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Belmayne Main Street and Belmayne Avenue Environmental Impact Assessment Report (EIAR) Screening Report

28 September 2018

On behalf of:



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

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1. Introduction

1.1 Project Brief

This document provides for a screening of the proposed Belmayne Main Street and Belmayne Avenue (BMSBA) road scheme by Dublin City Council in Belmayne, Dublin 13 in order to establish the correct procedural path for the road proposal having regard to the Environmental Impact Assessment regulations.

This application for road developments in the Belymane area includes:

- the completion of Main Street and Belmayne Avenue, including changes to the existing layout;
- a new route to provide a link between New Priory and the Malahide Road;
- the roads will provide for vehicular traffic, bus lanes, cycle lanes and pedestrians;
- provide improved bus lane facilities which are intended to be used as a public transport corridor;
- provide a bus gate along Main Street to the Malahide Road (with new signalised junction at Malahide Road/Mayne River Road);
- pedestrian crossing for new school on Belmayne Avenue;
- signalised junction at Belmayne Avenue/Belmayne Main Street;
- signalised junction at Belmayne Avenue/Parkside Boulevard; and
- the provision of artificial lighting, landscaping and utility services.

The road infrastructure supports the implementation of the policies and objectives of the Clongriffin-Belmayne Local Area Plan (LAP) 2012 (extended to 2022).

Belmayne is a relatively new and still-developing urban expansion area at the northern edge of the Dublin City Council (DCC) area. The existing roads, residential and commercial developments have been built on foot of a series of planning permissions dating back to 2003. The 'parent' planning permission for the area was granted under Ref. PL29N.131019 (DCC Ref. 0354/02) and subsequent permissions. The EIS accompanying the planning application provided for mixed use development providing 2,180 no. dwelling units, 10,052 square metres retail, commercial and community uses, and ancillary works with phased implementation. The Belmayne Main Street and Belmayne Avenue (BMSBA) road scheme development (including bus lane proposals) which is the subject of this EIAR Screening Assessment was included in similar form in the 2003 permission and EIS.

The permission included a c.880m long road some 25m in width running from the western boundary of current day New Priory to Grange Road Extension (near the Malahide Road Junction). The approved road comprises 4 lanes (including bus lanes for QBC), footpaths, cycle lanes, parallel parking and a median and a bus gate at the Grange Road Extension. The approved road was substantially constructed, in that c.570 m of the c.880m length of road was undertaken (see Figure 1 below). Different sections are at varying stages of completion and have different states of usability. Consequently, today Main Street as conceived under the original permission is incomplete.

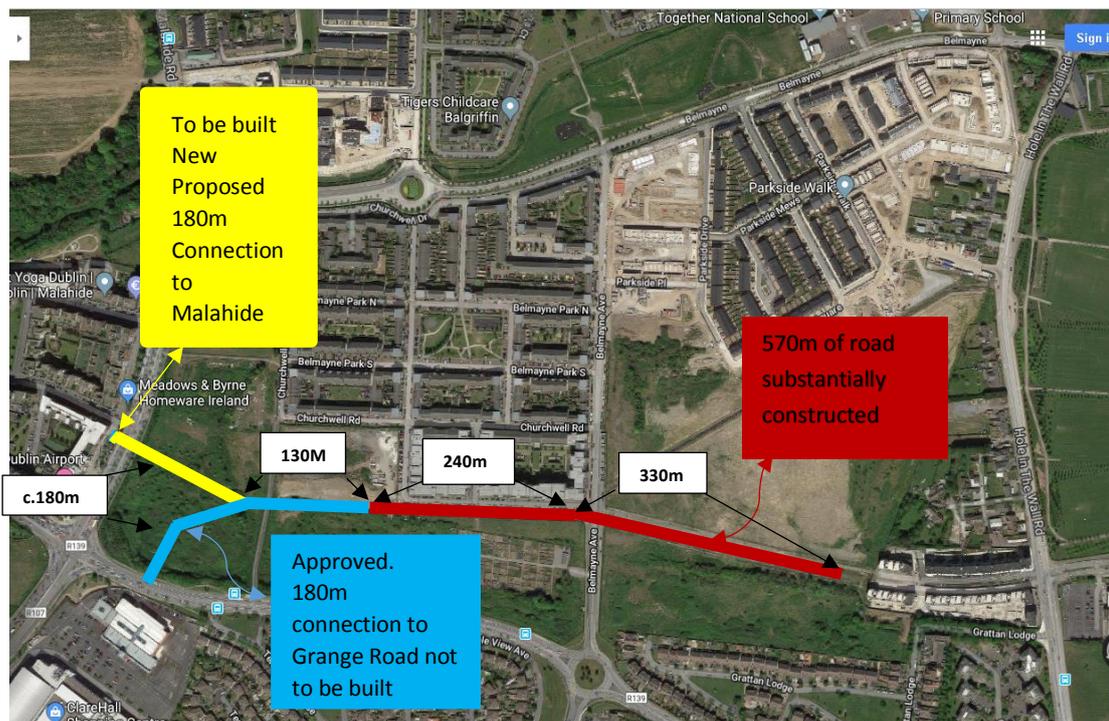


Figure 1 – Identification of sections of Belmayne Main Street that are approved, substantially constructed or to amended.

