect from 1 May 1997: licensing is being extended on a phased basis to apply to all existing facilities by the end of February 1999. Applies to waste disposal sites.

European Communities (End-Of-Life Vehicles) (Amendment) Regulations 2011	These Regulations amend the Waste Management (End-of-Life Vehicles) Regulations 2006 as amended and are intended to give effect to Commission Directive 2011/37/EU of 30 March 2011 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on End-of-Life Vehicles. Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive and under the conditions specified therein. Pursuant to Article 4(2)(b) of Directive 2000/53/EC, Annex II to that Directive is adapted to scientific and technical progress by the Commission on a regular basis.	Not directly applicable as mainly applies if you are a vehicle manufacturer or a professional importer. Ensure that ELV are sent only to ATF.
Waste Management (Packaging) Regulations 2007	Consolidate existing suite of regulations on packaging waste and introduce new measures aimed at delivering further improvements to arrangements for the recovery and recycling of packaging waste in Ireland. These Regulations aim to facilitate the achievement of targets for the recovery of packaging and packaging waste and provide limits for the nature and composition of packaging. They consolidate the current suite of regulations - the existing regulations of 2003 as well as the amending regulations of 2004 and 2006 – it improves clarity, transparency and accessibility to the packaging waste regulatory regime.	The Regulations impose recovery obligations on producers who supply packaging to the Irish market.

Litter pollution Act 1997 and the Litter Pollution Regulations, 1997 (as amended 2017) **Litter Pollution Regulations, 1999**	The Act controls the deposition of any substance or object so as to create litter in a public place or in any place that is visible to any extent from a public place. The 1999 Regulations increase the “on-the-spot” fine for litter offences, relate to procedural matters of prescribing the “on-the-spot” fine notice for such offences and revoke the Litter Pollution Regulations, 1997	Measures to be taken to prevent the creation of litter from any site.
European Communities (Toxic and Dangerous Waste) Regulations 1982	Defines wastes that are to be treated as hazardous, along with procedures and duties for handling such wastes. Categorisation of wastes arising from company activities. Provides more effective system of control over toxic and dangerous waste.	Company must take sufficient steps to plan, organise and supervise activities on site in relation to toxic and dangerous waste. Store toxic waste in leak proof containers Toxic wastes should be labelled and categorised accordingly.

European Communities (Shipments of Hazardous Waste exclusively within Ireland) Regulations 2011(S.I. No. 324 of 2011). **And** **Waste Management (Movement of Hazardous Waste) Regulations, 1998**	These Regulations revoke the Waste Management (Movement of Hazardous Waste) Regulations, 1998. These Regulations bring about improvements in the administration of the legislation on the shipments of hazardous waste exclusively within Ireland so as to provide a better and more consistent level of implementation of the Waste Shipments Regulation (EC) No. 1013/2006. The Dublin City Council is appointed as the sole competent authority responsible for the implementation of article 33 of the Regulation. The Regulations provide, a system of consignment notes regarding the movement of hazardous waste within the State. They also transpose into Irish legislation certain EU requirements regarding the labelling of waste containers and the mixture of wastes.	Ensure appropriately authorised waste contractors are used for hazardous waste. Ensure waste is stored and transferred to prevent pollution.
Waste Management (Hazardous Waste) Regulations, 1998 as amended	These Regulations implement provisions of a number of EU Directives relating to asbestos waste, batteries and accumulators, polychlorinated biphenyls (PCBs), waste oils and hazardous wastes generally.	As Above

The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2006	The purpose of these Regulations is to implement Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances. The Regulations apply to establishments where dangerous substances are present in amounts equal to or exceeding the application thresholds. Operators of establishments are required to take all necessary measures to prevent the occurrence of major accidents and to limit the consequences of accidents for people and the environment. The Regulations impose duties in respect of safety management systems, preparation of safety reports and emergency preparedness. The Regulations also deal with provision of advice on major hazards in the context of land-use planning decisions.	Take all necessary measures to prevent the occurrence of major accidents.
European Union (Waste Electrical and Electronic Equipment) Regulations S.I. No.149 of 2014. (Amendment 2019)	These Regulations give effect to the European Parliament and Council Directive 2012/19/EU of 4 July 2012 on waste electrical and electronic equipment. They are designed to promote the recovery of waste electrical and electronic equipment and to facilitate the achievement of targets for the collection, treatment, recovery and disposal of waste electrical and electronic equipment. The 2014 Regulations revoke the previous European Communities (Waste Electrical and Electronic Equipment) Regulations 2011 (S.I. No. 355 of 2011), the European Communities (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2011 (S.I. No. 397 of 2011) and the European Union (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2013 (S.I. No. 32 of 2013).	Participate in a scheme for the collection, treatment, recovery and disposal of waste electrical and electronic equipment in an environmentally sound manner.

