

Environmental Impact Assessment Screening Report

for the proposed Beatty's Avenue to Herbert Park Rapid Deployment Scheme

for: **The National Transport Authority Cycling Design Office**

on behalf of: **Dublin City Council**

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MARCH 2023

Document Control

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| Revised taking account of client comments | Paul Fingleton and Clodagh Ryan | Various dates to 29/03/23 |
| checked by | Paul Fingleton | 30/03/2023 |
| status | Final, subject to any further client comments | |

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1 Introduction

CAAS Ltd. has been appointed by National Transport Authority's Cycling Design Office (CDO) on behalf of Dublin City Council to prepare this Environmental Impact Assessment Screening Report for the proposed Beatty's Avenue to Herbert Park Rapid Deployment Scheme (the proposed scheme). This report has been prepared to form an opinion as to whether or not the proposed scheme should be subject to Environmental Impact Assessment (EIA) and if so, whether an Environmental Impact Assessment Report (EIAR) should be prepared in respect of it.

The screening assesses the proposed scheme with reference to the EIA legislation¹ including the EIA Directive, and Planning and Development legislation¹. It also has regard to relevant parts of:

- *EIA Guidance for Consent Authorities regarding sub-threshold development*, 2003, Department of the Environment, Heritage and Local Government
- *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, 2018, Department of Housing, Planning and Local Government
- *OPR Practice Note PN02 Environmental Impact Assessment Screening*, 2021, Office of the Planning Regulator
- relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, 2015, EU and *Environmental Impact Assessment of Projects - Guidance on Screening*, 2017, EU.

The first step in screening the proposed scheme involves a review of its characteristics to find out if it corresponds to any project type (or class) which is subject to the EIA requirements as set out in the legislation. If it does correspond to any such type then the second step is to carry out a 'preliminary examination' to establish the likelihood of significant effects on the environment arising from the proposed scheme. The outcome of the preliminary examination determines the subsequent steps of the screening process which may involve sub-threshold project considerations and review against prescribed criteria for determining whether the scheme should be subject to EIA or not. These criteria include consideration of potential environmental effects.

If it is required, the consideration of potential effects covers all significant direct, indirect and secondary effects as relevant, with reference to the guidance and in compliance with the legislation. Where used, descriptions of effects follow the statutory *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2022. For ease of reference, these standardised descriptions are reproduced in Appendix I of this report.

The information on the proposed scheme that has been used in preparation of this report, including a written description, was provided by the Cycling Design Office.

The following sections of this report cover:

- The proposed scheme (s2)
- The legislative basis for EIA (s3)

¹ see section 3 for details

- Project type (s4)
- Sub-threshold development (s5)
- Preliminary examination (s6)
- Schedule 7 screening (s7)
- Conclusion (s8)

An overview of the author's competency is provided in Appendix IV.

2 The proposed scheme

2.1 Overview of the scheme

The proposed scheme is to provide for a cycle route between Beatty's Avenue and Herbert Park. The proposed route is approximately 500m in length and will mainly involve conversion of an existing vehicular traffic lane into a two-way cycle lane, creation of pedestrian priority zones and a toucan crossing of Merrion Road. The route is currently used and operated as a roadway. It will continue to be operated and maintained as a public transport route in an urban area.

2.2 Project Details

The scheme proposals consist of the following:

- The scheme commences at the junction of Herbert Cottages tying into the existing facility that runs adjacent to the River Dodder to the north
- A mixed street treatment is proposed for the length of Beatty's Avenue
- At Ballsbridge, a pedestrian priority zone is proposed either side of the junction with a toucan crossing to facilitate pedestrian and cycle movements north / south
- The toucan crossing matches the design intent of the Belfield / Blackrock to City Centre Busconnects Core Bus Corridor Scheme.
- The existing kerb lines either side of Anglesea Road are to be retained, with a 2-way protected cycle track proposed on the west side. It is proposed to remove one left hand turn lane and existing parking along Anglesea Road to facilitate.
- A pedestrian priority zone is proposed to facilitate an existing bus stop.
- The 2-way protected cycle lane continues to Herbert Park Lane where a raised table is proposed
- All existing boundaries along the scheme are to be retained
- Existing trees / vegetation along the route will be retained.

The scheme extent is approximately 0.79 hectares (ha).

The proposals are illustrated in Figures 1 to 4.

