Section 1:
Introduction

1.1 INTRODUCTION

1.1.1 INTRODUCTION & TERMS OF REFERENCE

The central purpose of EIA is to undertake an assessment of the likely and significant impact on the environment of a proposed development in parallel with the project design process and to document this process in an Environmental Impact Statement (EIS) document which is submitted to the competent/consent authority in order to inform the subsequent decision as to whether the development should be permitted to proceed.

The proposed development comprises Phase 1A of a wider mixed use redevelopment of O'Devaney Gardens incorporating residential development, commercial / retail floorspace and community facilities. The first phase of the re-development (Phase 1A) comprises of 110 no. residential units and 4,680 sq.m. neighbourhood park.

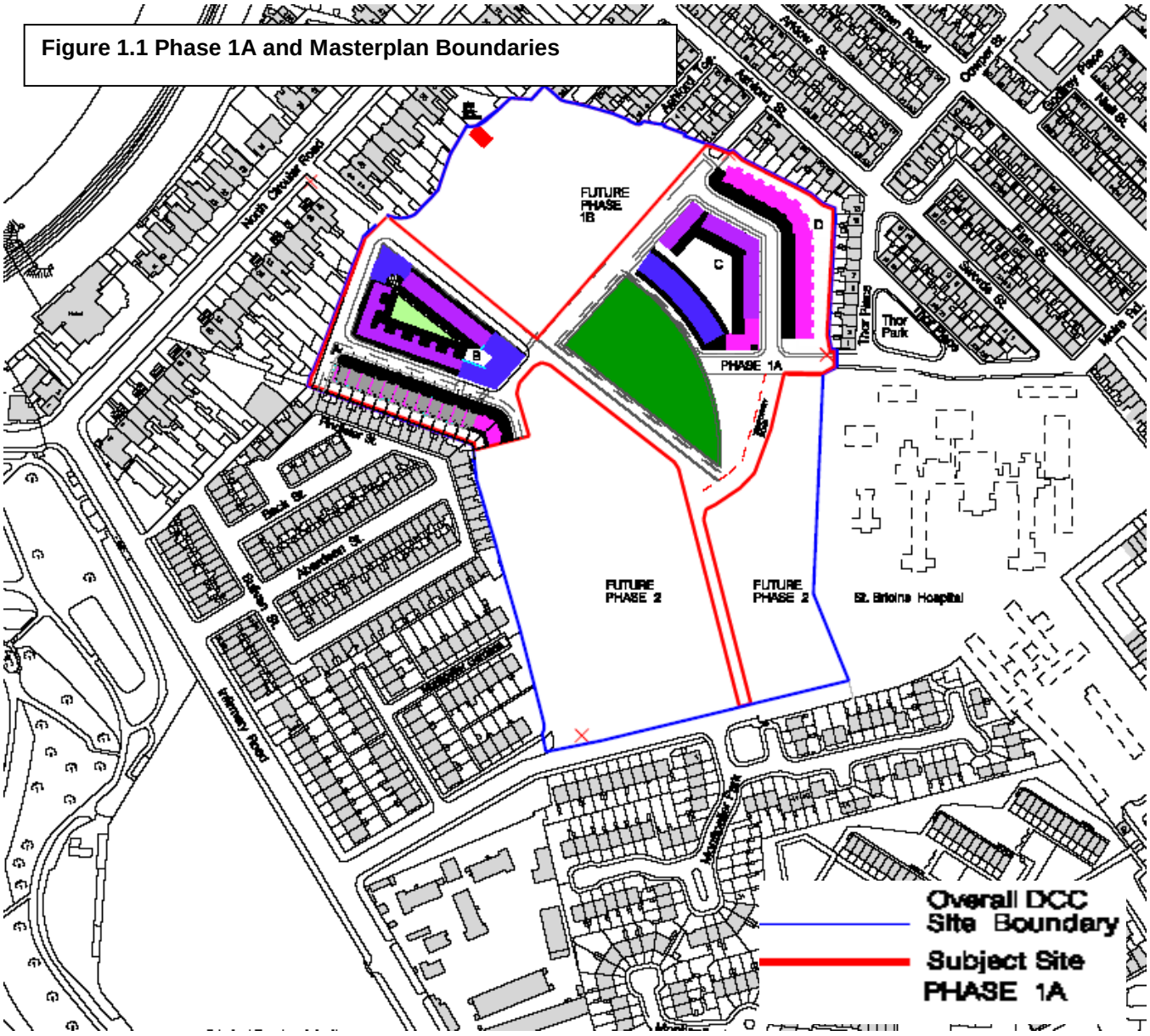
In accordance with Schedule 6, Part 2(c) of the Planning and Development Regulations 2001, this EIS considers the cumulative impact of the proposed Phase 1A development in conjunction with future phases of development as far as is possible having regard to the ongoing development and evolution of the masterplan proposals for future phases. Each individual chapter of this EIS addresses the cumulative impact of future phases in relation to the specific subject matter of that chapter.

Figure 1.1 overleaf shows definitive boundaries for the application site (Phase 1A) and Masterplan boundaries. Site boundaries and Masterplan boundaries as illustrated in Figure 1.1 have been used as definitive areas for all sections of the EIS. Other figures, plans and diagrams are indicative and for illustrative purposes only.