Section 40(2) (iv) of the Planning and Development Act, 2000-2018, allows, in the case of a development which has not been completed and where the permission has expired, for the provision of approved roads and services etc which are necessary to the completed buildings. While the completion of the road is necessary for the completed buildings at Belmayne, the Council proposes to complete the road network to bring the constructed elements of the road up to current standards (construction standards / DMURS / National Cycle Manual standards etc). This results, in the case of the substantially constructed sections, of road reconstruction and road widening / road redesign in order to provide appropriate widths of carriageway / cycleways, buffers etc.

The 130m section of the approved unconstructed road between Churchwell Crescent and Churchwell Avenue is to be completed to a new roads design. The overall length of the road is not increasing as such, however, the c.180m section of the approved road (including Bus Gate) which was never constructed, is to be realigned / rerouted. Instead of connecting with Grange Road, the road (with bus gate) is to connect to the Malahide Road (see Figure 1 above). Approx. 100m of the referred 180m section of road to be rerouted is to have 4 lanes and c.80m is to have 2 lanes. In brief the project comprises road widening and / or redesign / completion, as appropriate, in respect of the approved 4 lane 700m stretch of road. In the case of the new road the project comprises the provision of a 180m length of road of 2 to 4 lanes.

This report has been prepared in accordance with published guidance on the Screening Process, to determine whether or not there is a requirement to prepare an Environmental Impact Assessment Report (EIAR) for the proposed road development. This includes the Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (Environmental Protection Agency, Draft August 2017) and Environmental Impact Assessment of National Road Schemes – A Practical Guide (National Roads Authority, 2008). It is concluded that due to the location of the site and the nature and extent of authorised development including works carried out to date and given the nature and extent of proposed works, it is considered that the project does not meet Annex II screening thresholds and would not have significant effects on the environment. An EIA for the project is not required.

1.2 Proposed Development

The proposed project is referred to as the 'Belmayne Main Street and Belmayne Avenue' (BMSBA). The development site is located on the northern periphery of Dublin City, Belmayne, Dublin 13, which is close to the Clare Hall intersection, between the R139 Northern Cross Road and the R107 Malahide Road. The context of the site is shown in Figure 2 below, which indicates the area of the proposed scheme here under assessment in red hatching, set against the initial phases of the Belmayne development, the Malahide Road and Clare Hall Shopping Centre to the south west and the Clongriffin train station to the east.

'Parent Permission'

The 'Parent Permission' for Belmayne was granted by An Bord Pleanála on 18th July 2003 (ABP Ref. PL29N.131019, DCC Ref. 354/02). An EIS was submitted with the planning application covering the entire Belmayne area (see figs. 5,6 & 7 below) including Main Street and Belmayne Avenue.

The original application comprised phase 1 (9.7ha.) of an overall mixed-use development (57.8ha.) of 5 phases with two undetermined phases on Dublin City Council lands adjacent to Malahide Road. It included a total of 629 residential units. Access to the site was provided from Malahide Road and Grange Road Extension. The layout incorporated a Quality Bus Corridor between Grange Road Extension and the future railway station to the east.

It is noted that Condition 3 of the Planning permission required *inter alia* that the developer construct the b) Main Street - from Grange Road Extension to the eastern boundary of the site (including footpaths and public lighting), prior to the occupation of any units within phase 1 of the development. Condition 5 required that access to Grange Road Extension would be by way of Main Street only (between cells P52 and P53) and shall be confined to pedestrians, cyclists, public transport vehicles and controlled vehicles. Condition 6 required the proposed bus corridor on Main Street be relocated from the median lanes to run along the lanes adjacent to the side pavements.