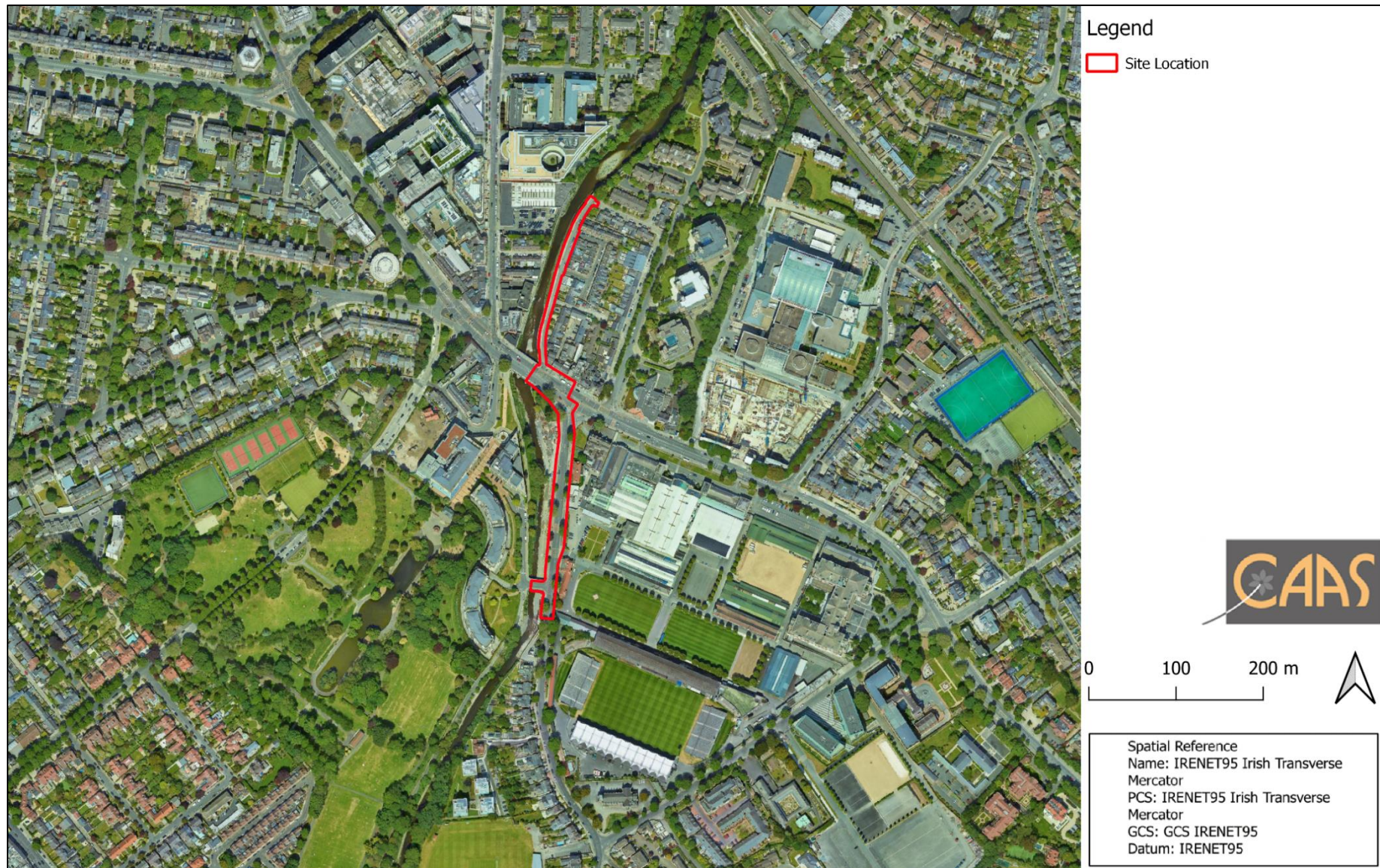


Figure 1 Location of the proposed scheme

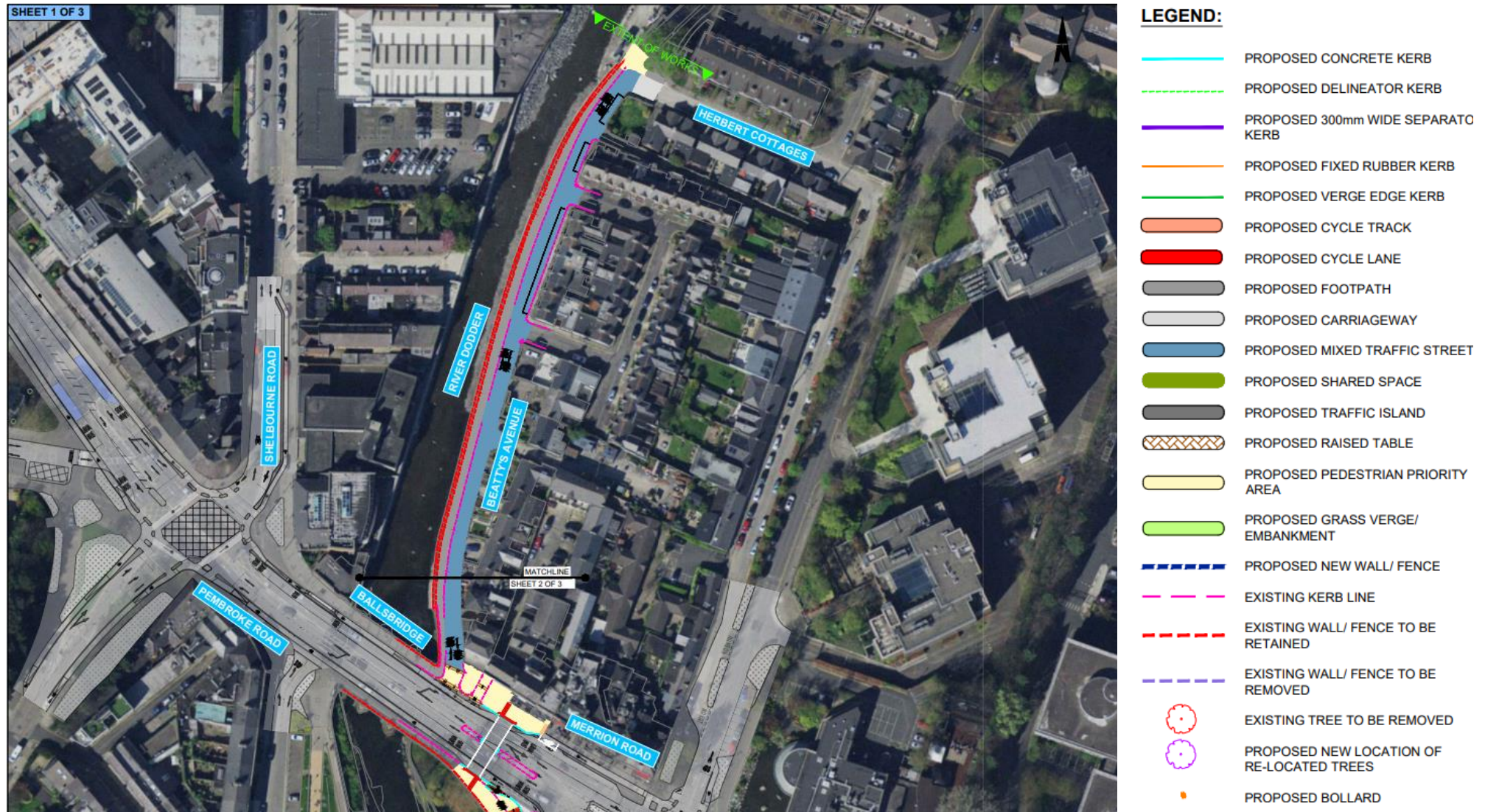


Figure 2 Beatty's Avenue to Herbert Park Rapid Deployment Scheme map 1/3

Source: Cycling Design Office. Full scaled version of the drawing is available separately