This EIS assesses in detail the impacts of the proposed Phase 1A development, for which planning permission is now being sought, within the context of the masterplan proposals. The cumulative impact of the Phase 1A proposals in conjunction with future phases of development is assessed based on the level of information available in the masterplan for future phases, and having regard to the continued evolution of future phases of development. Future phases will be subject to separate applications for planning permission. The Masterplan Layout attached at Appendix 2.1 depicts Phase 1A and future phases.

The overall development for O'Devaney Gardens comprises mixed use development with the potential for approximately 398 residential units of mixed typologies, approximately 1,880 sq.m gross floor area of non residential/commercial uses in Phase 1B and 1,280 sq.m of mixed office and community space in Phase 1B. Future phases (Phase 2) could have potential for mixed office and residential (8,000 sq.m. office potential). Car parking will be proposed in accordance with Development Plan standards at surface and basement level. The height of the development will range from 2-4 storeys in total.

Figure 1.1 Phase 1A and Masterplan Boundaries



1.1.2 DEFINITION OF EIA & EIS

Environmental Impact Assessment (EIA) is defined as:

"the process *of examining the environmental effects of the development – from consideration of the environmental aspects at design stage, through to the preparation of an Environmental Impact Statement, evaluation of the EIS by a competent authority and the subsequent decision as to whether the development should be permitted to proceed, also encompassing public response to that decision".*

EIS is defined as:

"a statement *of the effects, if any, which the proposed development, if carried out, would have on the environment" (Environmental Protection Agency, 2002)".*

In summary, EIA is a process for anticipating the effects on the environment caused by development. An EIS is the document produced as a result of that process and provides information which the competent/consent authorities use in deciding whether or not to grant consent. Where significant and likely environmental effects are identified that are unacceptable, the EIA process aims to quantify and minimise the impact specified development projects have on the environment. The preparation of an EIS requires site-specific considerations and the preparation of baseline assessment against the likely impacts of a proposed development and can be assessed by way of a concise, standardised and systematic methodology.

1.1.3 EIA LEGISLATION

Certain public and private projects that are likely to have significant effects on the environment are subject to EIA requirements derived from EIA Directive 85/337/EC (as amended by Directive 97/11/EC & Directive 2003/4/EC).

The requirements of Directive 2003/4/EC on public access to environmental information also took effect from June 2005. This Directive further strengthens provisions for ensuring public access to environmental information.

The EIA Directives are transposed into Irish land use planning consent system by way of the Planning & Development Acts 2000 – 2006 and the Planning & Development Regulations 2001 – 2008.

1.1.4 EIA GUIDELINES

EIA practice has evolved substantially since the introduction of the EIA Directive in 1985. Practice continues to evolve taking into account the growing body of experience in carrying out EIAs in the development sector. The following relevant key EIA Guidance has been consulted in the preparation of this EIA:

EIA Guidelines
Irish
• Guidelines on Information to be Contained in an Environmental Impact Statement (EPA 2002)
• Advice Notes on Current Practice (in preparation of Environmental Impact Statements) (EPA 2003).
• Environmental Impact Assessment (EIA), Guidance for Consent Authorities Regarding Sub-Threshold Development (DoEHLG 2003)
• Development Management Guidelines (DOEHLG, 2007).
• NRA Environmental Assessment and Construction Guidelines (NRA 2004).
• NRA Environmental Impact Assessment of National Road Schemes – A Practical Guide (NRA 2008)
European Union
• EU Guidance on EIA Screening (DG Environment 2001).
• Guidance on EIA Scoping (DG Environment 2001).
• EIA Review Checklist (DG Environment 2001).
• Study on the Assessment of Indirect & Cumulative Impacts as well as Impact Interaction (DG Environment 2002).

1.2 SCREENING – Requirement for an EIA

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment.

1.2.1 LEGISLATIVE TRIGGER FOR EIA

Annex I of the EIA Directive 85/337/EC requires as mandatory the preparation of an EIA for all development projects listed therein. Schedule 5 (Part 1) of the Planning & Development Regulations 2001 (as amended) transposes Annex 1 of the EIA Directive directly into land use planning Irish legislation. The Directive prescribes mandatory thresholds in respect to Annex 1 projects on the basis that these project classes will always have significant environmental effects and will therefore always require an EIA.

Annex II of the EIA Directive provides EU Member States discretion in determining the need for an EIA on a case-by-case basis for certain classes of project having regard to the overriding consideration that projects likely to have significant effects on the environment should be subject to EIA.

In transposing Annex II of the EIA Directive into Irish Legislation the Schedule 5 (Part 2) of the Planning & Development Regulations 2001 (as amended) set mandatory thresholds for each project class.

1.2.2 SUB-THRESHOLD EIA

The proposed development is sub-threshold development as it does not fall within any of the categories outlined in Schedule 5 of the Planning & Development Regulations 2001.

Environmental Impact Assessment – Guidance for Consent Authorities Regarding Sub Threshold Development (EPA 2003) provides guidance in considering whether sub-threshold projects require EIA.

It was decided by Dublin City Council at an early stage of the project to prepare an Environmental Impact Statement. It is considered that, having regard in particular to the high degree of community involvement, interest and participation in the development process, the availability of an EIS would be an important tool in assisting with the consideration and understanding of the proposed development. The EIS also allows a comprehensive and cohesive analysis of the impacts, whether they be beneficial or detrimental, of the proposed development on the wider community and environment.