	These Regulations revoke the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) as amended by the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008) and the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2010 (S.I. No. 143 of 2010). These Regulations amend the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005 (S.I. No. 340 of 2005) as amended by the Waste Management (Waste Electrical and Electronic Equipment) (Amendment) Regulations 2008 (S.I. No. 375 of 2008).	
Waste Management (Electrical and Electronic Equipment) Regulations 2005	These regulations aim to: • minimize waste from electric and electronic equipment (EEE) • increase recovery and recycling rates of WEEE: • improve the environmental performance of all operators involved throughout the lifecycle of electric and electronic equipment; • implement producer responsibility for WEEE: • minimise waste arisings of certain hazardous substances by prohibiting the use of certain heavy metals in electrical & electronic equipment.	The company must promote the responsible use, recovery and disposal of waste electrical and electronic equipment
European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2017 (S.I. No. 184/2018) **European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment)**	RoHS 1 and 2 have introduced measures to limit the presence of these harmful substances in electrical and electronic equipment. The existing Directive RoHS2 broadened the scope significantly as it now applies to all electrical and electronic equipment (EEE) placed on the EU market. The main purpose of the amends is to address a number of problems which were identified in the evaluation carried out by the Commission in relation to the scope of the Directive. Specifically, it will ensure the possibility of secondary market operations (e.g. reselling, second-hand market) for electrical and electronic equipment that were newly covered by RoHS 2 and the use of spare parts for such equipment if they are put on the market before 22 July 2019.	Participate in a scheme for the collection, treatment, recovery and disposal of waste electrical and electronic equipment in an environmentally sound manner.

Regulations 2017 (S.I. No. 44/2017) **European Union (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2016 (S.I. No. 42/2017)**	Both the Council and the European Parliament are in favour of the approach followed by the Commission not to widen the scope of this revision and leave, as scheduled, the general review of the Directive for 2021. In the agreed text, the Commission is required to carry out this general review of RoHS2 by 22 July 2021.	
Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) (Amendment) Regulations 2008 **and** **Waste Management (Restrictions of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005**	These Regulations amend the Waste Management (Restriction of Certain Hazardous Substances in Electrical and Electronic Equipment) Regulations 2005. They clarify that producers must have access in the State to any records that certify that electrical and electronic equipment, which he or she has placed on the market, is in compliance with the Regulations. These Regulations are designed to minimise waste arisings of certain hazardous substances by prohibiting the use of certain heavy metals in electrical and electronic equipment as required by Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The Regulations impose obligations on persons who supply electrical and electronic equipment to the Irish market, whether as retailers, importers or manufacturers.	For information only. Apply to suppliers of electrical and electronic equipment

Planning and Development Acts 2000 - 2018 **Planning and Development (Amendment) Act 2018** **Planning and Development (Amendment) Regulations 2018 (S.I. No. 29/2018)** **S.I No. 30/2018** **Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30/2018)** **Planning and Development (Amendment) (No. 3) Regulations 2018 (S.I. No. 31/2018)** **Planning and Development (Amendment) Regulations 2017 (S.I. No. 342/2017)**	This Regulation makes provisions for the proper planning and development of cities, towns and other areas. It relates to air pollution, development of potential contaminated land, identifying water services and features in the vicinity of the site and other environmental impacts, resulting from development. An Act to amend and extend the Planning and Development Acts 2000 to 2018 and for that purpose to establish the Office of the Planning Regulator; to provide for a National Planning Framework; to provide for certain planning and development requirements to be taken into account by Irish Water; to amend the Derelict Sites Act 1990; to give effect to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for marine spatial planning; and to make miscellaneous and consequential amendments to the 2000 Act and to various other Acts insofar as they relate to Planning.	Reduce and minimise environmental impacts of site operations and construction activities.