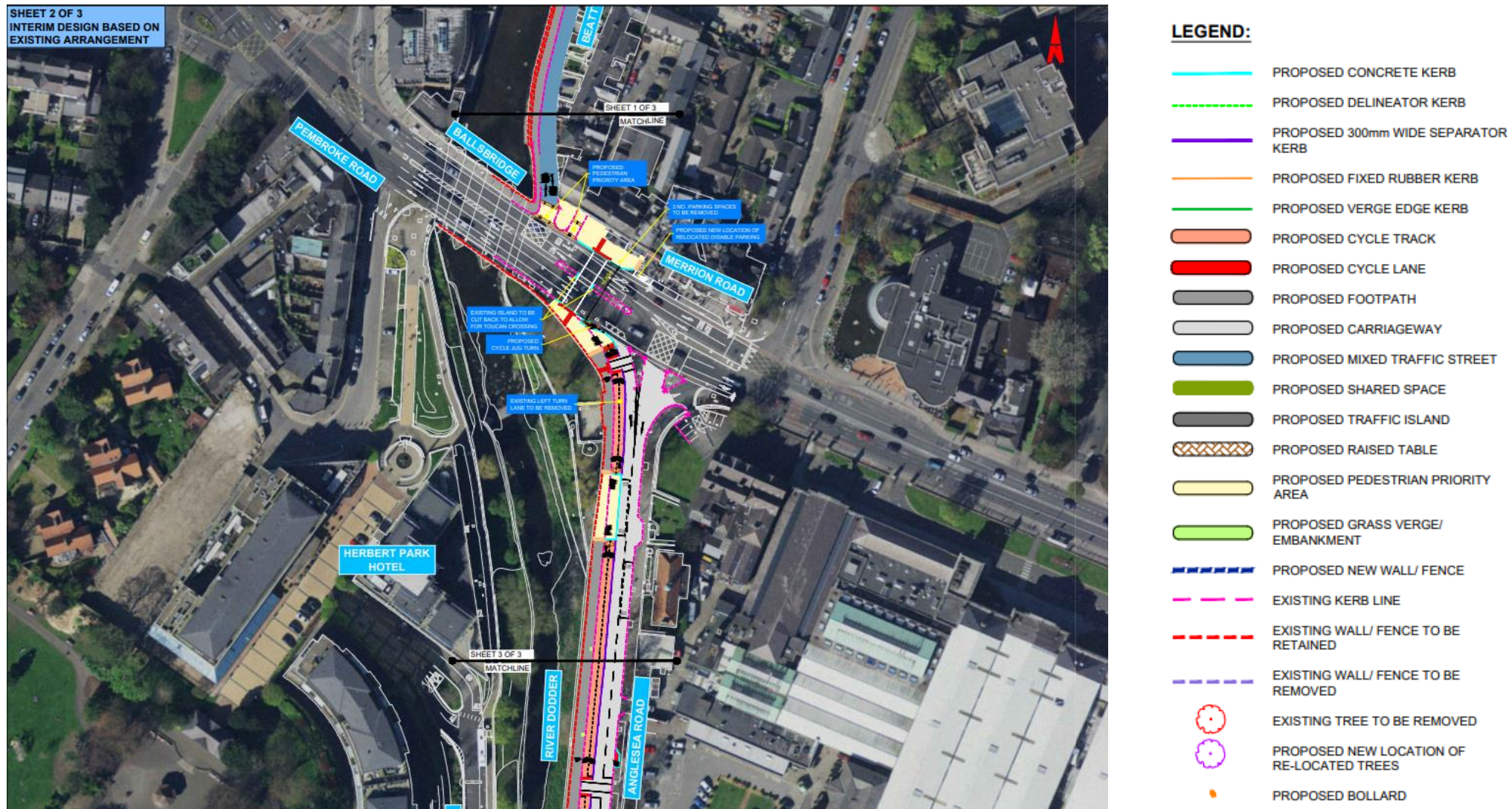


Figure 3 Beatty's Avenue to Herbert Park Rapid Deployment Scheme map 2/3
Source: Cycling Design Office. Full scaled version of the drawing is available separately



Figure 4 Beatty's Avenue to Herbert Park Rapid Deployment Scheme map 3/3
 Source: Cycling Design Office. Full scaled version of the drawing is available separately

3 Legislative basis for EIA

EIA requirements derive from EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment. The Directive has been transposed into various Irish legislation of which the following is the most relevant to this scheme.

- The Planning and Development Acts 2000-2020 (Part X), as amended by, *inter alia*, the:
 - Planning and Development Regulations 2001 (S.I. 600/2001)
 - European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018) (S.I. 296/2018)

Part 1 of Schedule 5 of these regulations lists projects included in Annex I of the Directive which automatically require EIA.

For projects included in Annex II of the Directive, Part 2 of Schedule 5 provides thresholds above which EIA is required.

In addition to consideration of the above and for the purposes of a thorough screening process, this report also considers potentially relevant requirements arising from other legislative codes, specifically: -

- The Roads Act 1993, as amended, *inter alia*, by the:
 - Roads Regulations, 1994 (S.I. 119/1994)
 - the European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations, 2019 (S.I. 279/2019)

Section 50 of this Act specifies types of roads projects that automatically require EIA. These are generally large-scale projects such as new or realigned roads of four lanes or more, new bridges or tunnels that are likely to have significant effects on the environment. It also sets out criteria for determining whether or not other roads projects should be subject to EIA.

4 Project type

In the first instance it is necessary to determine whether the project is of a type that requires EIA.

The project types specified for purposes of EIA in the Planning and Development legislation refer to *developments* and construction of *roads*. The proposed scheme does not involve road construction. 'Development' is defined in Section 3 the Planning and Development Act, 2000 mainly as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'. The proposed scheme involves the carrying out of works including the installation of lane separation kerbing, changes to road surface markings and signage and creation of a toucan crossing. These works can be considered to be minor and will not generally cause any material change in use of the roadway. They will also not change of the character or type of use to any material extent. On this basis it could be considered that the proposed scheme does not constitute 'development' within the meaning of the Planning and Development Act.

Notwithstanding, and for the purposes of a robust screening, it is considered appropriate to consider the relevance of the types of 'development' that are specified as project types for purposes of EIA.

S50 (1) (b) to (d) of the Roads Act of 1993, as amended, includes reference to road developments 'consisting of the construction of a proposed public road or the improvement of an existing public road' (underlined for emphasis). This can be taken to apply to a scheme of this nature.