Having regard to the character of the development which seeks urban regeneration, the city centre location context in a populated area, the location of the site adjoining areas of significant architectural heritage and the cumulative impact of the overall site re-development, an EIS is considered justified and beneficial to guide the project. The decision to accompany the application for Phase 1A with an EIS is in accordance with Article 103 and Schedule 7 of the Planning and Development Regulations 2001.

1.3 Purpose of this EIA

The primary purpose of this EIA process is to identify and predict the likely predicted significant environmental impacts resulting from the proposed development, to describe the means and extent by which they can be reduced or ameliorated, to interpret and communicate information about the likely impacts and to provide an input into the decision making and planning process.

The purpose of this EIS document is to provide transparent, objective and replicable documentary evidence of the EIA evaluation and decision making processes which led to the selection of the final project configuration. The EIS documents the consideration of environmental effects that influenced the evaluation of alternatives. It also documents how the selected project design incorporates mitigation measures; including impact avoidance, reduction or amelioration; to explain how significant adverse effects will be avoided.

It is intended that this EIS will assist the Planning Authority, statutory consultees and the public in assessing all aspects of the application proposals.

1.4 Objectives of this EIA

This EIS document describes the outcomes of the iterative EIA process which was progressed parallel with the project design process. The EIA process was based on the following four key objectives:

- Pursuing Preventative Action;
- Maintaining Environmental Focus and Scope;
- Informing the Decision; and,
- Public & Stakeholder Participation.

1.4.1 PURSUING PREVENTATIVE ACTION

Prevention is better than cure - pursuing preventative action is the most effective means by which potential negative environmental impacts can be avoided. An assessment of anticipated likely and significant impacts was undertaken during the Screening, Scoping and the Considerations of Alternatives stages of the EIA process. This involved forming a preliminary opinion, in the absence of complete data, with respect to the approximate magnitude and character of the likely environmental impacts. This assessment was based on the knowledge, experience and expertise of the EIA and project design team with reference to EIA guidance material and local precedents. An initial scoping exercise was also undertaken with the competent national authorities, the local authorities and key prescribed bodies.

Avoidance of Impacts has been principally achieved by two means: Firstly, through the consideration of alternatives and secondly the review of the project design in light of identified key environmental constraints.

1.4.2 MAINTAIN ENVIRONMENTAL SCOPE AND FOCUS

It is critical that the EIS document remains as tightly focussed as possible. This minimises expenses, delays and the potential for a confusing mass of data to obscure relevant facts. The EIA process has been project managed and steered so as to ensure that the EIS documentation and analysis is confined to those

topics and issues which are explicitly described in the legislation. Evaluation and analysis has been limited to topics where the indirect, secondary or cumulative impacts are either wholly or dominantly due to the project or development under consideration and remains focused on issues that:

- Are environmentally based;
- Are likely to occur; and,
- Have significant and adverse effects.

1.4.3 INFORMING THE DECISION

The key purpose of this EIS document is to enable the competent/consent authorities to reach a decision on the acceptability of the proposed development in the full knowledge of the project's likely significant impacts on the environment, if any.

1.4.4 PUBLIC & STAKEHOLDER PARTICIPATION

Decisions are taken by competent/consent authorities through the statutory planning process which allows for public participation and consultation while receiving advice from other key stakeholders and statutory authorities with specific environmental responsibilities.

The structure, presentation and the non-technical summary of the EIS document as well as the arrangements for public access all facilitate the dissemination of the information contained in the EIS. The core objective is to ensure that the public and local community is made as fully aware as possible of the likely environmental impacts of projects prior to the granting of consent.

Scoping consultations were carried out with key bodies as part of the EIA process. Direct public participation in the EIA process will be through the statutory planning application process.

Table 1.1 – Key Stages in the EIA Process

Key Stages	Notes
Project Preparation	The developer(s) prepares the proposals for the project
Screening	A decision on whether EIA is required is made by reference to legislation. Where a sub-threshold requirement for an EIA is considered to arise, the developer may be required to prepare an EIA in consultation with the Competent Authority.
Scoping	The Directive provides that developers may request a Scoping Opinion from the Competent Authority. The Scoping Opinion will identify the matters to be covered in the environmental information. It may also cover other

	aspects of the EIA process (see the guidance on Scoping in EIA). In preparing the opinion the Competent Authority must consult the environmental authorities (Article 5(2)).
Environmental Studies	The developer carries out studies to collect and prepare the environmental information required by Article 5 of the Directive.
Submission of Environmental Information to Competent Authority	The developer submits the environmental information to the Competent Authority together with the application for development consent. If an application for an Annex I or II project is made without environmental information the Competent Authority must screen the project to determine whether EIA is required (see above). (Articles 5(1) and 5(3)). In most Member States the environmental information is presented in the form of an Environmental Impact Statement (EIS).
Review of Adequacy of the Environmental Information	In some Member States there is a formal requirement for independent review of the adequacy of the environmental information before it is considered by the Competent Authority. In other Member States the Competent Authority is responsible for determining whether the Information is adequate. The guidance on EIS Review is designed to assist at this stage. The developer may be required to provide further information if the submitted information is deemed to be inadequate.
Consultation with Statutory Environmental Authorities, Other Interested Parties and the Public	The environmental information must be made available to authorities with environmental responsibilities and to other interested organisations and the general public for review. They must be given an opportunity to comment on the project and its environmental effects before a decision is made on development consent. If trans-boundary effects are likely to be significant other affected Member States must be consulted (Articles 6 and 7).
Consideration of the Environmental Information by the Competent Authority before making Development Consent Decision	The environmental information and the results of consultations must be considered by the Competent Authority in reaching its decision on the application for development consent (Article 8).
Announcement of Decision	The decision must be made available to the public including the reasons for it and a description of the measures that will be required to mitigate adverse environmental effects (Article 9).