Protection of the Environment Act 2003	This Regulation amends waste management laws and the Environmental Protection Agency Act 1992: -gave effect to Directive 96/61/EC concerning (IPPC) and this is now the required licensing process. - Renames (IPC) licences as IPPC licences and tidies up legislative provisions relating to them, and to waste licences -Increases penalties for many environmental offences -Strengthens enforcement powers	All reasonable precautions must be taken to reduce and minimise the environmental impact of all the companies' activities. Enforce Protection of the existing environment.
Environmental Protection Agency (Licensing) (Amendment) Regulations, 2004 and Environmental Protection Agency (Licensing) (Amendment) Regulations 2010.	These Regulations amend the Environmental Protection Agency (Licensing) Regulations 1994 so as to ensure that the integrated licensing system operated by the EPA under the Environmental Protection Agency Act 1992 complies in all respects with the provisions of Council Directive 96/61/EC concerning integrated pollution prevention and control. The Regulations provide some new rules relative to the application for and approval of licences for scheduled activities under the Environmental Protection Agency Act, 1992. The Regulations also require the Agency to publish, every four years, their report on the State of the Environment. These Regulations are for the purpose of giving full effect to Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and to the amendments arising in relation to Council Directive 96/61/EC concerning integrated pollution prevention and control.	For information only. Places obligations on the EPA

A5 : Legislation related to Noise

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
European Communities (Construction Plant and Equipment) (Permissible Noise Levels) Regulations 1988 (Amendment 1996)	The regulations prohibit the manufacture, importation or marketing of construction plant or equipment covered by the regulations unless it bears the EEC mark and unless an EEC type-examination certificate and certificate of conformity have been issued.	All plant and equipment to bear the EEC mark and EEC type examination certificates and certificate of conformity to be obtained.
Environmental Protection Agency Act, 1992 (Noise) Regulations, 1994	This legislation present provision for a person to make a complaint to the district council against a person responsible for causing the noise.	Not directly applicable. Set out provisions for complaining to regulatory authorities regarding nuisance or environmental concerns.
Environmental Noise Regulations 2006	The regulations set out a two-stage process for addressing environmental noise. 1- Noise must be assessed through the preparation of strategic noise maps for areas and infrastructure falling within defined criteria. 2- Based on the results of the mapping process, the regulations require the preparation of noise action plans for each area concerned. The fundamental objective of action plans is the prevention and reduction of environmental noise.	Prevent and minimise environmental noise caused by site-based activities.

Safety, Health and Welfare at Work (Control of Noise at Work) Regulations 2006	The 2006 Regulations are made under the Safety, Health and Welfare Act 2005, implementing European Directive (2003/10/EC) requiring basic laws throughout the Union to ensure that workers' hearing is protected from excessive noise at their place of work. The Regulations define two action values for daily noise exposure at 80 dB(A) and 85 dB(A) over an 8-hour period (or peak action values for peak noise at 135 dB and 137 dB) Employees must not be exposed to noise exceeding an exposure limit value of 87 dB over 8 hours (or 140 dB peak noise) – the employer may take the effects of hearing protection into account when determining what noise an employee is exposed to. There is a requirement to provide health surveillance where there is a risk to health.	Byrne-Mech must manage occupational noise exposure on site. Areas where noise exceeds 85dB(A) (8-hour TWA) must be designated hearing protection areas and hearing protection should be mandatory in these areas. Employees should be provided information on noise and hearing protection. Byrne-Mech should attempt to reduce noise at source.

A6 : Legislation related to Climate Change

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
The Climate Change Agreements (Eligible Facilities) Regulations 2012 (as amended)	Provides that a facility is to be eligible for inclusion in a climate change levy agreement only where 90% of the energy supplied to the facility will be used within an intensive installation. Sets the conditions for eligibility for inclusion in a climate change levy agreement.	All company activities using energy, which are subject to a Climate Change Levy Agreement.
Control of Substances that Deplete the Ozone Layer Regulations 2011	These Regulations implement in Ireland Regulation (EC) No. 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer. They, among other things: designate the EPA as competent authority for the purposes of Regulation; prescribe restrictions on the import and export of controlled substances (i.e. those substances falling within the scope of Regulation (EC) No. 1005/2009) in line with the Regulation; provide for inspections by the Agency and support to the Agency by competent bodies in promoting recycling and recovery of controlled substances and inspections; define responsibility of producers, undertakings and any other person whose business involves the use of controlled substances, or the marketing, maintenance or servicing of products or equipment which contain such substances; and provide for waste management in respect of controlled substances.	No leaks of HCFCs during maintenance / servicing of AC units.