Potentially relevant project types prescribed for EIA purposes in the Planning and Development and Roads legislation are listed in the table below, with commentaries of their applicability to the proposed scheme.

| Project type / criteria | Comment | Is EIA required on this basis? |
|---|--|--------------------------------|
| Planning and Development legislation S.I. 600/2001, Schedule 5, Pt 2 | | |
| Project type 10. <i>Infrastructure projects (b) (iv)</i> | | |
| <p><i>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i></p> <p><i>(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</i></p> | <p>Commission guidance² lists a range of projects, stating that these or other projects with similar characteristics can be considered to be 'urban development'. These include:</p> <ul style="list-style-type: none"> • Shopping centres • Bus garages • Train depots • Hospitals • Universities • Sports stadiums • Cinemas • Theatres • Concert halls • Other cultural centres • Sewerage or water supply networks <p>The proposed project does not correspond to or have similar characteristics to any of the above listed projects.</p> <p>The judgement of the High Court in the case of <i>Carvill & Flynn v Dublin City Council & Ors.</i> [2021] IEHC 544 took a broad interpretation of the 'urban</p> | No |

² Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU

| Project type / criteria | Comment | Is EIA required on this basis? |
|---|--|--------------------------------|
| | <p>development' project type. In that case the Court considered a proposed cycle path to correspond to the urban 'development' project type and thus to fall within the provisions of the Directive as implemented in domestic law.</p> <p>Following the EU guidance alone, the proposed scheme could be considered as not falling into the urban development project type, however, taking account of the above case law it is considered that it could be taken to do so.</p> <p>Out of an abundance of caution, for the purposes of a robust screening assessment, the scheme is taken to correspond to fall into the 'urban development' project type.</p> <p>The scheme is in an urban area where the 10 ha threshold would apply. At approximately 0.79 ha the area of the proposed scheme is equivalent to approximately 7.7% of this threshold.</p> <p>If, taking account of the Carvill & Flynn judgement, it is considered that this scheme falls into the 'urban development' project type (type 10(b)(iv). At approximately 0.79 ha, it is far below the applicable threshold. It may on this basis be considered to fall into the project type but to be 'sub-threshold' (ref. s5 below).</p> | |
| <i>dd) All private roads which would exceed 2000 metres in length</i> | The proposed scheme is not a private road. | No |
| <p>Roads legislation</p> <p><i>Section 50 of the Roads Act, 1993, as amended by, inter alia, the European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations 2019 (SI 279/2019) requires that: -</i></p> | | |
| <i>(1) (a) A road development that is proposed that comprises any of the following shall be subject to</i> | | |

| Project type / criteria | Comment | Is EIA required on this basis? |
|--|--|---------------------------------------|
| <i>an environmental impact assessment:</i> | | |
| <i>(i) the construction of a motorway</i> | The proposed scheme does not provide for construction of a motorway | No |
| <i>(ii) the construction of a busway</i> | The proposed scheme does not include construction of a busway. | No |
| <i>(iii) the construction of a service area</i> | The proposed scheme does not include construction of a service area. | No |
| <i>(iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road</i> | | |
| <i>The prescribed types as referred to in (iv) above are given in section 8 of S.I. 119/1994 as:</i> | | |
| <i>(a) The construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area</i> | The proposed scheme does not include construction, realignment or widening of a road to provide for four or more lanes. | No |
| <i>(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.</i> | The proposed scheme does not include construction of any bridge or tunnel. | No |
| <i>S50 (1) (b) to (d) of the Roads Act of 1993, as amended, require that any road development or road improvement project which would be likely to have significant effects on the environment, including projects located on ecologically protected sites, shall be subject to EIA.</i> | It is required to review the proposed scheme in order to determine whether or not it is likely to have significant effects on the environment. | Uncertain (Ref. sections 5 - 8 below) |

5 Sub-threshold development

Article 92 of the Regulations of 2001, as amended define 'sub-threshold development' as:

development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

As stated in s4, the proposed scheme may be considered to correspond to project type (10(b)(iv) 'urban development' (as contained in Part 2 of Schedule 5). As it is below the given area threshold for this project type, it may thus be considered to comprise 'sub-threshold development'.

The Roads Act, 1993 (as amended) does not refer to sub-threshold development *per se*. However, as noted in the above table, s50(1)(b) to (d) of the Act requires that any road development or road improvement project which would be likely to have significant effects on the environment shall be subject to EIA. Any road development or road improvement project that does not fall into any of the specific types listed in s50 must thus be examined to establish if it is likely to cause significant environmental effects. This is essentially the same requirement that applies to sub-threshold projects under the Planning and Development legislation.

6 Preliminary Examination

Article 120(a)(1) of the Planning and Development Regulations 2001, as amended, requires that -

- (a) *Where a local authority proposes to carry out a sub-threshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.*
- (b) *Where the local authority concludes, based on such preliminary examination, that—*
 - (i) *there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,*
 - (ii) *there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or*
 - (iii) *there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—*
 - (I) *conclude that the development would be likely to have such effects, and*
 - (II) *prepare, or cause to be prepared, an EIAR in respect of the development.*

During construction, the proposed scheme can be expected to affect pedestrian, cycle and vehicular traffic and to cause temporary noise, dust and visual effects. During operation it will affect pedestrian, cycle and vehicular traffic and have potential to cause visual, noise and air quality effects. These effects have potential to affect residential and amenity receptors on and adjacent to the scheme area. On preliminary examination it can be considered that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed scheme. Thus, in accordance with the Regulations, it is required to screen the proposal to

form an opinion as to whether or not the proposed scheme should be subject to Environmental Impact Assessment (EIA).

7 Schedule 7 Screening

7.1 Overview of Schedule 7

Annex III of the EIA Directive (2011/92/EU, as amended) as transposed into Schedule 7 of the Planning and Development Regulations - sets out criteria for review of sub-threshold projects to determine if they should be subject to EIA. These criteria include characteristics, location and potential effects. Schedule 7A sets out information which is required to be provided for subthreshold projects to enable review against the Schedule 7 criteria.