Post-Decision Monitoring if Project is Granted Consent	There may be a requirement to monitor the effects of the project once it is implemented.

The highlighted steps must be followed in all Member States under Directives 85/337/EC and 97/11/EC. Scoping is not mandatory under the Directive but Member States must establish a voluntary procedure by which developers can request a Scoping Opinion from the CA if they wish. The steps which are not highlighted form part of good practice in EIA and have been formalised in some Member States but not in all. Consultations with environmental authorities and other interested parties may be required during some of these additional steps in some Member States.

Abbreviations: CA = Competent Authority; MS = Member State.

1.5 Scoping

1.5.1 INTRODUCTION

Scoping is the process of identifying the key issues specific to a particular project which are likely to be important and need to be examined in detail in an EIA and eliminates those that are not. Scoping also assists in keeping the EIA as tightly focused as possible on issues and impacts which are environmentally based, likely to occur, and significant.

The prior determination of the nature and detail of the information to be contained in an EIA is one of the most important stages in the process. Scoping provides for an opportunity for the exchange of views between various stakeholders, the EIA project team and design team members at an early stage when there is still flexibility in the design of the development and helps to increase confidence in the outcome of the process. Proper scoping also ensures that all the relevant issues are identified and addressed in an appropriate manner in the environmental studies.

Scoping is not a mandatory legislative requirement. However, EU Directive 97/11/EC requires that all EU Member States introduce, as a minimum, a voluntary scoping stage. Section 173 of the Planning & Development Act 2000 and Section 95 of the Planning & Development Regulations 2001 set out the procedures in Irish legislation for non-mandatory scoping requests. Notwithstanding that scoping is not a legal requirement in Ireland, it is considered best practice to include a scoping stage in a work programme for an EIA.

In preparing this EIA, a scoping exercise was conducted to ensure all relevant environmental issues and potential impacts were evaluated and the methods to be used for that evaluation.

1.5.2 MANDATORY EIA INFORMATION

Schedule 6 of the Planning & Development Regulations 2001 (as amended) sets out the information which is mandatorily required to be included in an EIS document (See below).

Table 1.2: Mandatory Information to be Contained in an EIS in Accordance with Schedule 6 of the Planning & Development Regulations 2001

1.(a) A description of the proposed development comprising information on the site, design and size of the proposed development.
(b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
(c) The data required to identify and assess the main effects which the proposed development is likely to have on the environment.
(d) An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment.

2. Further information, by way of explanation or amplification of the information

referred to in paragraph 1, on the following matters:-

(a) (i) a description of the physical characteristics of the whole proposed development and the land-use requirements during the construction and operational phases;
(ii) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
(iii) an estimate, by type and quantity, of expected residues and emissions (including water, air and soil pollution, noise, vibration, light, heat and radiation) resulting from the operation of the proposed development;

(b) a description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:

- human beings, fauna and flora,
- soil, water, air, climatic factors and the landscape,
- material assets, including the architectural and archaeological heritage, and the cultural heritage,
- the inter-relationship between the above factors;

(c) a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from:

- the existence of the proposed development,
- the use of natural resources,
- the emission of pollutants, the creation of nuisances and the elimination of waste,

and a description of the forecasting methods used to assess the effects on the environment;

(d) an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

Schedule 6(2)(b) above lists the environmental topics that must be addressed in an EIS document. Each of these topics is required to be included in the EIS document to avoid invalidating the legality of the process.

It is necessary to examine each of these environmental topics with respect to the impacts that the proposed development may have on them. However, the level of detail included differs depending on the likelihood of significant environmental impacts. The purpose of the scoping exercise undertaken was to shape and mould the EIS so as not to dismiss any potential impacts that may in fact be significant, and to focus on important issues which need to be resolved.

1.5.3 EU SCOPING GUIDANCE

The European Commission published *'Guidance on EIA: Scoping'* which sets out detailed best practice guidance information on EIA scoping.

The Guidelines include a series of scoping checklists all of which have been employed in the preparation of this EIA and in undertaking scoping consultations.

1.5.4 EPA SCOPING GUIDANCE

The *Advice Notes on Current Practice in the Preparation of Environmental Impact Statements* (EPA 2003) provides guidance on the type of information to be included in an EIA for various project types. The proposed development falls under 'Project Type 28 – Urban Development'.

Developments falling under Project Type 28 – Urban Development vary in potential for environmental impact according to their specific usages. However, they all share certain common areas of impact. The most significant of these tend to be landscape and infrastructural impacts.