Control of Substances that Deplete Ozone Layer Regulations 2006 & 2009	These regulations give provision to the restriction of certain substances that are deemed to be prohibited or restricted for the purpose of the Customs Consolidation Act. Where the business involves the use of controlled substances shall take precautionary measures and ensure that, where controlled substances are used, they are disposed of according and managed in accordance to the Waste Management Act 1996.	The company must ensure that they no longer use any prohibited or restricted substances. Where controlled substances are used, they must be disposed of appropriately
European Union (Energy Performance of Buildings) Regulations 2012	These Regulations provide for the transposition and implementation of Articles 1, 2, 3, 4(2), 6, 7, 11, 12, 13, 14(4), 15(4), 17, 18, 27, 28 and 29 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (recast). Part 2 of these Regulations requires a person who commissions the construction of a new building to examine the technical, environmental and economic feasibility of installing high efficiency alternative energy systems at design stage. This requirement will apply to new buildings for which planning permission is applied for on or after 9 January 2013. Part 3 of these Regulations provides that a Building Energy Rating (BER) certificate be secured when: • a new building is offered for sale or for let on or after 9 January 2013; • an existing building is offered for sale or for let on or after 9 January 2013. Where a new building is offered for sale or for let from plans, the Regulations provide that a provisional BER certificate be secured which will be replaced by a final BER certificate on completion of construction. This Part also requires that a building's energy performance indicator be stated in advertisements relating to the sale or letting of the building.	All new non-residential buildings (including public service buildings) require a rating certificate as of July 1, 2008; all existing non-residential and large public service buildings require the rating certificate as of July 1, 2009. Consequently, as and from these dates, if a building is constructed, sold or rented out, a certificate must be made available by the owner to the prospective buyer or tenant. This requirement will impact on the majority of Irish commercial conveyancing transactions. The objective of the certificate is to rate a building on its energy performance. It will provide information to any potential consumers on the energy performance of the building in question. It shall include reference values such as current legal standards and benchmarks in order to make it possible for consumers to

	In addition, on or after 9 January 2013, any building in excess of 500 m2 which is frequently visited by the public is required to display either a BER certificate or a Display Energy Certificate (DEC) in a prominent place clearly visible to members of the public. On and from 9 July 2015, this requirement is extended to all buildings in excess of 250 m2 which are frequently visited by the public when occupied by public bodies. Part 4 of these Regulations provides that the Sustainable Energy Authority of Ireland shall be responsible, inter alia, for the administration of the BER system and sets out requirements in relation to the registration of BER assessors, the issue of BER certificates, quality assurance, the maintenance of records, databases and documents, fees and levies, the development of codes of practice for assessors and assessor training providers. Part 5 of the Regulations provides for enforcement and sets out the powers of authorised officers and the penalties that may apply to any person guilty of an offence under these Regulations. Part 6 of these Regulations provides that the Sustainable Energy Authority of Ireland may take such steps as are necessary to promote advice to the users of heating and air-conditioning systems in accordance with the alternative approach set out in Articles 14(4) and 15(4), and by extension Article 16, of the Directive.	compare and assess the energy performance of buildings. The certificate, once issued, shall be valid for a period of no longer than 10 years. In Republic of Ireland, it is expected that the certificate is to be accompanied by an advisory report containing suggestions on how improvements could be made to the energy performance of the building. However, there will be no legal obligations on vendors or purchasers to carry out the recommended improvement. From 2013, the (Energy Performance of Buildings) EPBD will be superseded by the Recast EPBD.

A7 : Legislation related to Chemicals

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) No. 19074/2006	REACH entered into force on 01 June 2007 to streamline and improve the former legislative framework on chemicals in the EU. REACH switches most responsibility of control and safety of chemicals from authorities, to chemical manufacturers, importers and users and places greater responsibility on industry to manage risks that chemicals may pose to human health and the environment.	Confirmation that the company does not manufacture any chemicals in quantities greater that 1 tonne per annum. Also check that any chemicals imported by the company in quantities greater than 1 tonne per annum are on the REACH registration database.
EU Regulation Classification, Labelling and Packaging of Substance and Mixtures (CLP) Regulation No. 1272/2008	These regulations implement into EU legislation the United Nations Globally Harmonised System (GHS) of classification and labelling. The Regulation requires manufacturers, importers and downstream users to label, package and classify substances and mixtures in accordance with CLP Regulation before placing them on the market. Suppliers of a substance or mixture have to assemble and keep available all information required for the purposes of classification and labelling under the CLP Regulation for a period of at least 10 years after they last supplied the substance or the mixture.	The company must ensure that substances classified as hazardous are labelled according to the CLP Regulation in the workplace.