7.2 Schedule 7A information

Schedule 7A of the Planning and Development Regulations sets out 'Information to be provided by the Applicant or Developer for the Purposes of Screening Sub-threshold Development for Environmental Impact Assessment'. Article 120 of the Regulations of 2001 (as amended) confirms that this requirement applies local authority developments. The specified information is listed below and the right-hand column shows where the information is provided in this report.

| Schedule 7A requirement | Where this information is provided |
|--|---|
| 1. A description of the proposed development | Section 2 of this report, also accompanying documents and drawings |
| 2. A description of the aspects of the environment likely to be significantly affected by the proposed development. | Section 7.3 of this report |
| 3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment | Section 7.3 of this report |
| 4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7 | Section 7.3 of this report |
| Additional requirement | |
| Any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. | Because no significant adverse effects are found to be likely, no further information on the characteristics of the proposed scheme and its likely significant effects on the environment is relevant or required. Relevant assessments of potential effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive are set out in Appendix II of this report. |

| Optional information | |
|--|--|
| A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development. | Because no significant adverse effects are found to be likely, no such features or measures are necessary. |

7.3 Review against Schedule 7 criteria

The Schedule 7 criteria cover:

1. Characteristics of the proposed development
2. Location of the proposed development
3. Types and characteristics of potential impacts

The specific criteria are listed in the table below. The comments provided in relation to the category 1 and 2 criteria are factual and do not generally comment on the types or characteristics of impacts. In keeping with the intent of Schedule 7, commentary on impacts is mainly provided in response to the items covered in the review of the category 3 criteria. All comments, particularly regarding 'significance', are made in the context of the Directive and guidance. The review against the Schedule 7 criteria takes account of the environmental factors set out in of Schedule 6, 2(d), as relevant.

| Schedule 7 Criteria | Commentary |
|---|---|
| <p>1. Characteristics of Proposed Development</p> <p>The characteristics of proposed development, in particular:</p> | |
| (a) the size and design of the whole of the proposed development | The project is approx. 0.5km. |
| (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment | <p>There are numerous existing developments of a wide range of types along and in the vicinity of the route, as typical for a busy urban roadway.</p> <p>There are existing live permissions for numerous other, as yet unbuilt, developments in the vicinity of the route. These are listed in Appendix III.</p> <p>The Bus Connects scheme for Belfield / Blackrock to Merrion is at consent stage with An Bord Pleanála which is subject to EIA.</p> |
| (c) the nature of any associated demolition works | No demolition works are required. |
| (d) the use of natural resources, in particular land, soil, water and biodiversity | No significant natural resources will be used. |

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| (e) the production of waste, | Waste generated during construction can be anticipated to be typical for a small scale works project. No significant waste streams will be generated during the construction or operation of the scheme. |
| (f) pollution and nuisances, | During construction, the proposal is likely to generate localised and short-term noise and dust and create minor traffic disruption. Restrictions in availability of footpaths, road carriageways and parking spaces during construction, as well as traffic disruptions during works to junctions, can be anticipated to have potential to cause nuisance to users. After construction, the scheme can be expected to negligible potential to cause significant pollution effects. |
| (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge | The proposal is likely to have a calming effect on traffic along the route and to provide improved, separated facilities for cyclists and pedestrians and has potential to reduce the risk of major accidents, and/or disasters in the area. Risk of flooding is not likely to be affected by the scheme. |

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| 2. Location of proposed development The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to— | |
| (a) the existing and approved land use | The land-uses of the surrounding area are mainly residential, commercial (retail) and amenity and community/social infrastructure (the RDS). |
| (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground | The route is located along the Dodder River. |
| (c) the absorption capacity of the natural environment, paying particular attention to the following areas: | |
| (i) wetlands, riparian areas, river mouths | The proposed development is located along the banks of the Dodder River, which is an important riparian ecological corridor through the south of the City. |
| (ii) coastal zones and the marine environment | - |
| (iii) mountain and forest areas | - |

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| (iv) nature reserves and parks | The scheme is in close proximity to Herbert Park. |
| (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive | - |
| (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure. | - |
| (vii) densely populated areas | Beatty's Avenue is a residential street. The wider environs are generally low density residential. |
| (viii) landscapes and sites of historical, cultural or archaeological significance | There are no designated landscapes or views however, the visual amenity of the route can generally be considered to be of significant value. Ball's Bridge is listed on the National Inventory of Architectural heritage where it is scheduled for inclusion in the next revision of the Record of Monuments and Places. The RDS is included in Dublin City Council's list of Protected Structures. |

| | |
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| 3. Types and characteristics of potential impacts The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in section 171A of the Act, taking into account— | |
| (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected) | The proposed scheme will directly affect approximately 0.5 km of roadway. |
| (b) the nature of the impact | Implementation of the proposed scheme will be undertaken on existing built surfaces. The level of potential noise, dust and surface water effects during construction can be expected to be within the normal range of such effects that would be expected during maintenance works for roads and traffic management. It can be reasonably anticipated that with application of normal construction |

| | |
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| | <p>environmental management techniques, these temporary effects will be within appropriate standards and can be characterised as imperceptible to slight in significance.</p> <p>Temporary effects on landscape during construction are also likely to be similar to those arising from routine road maintenance works and are likely to range from imperceptible to slight.</p> <p>During construction, localised changes in availability of footpaths, cycle tracks and vehicular carriageways can be expected to cause temporary effects on access and amenity. It can be reasonably anticipated that such effects will be effectively managed by standard construction traffic management planning and that these effects will be imperceptible to slight.</p> <p>No trees will need to be felled to facilitate the construction of the scheme.</p> <p>Pedestrian and cyclist facilities will be improved by the proposed scheme.</p> <p>Effects on traffic are addressed in detail in the accompanying Transport Statement (Aecom, January 2023). The findings of this report include, in summary -</p> <ul style="list-style-type: none"> • The scheme will affect vehicular capacity during the morning peak hour while the evening peak will continue to operate within capacity. • It is noted that the standard <i>Design Manual for Urban Roads and Streets</i>, May 2019, states that junctions will have to operate at saturation levels for short periods where high pedestrian / cycle demand exists. Taking account of this it is concluded that the scheme will not have a detrimental impact upon the operation of the existing Anglesea Road / Merrion Road junction. • The proposals will provide a significant improvement to pedestrian and cycle permeability including new infrastructure to enhance safety and journey times for vulnerable modes. <p>The net effect on traffic can be anticipated to be not significant within the meaning of the Directive.</p> |
|--|---|