Table 1.3: Project Type 28: Checklist of Items and Typical Likely Significant Environmental Effects to be Described in an EIA

Project Description	Checklist of items to be described:-
Construction	• Duration and phasing; • Site preparation; • Materials (sourcing and transportation); • Employment; • Noise, dust, traffic; • Infrastructural extensions (including telecommunications, water and power and access).
Operation (Including Alternatives)	• Type and quantity of products and inputs (if known); • Type and quantity of residue, emissions and waste and proposals for disposal (if known); • Number and type of user and seasonal/daily variation (if known). • Traffic; • Noise; • Atmospheric emissions; • Maintenance (landscape); • Classes of usage; • Storage of supplies/produce; • Waste handling.
Decommissioning (If Applicable)	• Permanence of adverse impacts.
Growth	• Expansion planned for future development.
Associated Developments	• Maintenance services; • Catering services; • Supply/consumer industries.
Environmental Effects	**Typical significant impacts likely to affect:**
Human Beings	• Amenity; • Accommodation; • Employment; • Health and safety; • Traffic congestion.

Fauna	• Loss and disturbance of habitats; • Food chain impacts; • Introduction of vermin and pests.
Flora	• Site preparation impacts (loss of habitat); • Emission impacts (aquatic); • Tramping impacts (terrestrial); • Eutrophication (terrestrial vegetation).
Soil (& Geology) **Water**	• Supply capacity; • Effluent disposal capacity; • Water table effects.
Air	• Atmospheric emissions; • Odours; • Noise.
Climate	• Atmospheric emissions.
The Landscape	• Visual impacts due to introduction of new structures; • Visual impacts due to access roads; • Visual impacts due to telecommunications/power lines; • Lighting; • Change of character due to intensification of use; • Parking; • Waste handling areas; • Litter; • Impact of removal of site vegetation; • Impact of landscaping proposals.
Material Assets	• Impacts on roads; • Impacts on water supply; • Impacts on power; • Impacts on telecommunications network; • Waste disposal requirements.
Cultural Heritage	• On-site heritage; • Features/artefacts along access or other infrastructural routes.
The Interaction of the Foregoing	
Possible Mitigation Measures	
	• Site selection; • Design and layout of development; • Landscaping; • Sensitive design/design alternatives.

1.5.5 Scoping Consultations with Competent/Consent Authorities

Pursuant to the Planning & Development Acts 2000 – 2006 the primary competent/consent authorities for the granting of planning consent for the proposed development are An Bord Pleanála. Numerous other subordinate competent authorities have an important consultative role in the decision making process.

It is best EIA practice to engage with the competent/consent authorities at the earliest opportunity in the EIA/design process both formally and informally regarding the scope of coverage required, to identify issues and emphasis that are likely to be important during the EIA, to determine the issues and

concerns which need to be evaluated and the methods to be used for that evaluation, and to avoid unnecessary delays. The competent/consent authorities can also advise on environmental factors and issues likely to be of local concern including indirect and interacting effects, and provide environmental data which can be valuable to the process.

A formal scoping request seeking the written opinion of An Bord Pleanála on the information to be included in the EIA was issued under Section 173 of the Planning & Development Act 2000 and Article 95 of the Planning & Development Regulations 2001.

The scoping request included a Scoping Report and all of the information required under Section 173 of the Planning & Development Act 2000 and Article 95 of the Planning & Development Regulations 2001. A copy of the Scoping Report is included at Appendix 1.1. Upon receipt of a formal scoping request the Planning Authority is obliged by legislation to consult with the relevant statutory bodies. A copy of the Scoping Response from An Bord Pleanála on the 2nd of June 2010 is enclosed at Appendix 1.2.

The An Bord Pleanála Scoping Response states that the following should be addressed in the EIS:

- The proposed development;
- The existing environment;
- The impacts of the proposed development;
- The measures to mitigate adverse impacts;
- A non-technical summary.

The EIS Scoping Response further states that, in terms of specific environmental topics, the EIS should, in particular, address the following matters:

<u>Human Beings</u>

- The likely effects on the health and safety of human beings during all phases of development, including demolition, construction and operation;
- Community impacts;
- Impacts on social infrastructure;
- Phasing of development and construction management details.

<u>Fauna and Flora</u>

- An assessment of the impact on ecology;
- Description of planting and landscaping to be provided, particularly the public Park proposed within Phase 1A;
- Regard should be had to Circular Letter NPWS 2/07 Guidance Note on Compliance with Regulation 23 of the Habitats Regulations 1997, which relates to the protection of certain species and applications for derogration licenses;
- Particular attention should be paid to be possible presence of bats;

Soil

- The EIS should contain the necessary information required by the EPA Guidelines on the Information to be contained in Environmental Impact Statements, 2002;
- Information relating to the amount of materials disturbed or excavated on the site and proposals for storage, reuse and disposal of excavated materials;
- An assessment of the impact of excavations or other ground works on surface waters;
- Mitigation measures to prevent or minimise emissions from the site during demolition and operation.