Globally Harmonized System of Classification and Labelling of Chemicals (GHS)	A new system on the classification and labelling of hazardous substances and mixtures. The goal is to internationally standardise classification and labelling of chemicals through the use of pictograms, signal words, and hazard warnings. Applies to consumers, workers emergency responders, and in transport.	Ensure that all chemicals are classified and labelled in accordance with GHS.

A8 : Legislation related to Nature Conservation

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
Wildlife Act 1976 and the Wildlife (Amendment) Act, 2000 & 2012 and Wildlife (Amendment) Act 2010 and European Communities (Wildlife Act 1976) (Amendment) Regulation 2017 (S.I. No. 166/2017)	The fundamental objectives of these acts is to provide up to date laws for the protection and conservation of wild fauna and flora, provide for the conservation of areas having specific wildlife values and provide ancillary services. The 2017 amendment regulations amend the Second Schedule of the European Communities (Wildlife Act, 1976) (Amendment) Regulations 1986 by the addition of non-lethal means to existing lethal means of controlling certain species of wild birds mentioned in the First Schedule.	To protect and conserve wild flora and fauna and their natural habitats. Minimise the effect of site operations on habitats.
European Communities (Natural Habitats) Regulations, 1997	These Regulations give effect to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). The Regulations also place an obligation on the Minister, other Ministers of the Government, Local Authorities and other State Bodies to have regard to the provisions of the Regulations in carrying out their powers and functions under certain Enactments under their control.	All site operations or work to be carried in or near European sites or areas of high ecological interest most be minimised to reduce any impacts to local habitats.

European Communities (Birds and Natural Habitats) Regulations 2011	These consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats)(Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in judgments of the Court of Justice of the European Union (CJEU). The Regulations have been prepared to address several judgments of the CJEU against Ireland, notably cases C-418/04 and C-183/05, in respect of failure to transpose elements of the Birds Directive and the Habitats Directive into Irish law.	The company must ensure that it meets their obligations under the Birds and Habitats Directive
European Communities (Birds and Natural Habitats) (Amendment) Regulations 2015 (S.I. No. 355/2015)	The 2015 Regulations correct typographical errors in the 2011 Regulations and provide other provisions to assist Ireland's management of its obligations under the Birds and Habitats Directives, including in relation to Invasive Alien Species, An Garda Síochána and the Commission for Energy Regulation. These Regulations also correct a typographical error in the European Communities (Birds and Natural Habitats) (Restrictions on the use of Poison Bait) Regulations 2010.	

EU Regulation on Invasive Alien Species 1143/2014	These regulations entered into force on 1 January 2015. The Regulation seeks to address the problem of invasive alien species in a comprehensive manner so as to protect native biodiversity and ecosystem services, as well as to minimize and mitigate the human health or economic impacts that these species can have. The Regulation foresees three types of interventions: prevention, early detection and rapid eradication, and management.	Where an invasive alien species is listed it can no longer be intentionally kept, transported, reproduced or released by the company.

A9 : Legislation related to Other Requirements

Relevant Legislation/other requirements	Brief description of legislation	Required Performance expected by company
IPC Licence No. P0369-01	Integrated Pollution Control Licence under section 83(1) for boiler making, manufacture of reservoirs, tanks and other sheet metal containers.	Must adhere to conditions or improvements specified in the IPC Licence in order to prevent or reduce emissions to air, water and land, to reduce waste, and use energy and resources efficiently.
Energy Audit Scheme - SEAI	In order for the EU to meet its binding energy efficiency and emissions targets, measures have been identified that cover activities in the public sector, utilities, buildings and transport, financing of energy projects, and energy use in large enterprises. Scheme applies if you employ 250 employees or over (on payroll) or have an annual turnover in excess of €50m.	The company must carry out an energy audit of operations every four years..In order to complete the energy assessments, the total energy consumption must be calculated over a consecutive 12-month period; the reference period. The reference period must incorporate the qualification date and must end prior to the end of the compliance period . Alternatively have a detailed energy audit element to EMS.
ISO 14001:2004 And ISO 14001:2015	Environmental Management System ISO 14001:2015 is the new revised standard published on 15 September 2015 and replaces ISO 14001:2004. There is a three-year transitional period up to September 2018 to switch to the new standard.	Maintain systems and check compliance through regular auditing. Implement new standard upon expiration of current certification.

ISO 9001:2008	Quality Management System.	Maintain systems and check compliance through regular auditing.