| | |
|---|---|
| | <p>Standard construction management measures can be anticipated to effectively manage potential effects on the Dodder and its ecological corridor such that any effects can be anticipated to be imperceptible to insignificant.</p> <p>Once completed, the overall permanent environmental effects of the scheme during operation can generally be expected to be and insignificant within the meaning of the Directive.</p> |
| (c) the transboundary nature of the impact | - |
| (d) the intensity and complexity of the impact | <p>Construction impacts will be temporary, of low to slight intensity and will not be complex.</p> <p>Operational effects can be expected to be permanent and imperceptible to insignificant</p> |
| (e) the probability of the impact | The effects outlined at (b) above are likely to occur. |
| (f) the expected onset, duration, frequency and reversibility of the impact | Construction phase impacts will commence at start of construction, be of varying frequency and can be anticipated to be insignificant to slight and temporary to short-term. Overall operational effects can be anticipated to be permanent and imperceptible to insignificant. |

| | |
|--|--|
| <p>(g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment</p> | <p>As noted at 1(b) above, there are numerous other permitted and proposed projects in the locality. There are also other cycle routes as identified in the 2022 Greater Dublin Area Cycle Network. This Network includes the Dodder Greenway route along which the subject proposal lies. The Network has been incorporated into the NTA Greater Dublin Area Transport Strategy 2022-2042 (approved in January 2023). All projects and routes in the Network and Strategy are subject to applicable requirements of the EIA legislation including screening and, where required, full EIA. Both the Network and Strategy have been subject to Strategic Environmental Assessment (SEA). These assessments have considered the environmental effects of the wider network of cycle routes and other transportation proposals, including cumulative effects, in full compliance with the SEA Directive and transposing legislation.</p> <p>The Belfield / Blackrock to Merrion Bus Connects scheme, which is currently at consent stage with An Bord Pleanála, is subject to environmental assessment (EIAR) and compliance with the requirements of the EIA Directive.</p> <p>Other schemes along the Dodder Greenway route are under development by DCC. These schemes are not contiguous with the subject proposal and the subject proposal is not dependent on any of the other schemes.</p> <p>Because of this it is not required to consider any of the other schemes as part of the 'whole'³ subject development for EIA screening purposes as might be required if one scheme was integral to the others. Exclusion of the other schemes from the EIA screening is not 'project splitting' because they are not excluded in order to circumvent compliance with the requirements of the EIA Directive.</p> <p>Cumulative effects arising from the anticipated increase in use of the scheme route by cyclists and pedestrians have been considered under Schedule 7 criteria 3 (b), (d), (e) and (f) above, where it is found that they will not be significant within the meaning of the EIA Directive.</p> |
|--|--|

| | |
|--|---|
| (h) the possibility of effectively reducing the impact | <p>A high level of aesthetic design is anticipated to ensure that visual impact is effectively minimised.</p> <p>It can be reasonably anticipated that effects on traffic and parking will be effectively managed as part of the normal functions of the Council including measures indicated in the accompanying Transport Statement.</p> <p>Construction effects will be managed to be within appropriate environmental standards by adherence to standard protocols.</p> |
|--|---|

Based on review against the Schedule 7 criteria, the environmental impacts of the proposed project can be anticipated to be imperceptible to slight during the temporary construction phase and imperceptible to insignificant and permanent during operation. These effects are not likely to be significant within the meaning of the Directive.

Article 120 of the Regulations of 2001, as amended, states that the Schedule 7A information:

- a) 'shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account' and
- b) 'may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.'

A review of other relevant assessments is contained in Appendix II. This shows that none of the findings of these assessments affect the Schedule 7 screening considerations for this proposal.

In relation to (b), key measures associated with the proposal are referred to at the final row (h) of the table above.

³ Directive 2014/52/EU introduced requirement for EIA to address 'whole' projects. This is taken to include elements that are integral to the functioning or operation of the project even where consent is not being sought for those elements.

8 Conclusions

It is considered that the Beatty's Avenue to Herbert Park Rapid Deployment Scheme does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required for it.

This conclusion is based on an objective review of the proposed scheme, including its characteristics, location and the likelihood of it causing significant environmental effects. The screening has followed the relevant legislation and has had regard to the relevant guidance.

Appendix I – Standard Descriptions of Effects

(from *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, 2022, EPA)

| | |
|--|---|
| <p>Quality of Effects</p> <p>It is important to inform the non-specialist reader whether an effect is positive, negative or neutral</p> | <p>Positive Effects</p> <p>A change which improves the quality of the environment (for example, by increasing species diversity; or the improving reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).</p> |
| | <p>Neutral Effects</p> <p>No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.</p> |
| | <p>Negative/adverse Effects</p> <p>A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem; or damaging health or property or by causing nuisance).</p> |
| <p>Describing the Significance of Effects</p> <p>“Significance” is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i> below.).</p> | <p>Imperceptible</p> <p>An effect capable of measurement but without significant consequences.</p> |
| | <p>Not significant</p> <p>An effect which causes noticeable² changes in the character of the environment but without significant consequences.</p> |
| | <p>Slight Effects</p> <p>An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.</p> |
| | <p>Moderate Effects</p> <p>An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.</p> |
| | <p>Significant Effects</p> <p>An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.</p> |
| | <p>Very Significant</p> <p>An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.</p> |
| | <p>Profound Effects</p> <p>An effect which obliterates sensitive characteristics</p> |
| <p>Describing the Extent and Context of Effects</p> <p>Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.</p> | <p>Extent</p> <p>Describe the size of the area, the number of sites, and the proportion of a population affected by an effect.</p> |
| | <p>Context</p> <p>Describe whether the extent, duration, or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)</p> |

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| <p>Describing the Probability of Effects</p> <p>Descriptions of effects should establish how likely it is that the predicted effects will occur – so that the CA can take a view of the balance of risk over advantage when making a decision.</p> | <p>Likely Effects</p> <p>The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.</p> <p>Unlikely Effects</p> <p>The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.</p> |
| <p>Describing the Duration and Frequency of Effects</p> <p>'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.</p> | <p>Momentary Effects</p> <p>Effects lasting from seconds to minutes</p> <p>Brief Effects</p> <p>Effects lasting less than a day</p> <p>Temporary Effects</p> <p>Effects lasting less than a year</p> <p>Short-term Effects</p> <p>Effects lasting one to seven years.</p> <p>Medium-term Effects</p> <p>Effects lasting seven to fifteen years.</p> <p>Long-term Effects</p> <p>Effects lasting fifteen to sixty years.</p> <p>Permanent Effects</p> <p>Effects lasting over sixty years</p> <p>Reversible Effects</p> <p>Effects that can be undone, for example through remediation or restoration</p> <p>Frequency of Effects</p> <p>Describe how often the effect will occur. (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually)</p> |
| <p>Describing the Types of Effects</p> | <p>Indirect Effects (a.k.a. Secondary Effects)</p> <p>Impacts on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.</p> <p>Cumulative Effects</p> <p>The addition of many minor or significant effects, including effects of other projects, to create larger, more significant effects.</p> <p>'Do-Nothing Effects'</p> <p>The environment as it would be in the future should the subject project not be carried out.</p> <p>'Worst case' Effects</p> <p>The effects arising from a project in the case where mitigation measures substantially fail.</p> <p>Indeterminable Effects</p> <p>When the full consequences of a change in the environment cannot be described.</p> |