Water

- The impact of excavated materials on ground and surface waters, and how they could impact on the aquatic environment of rivers in the vicinity, particularly the Liffey;
- Establish the groundwater levels against the proposed finished floor levels of buildings, together with an assessment of the impact on the drainage regime of the overall area;
- Address measures to protect against flooding;
- Assess any potential impact on receiving waters, the adequacy of water services in the area for fire-fighting purposes, as well as potable supplies to the development;
- Provide information related to the co-ordinated provision of physical infrastructure and services, in terms of the cumulative impact of the overall Masterplan. Assess capacity of foul and storm water sewer system;

Air

- Provide appropriate up-to-date baseline data for air quality, and describe any mitigation measures necessary to minimise adverse impacts on air quality.

Landscape

- Assess proposed development in terms of receiving urban landscape. The assessment should address existing visually prominent and functional features in the urban landscape and should provide an assessment of the visual impact of the development as it relates to the surrounding residential areas in particular;
- This section of the EIS might include a series of photomontages or other forms of visual aid. Plans and sectional drawings should also be included;
- Description of the nature and function of all aspects of landscaping including landscaping which facilities permeability with adjoining areas. The EIS should identify if open space is to be graded.

Material Assets

- Baseline archaeological data should be provided for the site and proposed mitigation measures, where archaeological remains are to be affected, should be included.

- The scale and design of the proposed development should be assessed in terms of the Architectural Impacts within the Master Plan area and its impacts on architecture in adjoining residential areas outside the Masterplan area. The architectural character should be reference to adjacent residential streets, zoned Z2, Residential Conservation Zones.
- Consideration should be given to structures of architectural merit which are at a remove from the site but which may be affected due to works associated with the proposed development.
- It may be considered appropriate that buildings of architectural merit may assist in providing a context and backdrop for the new development.
- Consultation with the City Conservation Officer regarding any impact on structures would be useful.

Traffic Issues

- A description of traffic impacts arising from the proposed development shall be provided, as well as a description of mitigation measures deemed necessary;
- A full assessment of public transport services and linkages through the site, including mitigation measures to minimise the impact of the development, notably during construction and demolition phases;
- Have regard to the existing patterns of traffic, on the site as well as in the surrounding road network. The analysis shall also include considerations of directional flow, provision of bus gates and considerations of the capacity of the adjoining road network to accommodate the development.
- Address traffic generated by the proposed development during demolition, construction and operational phases. Include information on the volume and type of traffic (including details of any unusually heavy, high or wide loads) likely to be generated during these phases of the development;
- Consider the environmental effects of such heavy traffic, and clearly provide details regarding the proposed routes to and from the site;
- Address any cumulative issues which may / will arise in the overall development of the Masterplan site, and have regard to other major developments in the vicinity of the site;
- Describe the development in terms of its permeability with surrounding areas and the traffic arrangements which will facilitate such permeability, including pedestrian and cycle traffic.

Other Issues

- Consider the cumulative impact of the overall Masterplan site in relation to the provision of physical infrastructure, including all water services, drainage, utilities and the layout of the proposed new streets;
- Demonstrate that the provision of commercial / retail uses within Phase 1 is appropriate to the subject location;
- In the greater Master Plan proposals for the overall site, and the proposal for a mixed use retail complex in Phase 1B, a Retail Impact should be undertaken, and its findings considered against the Dublin Retail Strategy in this regard.

1.5.6 Ongoing Scoping

The overarching objective of the EIA process to prevent and reduce environmental degradation and associated impact on environmental receptors can only be achieved where project design takes place iteratively and in parallel with the EIA process.

The emerging preferred design and layout of the proposed development was the subject of numerous reviews during the EIA process. As a result, the finalised design was informed by environmental criteria and sensitivities emerging from the assessment of the specific baseline receiving environment. This process was managed by way of regular joint EIA and design team which facilitated regular dialogue between the environmental specialists and the project design team.

Regular document and design reviews were also undertaken and cross-examined by various environmental specialists and project design team members to ensure all potential interactions, conflicts and mitigation measures were considered.

The ongoing scoping exercise was also utilised to ensure that, at all times, the environmental focus of likely and significant impacts was maintained.

1.6 FORMAT AND STRUCTURE OF THIS EIS

The preparation of an EIS document requires the assimilation, co-ordination and presentation of a wide range of relevant information in order to allow for the overall assessment of a proposed development. For clarity and to allow for ease of presentation and consistency when considering the various elements of the proposed development, a systematic structure is used for the main body of this EIS document.

The structure used in this EIS is a Grouped Format structure. This structure examines each environmental topic1 in a separate section of the EIS document. The structure of the EIS document is out in Table 1.2 below.

This systematic approach described above employs standard descriptive methods, replicable prediction techniques and standardised impact descriptions to provide an appropriate evaluation of each environmental topic under consideration. An outline of the methodology employed in each chapter to examine each environmental topic is provided below:

[1] In some instances similar environmental topics are grouped.

Methodology Employed to Evaluate each Environmental Topic

- **Introduction:** Provides an overview of the specialist area and specifies the specialist who prepared the assessment.

- **Study Methodology:** This subsection outlines the method by which he relevant **impact** assessment has been conducted within that chapter.

- **The Existing Receiving Environment (Baseline Situation):** In describing the receiving environment, the **context, character, significance and sensitivity** of the baseline receiving environment into which the proposed development will fit is assessed. This also takes account of any proposed developments that are likely to proceed.