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| | <p>Irreversible Effects When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.</p> <p>Residual Effects The degree of environmental change that will occur after the proposed mitigation measures have taken effect.</p> <p>Synergistic Effects Where the resultant effect is of greater significance than the sum of its constituents, (e.g. combination of SO_x and NO_x to produce smog).</p> |
|--|--|

Appendix II - Relevant assessments of potential effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive

| EU Legislation | | Comments |
|---|---------------------------|--|
| Air Quality Directive | 2008/50/EC | There will be no air emissions of significance from the proposed scheme during operation. Construction impacts will be local short term and insignificant. As a result, no assessment is required pursuant to this Directive. |
| Floods Directive | 2007/60/EC | Dublin City Council confirm that no Flood Risk Assessment is required for the assessment. |
| Habitats and Birds Directives | 92/43/EEC and 2009/147/EC | An AA Screening Report has been prepared for the proposed scheme. It finds that the proposed scheme is not likely to have any significant effect (either directly or indirectly) on any European site, either alone or in combination with other plans or projects. |
| Noise Directive | 2002/49/EC | Construction noise will be local, short term and insignificant. No significant noise effects are likely to occur during operation of the scheme. As a result, no assessment is required pursuant to this Directive. |
| SEA Directive | 2001/42/EC | The proposed scheme is part of the 2022 Greater Dublin Area Cycle Network which has been incorporated into the NTA Greater Dublin Area Transport Strategy 2022-2042 (approved in January 2023). Both the Network and Strategy have been subject to Strategic Environmental Assessment (SEA). |
| Directive on Waste and repealing certain Directives (a.k.a Waste Framework Directive) | 2008/98/EC | The proposed scheme is not anticipated to be likely to generate any significant quantities of waste during construction or operation. No assessment is considered to be required pursuant to this Directive. |
| Water Framework Directive | 2000/60/EC | The proposed scheme does not have significant potential to cause effects on the River Dodder or any other watercourses and there is no requirement for any specific assessment pursuant to this Directive. |

This review of assessments of potential effects on the environment carried out pursuant to the European Legislation finds that no results arising from such assessments affect the findings of this EIA screening.

Appendix III – Local planning applications⁴ within the receiving environment of the proposed scheme⁵ Section

| Project Code | Status | Overview | Grant Date | Project Area (sq m) | Potential cumulative or in-combination effects. | Is there a risk of in-combination effects | Are significant in-combination effects likely |
|--------------|------------------|---|------------|---------------------|--|---|---|
| 3925/17 | Grant Permission | PROTECTED STRUCTURE: Royal Dublin Society intends to apply for permission for development on RDS Lands, Ballsbridge, Dublin 4. The overall RDS lands are located to the south of Merrion Road between Anglesea Road and Simmonscourt Road and between Simmonscourt Road and Shrewsbury Road and also include part of Simmonscourt Road. The RDS complex includes a number of structures which are protected structures. The development will consist of revisions to development permitted under Reg. Ref. 2617/03 (An Bord Pleanála Ref. PL29S.205688). The proposed revision comprises the removal of parts (3) and (4) of Condition No. 4 of Reg. Ref. 2617/03 (An Bord Pleanála Ref. PL29S.205688) as amended by Reg. Ref. 3560/05, relating to the occupation of permitted office floor area in advance of outstanding refurbishment/provision of RDS core facilities being completed. No works to the protected structure are proposed. | 2018/01/05 | 162,116 | <p>This is a large-scale project with a temporary construction phase and the operational phase will have localised effects that will be in keeping with the context and character of the surrounding environment.</p> <p>Considering the above, in combination with the lack of any potential for effects to European sites arising from the proposed scheme, and the lack of any significant connection to a European site, it is not considered that there is any potential significant in-combination effects to the ecological integrity of any European sites.</p> <p>The consent process for this project was subject to applicable EIA and AA requirements.</p> | No | No |
| 3144/18 | Grant Permission | PROTECTED STRUCTURE: The development will consist of the redevelopment of the Anglesea Stand to provide a new 3 level grandstand (6,481 person capacity), a 2 level (storey) hospitality and services building (Pocket Building) over basement, a club shop and substation (overall 8,604sq.m. [enclosed areas 2,805.3sq.m., concourse areas 2,721.7sq.m. with views facing onto the judging rings, External upper and Lower Tier of stand 3,077sq.m.]) with concrete, painted steel, metal panels, render and glass finishes to structures. | 2018/08/31 | 41,295 | <p>This is a medium-scale project with a temporary construction phase and the operational phase will have localised effects that will be in keeping with the context and character of the surrounding environment.</p> <p>Considering the above, in combination with the lack of any potential for effects to European sites arising from the proposed scheme, and the lack of any significant connection to a European site, it is not</p> | No | No |

⁴ The majority of surrounding developments within Dublin city are minor projects with no risk of in-combination effects. Therefore, a summary list of provided here of the five largest proposed schemes within the below stated parameters

⁵ Parameters used: planning application from within the last 5 years, within a radius of 200m around the proposed scheme boundary

| Project Code | Status | Overview | Grant Date | Project Area (sq m) | Potential cumulative or in-combination effects. | Is there a risk of in-combination effects | Are significant in-combination effects likely |
|--------------|--------|---|------------|---------------------|--|---|---|
| | | <p>The proposal will comprise:</p> <p>A) Demolition of the existing Anglesea Stand and Anglesea Terrace structure (approx.7,716sq.m.), 'lean-to' open fronted shed bounding Simmonscourt Road (approx. 145sq.m.) and removal of modern terrace (approx. 44sq.m.) area surrounding the clock tower (a protected structure);</p> <p>B) Provision of a new grandstand (7,332.2sq.m.) over 3 levels, 21.3m [26.8m OD] in height (with associated floodlighting and acoustic public address within roof of new stand) with a connection (via a glazed bridge link at level 01) to the pocket building of (1,204.3sq.m. GFA) comprising a 2 level (storey) 9.91m [15.41m OD] in height building with plant (89sq.m.) at roof level (within a louvered cover - overall height 10.66m 16.12m OD)) to the east. The proposal will include the following flexible ancillary accommodation net sq.m. areas (for new grandstand and pocket building): security/control rooms (c.13.3m); media, players and officials facilities (c. 356.7sq.m. [217.8sq.m. in horseshow model]); corridor/circulation areas (c.74.7sq.m. [30.7sq.m. in horseshow model]); bar/server areas (c.994.2sq.m. [1,185.8sq.m. in horseshow model]); WC facilities [including disabled & staff facilities] (c.719.7sq.m.); stores/coldrooms (c.217.7sq.m.); season ticket/VIP hospitality areas (c.56.1sq.m.); ancillary plant/electric areas (c.109.5sq.m.); the internal arrangement of the pocket building (and ancillary areas) will be flexible to accommodate rugby and horse show requirements/events;</p> <p>C) A single storey substation (c.18.4sq.m.) 3.6m. in height [9.92m OD] located to the east of existing South Stand; and a single storey double height club shop (c.49.1sq.m.) 6.7m. in height [12.2m OD] located adjacent to existing RDS office building;</p> <p>D) Terrace areas level 00 (396sq.m.) and level 01 (92sq.m.) within pocket building on southern façade as well as views</p> | | | <p>considered that there is any potential significant in-combination effects to the ecological integrity of any European sites.</p> <p>The consent process for this project was subject to applicable EIA and AA requirements.</p> | | |

| Project Code | Status | Overview | Grant Date | Project Area (sq m) | Potential cumulative or in-combination effects. | Is there a risk of in-combination effects | Are significant in-combination effects likely |
|--------------|------------------|--|------------|---------------------|---|---|---|
| | | <p>from all levels towards parade rings from grandstand and pocket building.</p> <p>E) Provision of signage zones (overall 135.5sq.m.) to north (16sq.m.) and south (115sq.m.) elevations of proposed Anglesea Stand and north (2sq.m.) and east (2.5sq.m.) elevations of proposed club shop;</p> <p>F) Revised landscaping to the north of Anglesea Stand and external areas;</p> <p>G) Revisions to surface water/drainage/attenuation/storage arrangements including all associated site development and landscaping works; and</p> <p>H) Access arrangements and parking provision as per the established layout and operation of the RDS complex.</p> | | | | | |
| 4712/18 | Grant Permission | The development will consist in the installation of a new fire escape door and roller shutter to the rear facade. | 2019/03/28 | 40,454 | <p>This is a medium-scale project with a temporary construction phase and the operational phase will have localised effects that will be in keeping with the context and character of the surrounding environment.</p> <p>Considering the above, in combination with the lack of any potential for effects to European sites arising from the proposed scheme, and the lack of any significant connection to a European site, it is not considered that there is any potential significant in-combination effects to the ecological integrity of any European sites.</p> <p>The consent process for this project was subject to applicable EIA and AA requirements.</p> | No | No |
| 4713/18 | Grant Permission | The development will consist of the removal of the existing sculpture and base, with the reinstatement of paving at the Serpentine Avenue entrance side of AIB Bankcentre, and the removal of the existing sculpture at the Merrion Road | 2019/03/28 | 40,454 | This is a medium-scale project with a temporary construction phase and the operational phase will have localised effects that will be in keeping with the context and character of the surrounding | No | No |

| Project Code | Status | Overview | Grant Date | Project Area (sq m) | Potential cumulative or in-combination effects. | Is there a risk of in-combination effects | Are significant in-combination effects likely |
|--------------|------------------|--|------------|---------------------|--|---|---|
| | | entrance of AIB Bankcentre. | | | environment. Considering the above, in combination with the lack of any potential for effects to European sites arising from the proposed scheme, and the lack of any significant connection to a European site, it is not considered that there is any potential significant in-combination effects to the ecological integrity of any European sites. The consent process for this project was subject to applicable EIA and AA requirements. | | |
| 3312/18 | Grant Permission | The development will consist of the construction of a new glazed revolving door to the Block J glazed atrium facade, along with associated sundry works to surrounding paving etc. at Serpentine Avenue side of AIB Bankcentre, Merrion Road, Ballsbridge, Dublin 4. | 2018/09/18 | 40,454 | This is a medium-scale project with a temporary construction phase and the operational phase will have localised effects that will be in keeping with the context and character of the surrounding environment. Considering the above, in combination with the lack of any potential for effects to European sites arising from the proposed scheme, and the lack of any significant connection to a European site, it is not considered that there is any potential significant in-combination effects to the ecological integrity of any European sites. The consent process for this project was subject to applicable EIA and AA requirements. | No | No |

Appendix IV - Competency of Authors

Paul Fingleton, the lead author, has an MSc in Rural and Regional Resources Planning (with specialisation in EIA) from the University of Aberdeen. Paul is a member of the International Association for Impact Assessment as well as the Institute of Environmental Management and Assessment. He has over twenty-five years' experience working in the area of Environmental Assessment. Over this period, he has been involved in a diverse range of projects including contributions to, and co-ordination of, numerous complex EIARs and EIA screening reports. He has also contributed to and supervised the preparation of numerous AAs and AA screenings.

Paul is the lead author of the current EPA Guidelines⁶ and accompanying Advice Notes⁷ on EIARs. He has been involved in all previous editions of these statutory guidelines. He also provides a range of other EIA related consultancy services to the EPA. Paul is regularly engaged by various planning authorities and other consent authorities to provide specialised EIA advice.

Clodagh Ryan, Environmental Assistant has a BSc in Environmental Management, Dublin Institute of Technology, 2021. Clodagh liaises with various government agencies and local authorities in order to assimilate the environmental baseline information that is used in EIAs and AAs and assists in the preparation of the various EIA and AA related documentation.

⁶ *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2022.

⁷ *Advice notes on current practice in the preparation of Environmental Impact Assessment Reports*, EPA, 2003