- **Characteristics of the Proposed Development:** Consideration of the 'Characteristics of the Proposed Development' allows for a projection of the 'level of impact' on any particular aspect of the proposed environment that could arise. For each chapter those characteristics of the proposed development which are relevant to the area of study are described; for example the chapter on noise describes the machinery and operations which are likely to produce noise while the landscape and visual impact.

- **Potential Impact of the Proposed Development:** This section provides a description of the specific, direct and indirect, impacts that the proposed development may have. This is provided with reference to both the Receiving Environment and Characteristics of the Proposed Development sections while also referring to the (i) magnitude and intensity, (ii) integrity, (iii) duration and (iv) probability of impacts. Impact assessment addresses direct, indirect, secondary, cumulative, short, medium and long-term permanent, temporary, positive and negative effects as well as impact interactions.

- **Do Nothing Impact:** In order to provide a qualitative and equitable assessment of the proposed development, this section considers the proposed development in the context of the likely impacts upon the receiving environment should the proposed development not take place.

- **Avoidance, Remedial and Mitigation Measures:** Remedial and mitigation measures describe any corrective or mitigative measures that are either practicable or reasonable, having regard to the potential impacts. This includes avoidance, reduction and remedy measures as set out in Section 4.7 of the Development Management Guidelines 2007 to reduce or eliminate any significant adverse impacts identified

- **Predicted Impacts of the Proposed Development:** This section allows for a qualitative description of the resultant specific direct, indirect, secondary, cumulative, short, medium and long-term permanent, temporary, positive and negative effects as well as impact interactions which the proposed development may have, assuming all mitigation measures are fully and successfully applied.

- **Monitoring:** This involves a description of monitoring in a post-development phase, if required. This section addresses the effects that require monitoring,

along with the methods and the agencies that are responsible for such monitoring.

- **Reinstatement:** While not applicable to every aspect of the environment considered within the EIS, certain measures need to be proposed to ensure that in the event of the proposal being discontinued, there will be minimal impact to the environment.

- **Interactions:** This section provides a description of impact interactions together with potential indirect, secondary and cumulative impacts

- **Difficulties Encountered in Compiling:** This section provides and indication of any difficulties encounters by the environmental specialist in compiling the required information.

1.7 EIA PROJECT TEAM

1.7.1 EIA Project Management

This EIA was project managed, co-ordinated and produced by John Spain Associates in conjunction with Dublin City Council. John Spain Associates role was to synchronise the EIA process and to liaise between the EIA project design team and various environmental specialist consultants. John Spain Associates were also responsible for editing the EIS document to ensure that it is cohesive and not a disjointed collection of disparate reports by various environmental specialists.

1.7.2 EIA Project Design Team

The project design was co-ordinated by the Dublin City Council Architectural Department in consultation with the consulting engineers and parks department. The design process has also been informed by extensive community consultation (see Chapter 2) and by input from the specialist environmental consultants.

1.7.3 EIA Environmental Specialists

Environmental specialist consultants were also procured for the various technical sections of the EIS document which are mandatorily required as per the EIA Directive and Regulations (described above).

Each environmental specialist was commissioned having regard to their previous experience in EIA; their knowledge of relevant environmental legislation relevant to their topic; familiarity with the relevant standards and criteria for evaluation relevant to their topic; ability to interpret the specialised documentation of the construction sector and to understand and anticipate how their topic will be affected during construction and operation phases of development; ability to arrive at practicable and reliable measure to mitigate or avoid adverse environmental impacts; and to clearly and comprehensively present their findings.

Each environmental specialist was required to characterise the receiving baseline environment; evaluate its significance and sensitivity; predict how the receiving environment will interact with the proposed development and to

work with the EIA project design team to devise measures to mitigate any adverse environmental impacts identified.

The relevant consultants for each section of the EIS are set out in Table 1.3 below. John Spain Associates does not accept any responsibility for the assessment undertaken by other consultants and design team member in this EIS.

Table 1.4: EIS Specialist Consultants

CHAPTER NUMBER	EIS TOPIC	CONSULTANT
1	**Introduction**	John Spain Associates
2	**Description of Proposed Development**	John Spain Associates / Dublin City Council
3	**Planning and Development Context**	John Spain Associates
4	**Human Beings**	John Spain Associates
5	**Traffic and Transportation**	Transportation Planning Services
6	**Cultural Heritage (Archaeology)**	Roseanne Meenan
7	**Cultural Heritage (Architectural Heritage)**	Dublin City Council
8	**Flora and Fauna**	Niamh Roche
9	**Landscape and Visual Impact**	Kennett Consulting Ltd
10	**Soil, Water and Geology**	DBFL Consulting Engineers
11	**Air Quality and Climate**	Byrne Environmental Consulting Ltd
12	**Noise and Vibration**	Byrne Environmental Consulting Ltd
13	**Daylight and Sunlight**	Dublin City Council
14	**Material Assets**	DCC / DBFL
15	**Interactions of the Foregoing**	John Spain Associates
16	**Principle Mitigation Measures**	John Spain Associates

1.8 EIA SEQUENCE & PROGRAMME

The undertaking of an EIA process and the preparation of an EIS document requires the assimilation, co-ordination and presentation of a wide range of complex and inter-related information. The lack of adequate time and

resources can significantly reduce the effectiveness of the process. The EPA EIA Guidelines (2002) suggest a minimum time period of twelve weeks.

This EIA process commenced in January 2009 and was progressed over a eight month time period. This time period allowed for all stages of the EIA process to be undertaken and all anticipated environmental impacts to be adequately assessed.

The 23 month EIA time frame permitted a detailed and robust assessment of the receiving baseline environments assessment against which the likely impacts of a development were assessed by way of a standardised and systematic methodology.

The sequence and timing of the design process was structured to allow environmental factors to be accommodated at appropriate stages taking account of the receiving baseline environment. Evolving design information was provided to the environmental specialist throughout the process to identify conflicts with environmental constraints. This programme and timeframe permitted an iterative design process whereby various site layout and design configuration alternatives were assessed to ensure preventative action and avoided environmental sensitivities and vulnerabilities. This process allowed for design modifications and mitigation through design.

1.9 PRESENTATION OF THE EIS & NON-TECHNICAL SUMMARY

This EIS is presented in two volumes. The first volume (Volume 1) contains the substantial text of the EIS together with the various drawings, maps, data and appendices which assesses the impact of the proposed development.

The second volume (Volume 2) is provided is separately bound and contains the appendices relating to Chapters contained within Volume 1.

The EIA Directive requires that one of the fundamental objectives of the EIA process is to ensure that the public are fully aware of the environmental implications of any decisions. A Non-Technical Summary of the EIA has therefore been prepared which summarises the key environmental impacts and is provided as a separately bound document.

1.10 LINKS BETWEEN EIA & STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

The EU SEA Directive (2001/42/EC) requires all plans or programmes to undergo Strategic Environmental Assessment (SEA). SEA is a process by which plans (including plans) and programmes are evaluated by reference to the same environmental topics as are used in EIA and have regard to the likely significant environmental effects, of implementing the plan or programme. Like EIA, the assessment examines alternatives and proposes mitigation measures for any significant adverse effects that are anticipated. EIA, on the other hand, is only concerned with projects and is undertaken for specific proposals at a lower level of the consent hierarchy. SEA is mandatorily required for plans which set the framework for future EIA consent projects.

An SEA has been carried out as part of the preparation of the Draft Dublin City Development Plan 2011 – 2017.

1.11 LINKS BETWEEN EIA & APPROPRIATE ASSESSMENT (AA)

In accordance with Article 6(3) of the Habitats Directive (92/43/EEC) any project not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to the Appropriate Assessment procedure of its likely implications for the site in view of the site's conservation objectives.

An Appropriate Assessment Screening report, otherwise known as a Natura Impact Screening Report, has been prepared by Dublin City Council and is submitted as part of the application. This is attached as Appendix 1.3 of the EIS.

This Appropriate Assessment Screening carried out by Dublin City Council concludes that that there will be no direct, indirect or cumulative impact on any Natura site in the wider vicinity as a result of the implementation of the developments proposed under the masterplan.

Accordingly, the planning authority has determined that an Appropriate Assessment (AA) is not required for the proposed Draft Masterplan for the Regeneration of O' Devaney Gardens.

1.12 AVAILABILITY OF EIS DOCUMENTS

A copy of this EIS document and Non-Technical Summary of the EIS document is available for purchase at the offices of Dublin City Council (Planning Authority) and/or the offices of An Bord Pleanala at a fee not exceeding the reasonable cost of reproducing the document.

1.13 IMPARTIALITY

This EIS document has been prepared with reference to a standardised methodology which is universally accepted and acknowledged. Recognised and experienced environmental specialists have been used throughout the EIA process to ensure the EIS document produced is robust, impartial and subjective.

It should be noted that, as highlighted above, an important part of the EIA process is preventative action which causes the project design team to devise measures to avoid, reduce or remedy significant adverse impacts in advance of applying for consent. As a result, where no likely significant impacts have been identified where they might reasonably anticipated to occur, the design and layout of the proposed development has generally been amended to ensure there is no likely significant impacts.

1.14 STATEMENT OF DIFFICULTIES ENCOUNTERED

No exceptional difficulties were experienced in compiling the necessary information for the proposed development. Where any specific difficulties were encountered these are outlined in the relevant section of the EIS.

1.15 QUOTATIONS

EIS documents by their very nature contain statements about the proposed development, some of which are positive, and some negative. Selective quotation or quotations out of context can give a very misleading impression of the findings of this EIS.

The EIS study team urge that quotations should, where reasonably possible be taken from the conclusions of specialists' sections or from the non-technical summary and not selectively.

1.16 EIA QUALITY CONTROL & REVIEW

John Spain Associates is committed to consistently monitor the quality of EIS documents prepared both in draft form and before they are finalised, published and submitted to the appropriate competent authority taking into account latest best-practice procedure, legislation and policy.

The European Union published *'Guidance on EIA: EIS Review'* in June 2001. This document includes a detailed EIS Review Checklist which has been used to undertake a review of this EIS document.

1.17 ERRORS

While every effort has been made to ensure that the content of this EIS document is error free and consistent there may be instances in this document where typographical errors and/or minor inconsistencies do occur. These typographical errors and/or minor inconsistencies are unlikely to have any material impact on the overall findings and assessment contained in this EIS.