Figure 2: Location of the Proposed Development (Source: Google Maps)

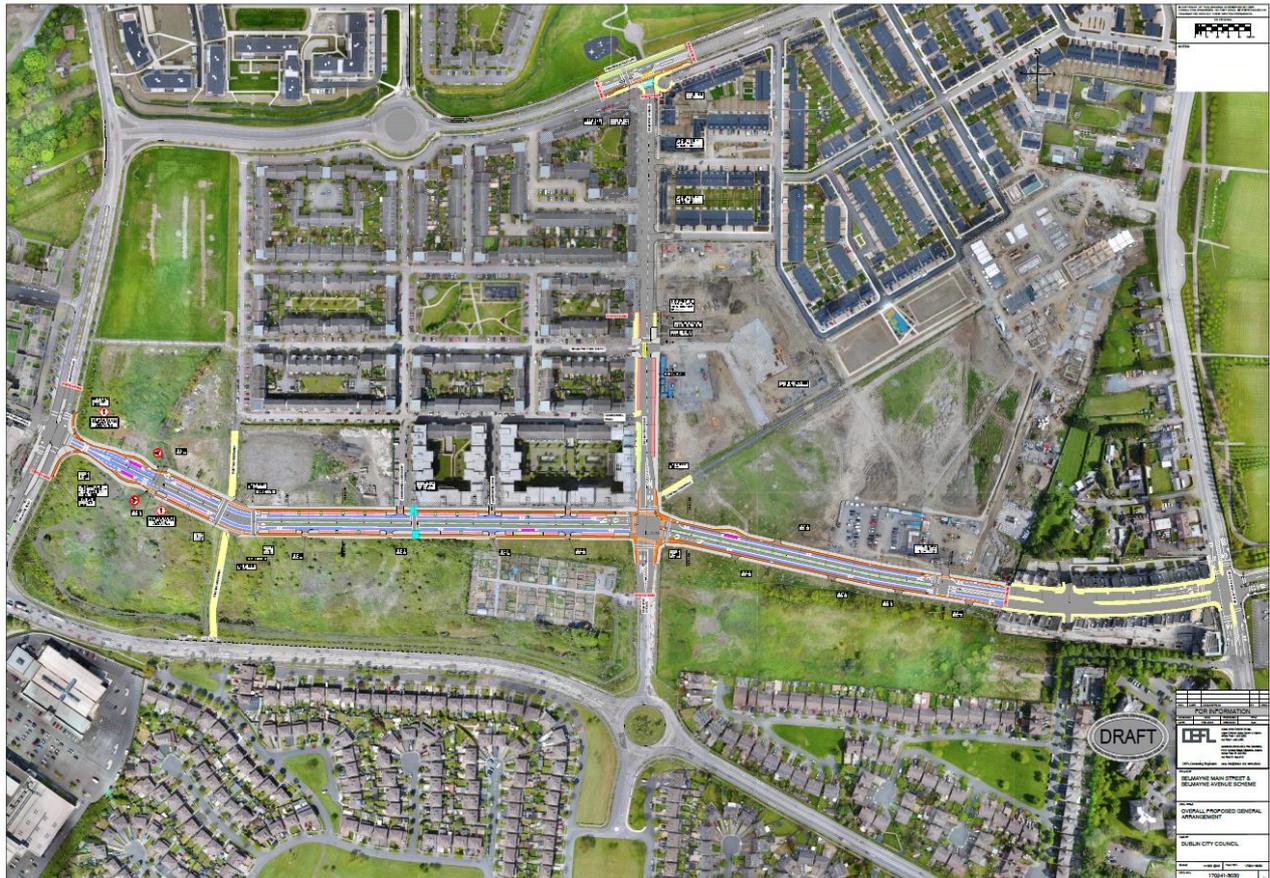


Figure 3: Detailed illustration showing location of the elements of the road scheme (source: DBFL Consulting Engineers)

The BMSBA roads scheme provides for the implementation of strategic elements of the road network for the Belmayne area. Figure 3 shows the detailed location of the main elements of the scheme, which are described below.

The scheme proposes an improvement for access and movement for road users through the Belmayne area, including improved pedestrian and cycle facilities as well as providing improved bus lane facilities and a bus gate along Main Street to the Malahide Road. The roads are now being designed to comply with DMURS¹ standards and having regard to the strategic nature of future bus routes providing for a radial route from the City to Clongriffin.

The scheme is divided into four sections for description purposes as shown in Figure 4. This description of the scheme is based on the Part 8 Report prepared by DBFL Consulting Engineers.

Section 1 details design proposals along Belmayne Avenue, Section 2 details design proposals along Main Street from Belmayne Avenue to New Priory, Section 3 details design proposals along Main Street from Belmayne Avenue to Churchwell Crescent and Section 4 details design proposals along Main Street from Churchwell Crescent to the Malahide Road.

¹ The Design Manual for Urban Roads & Streets (DMURS) (2013) Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government

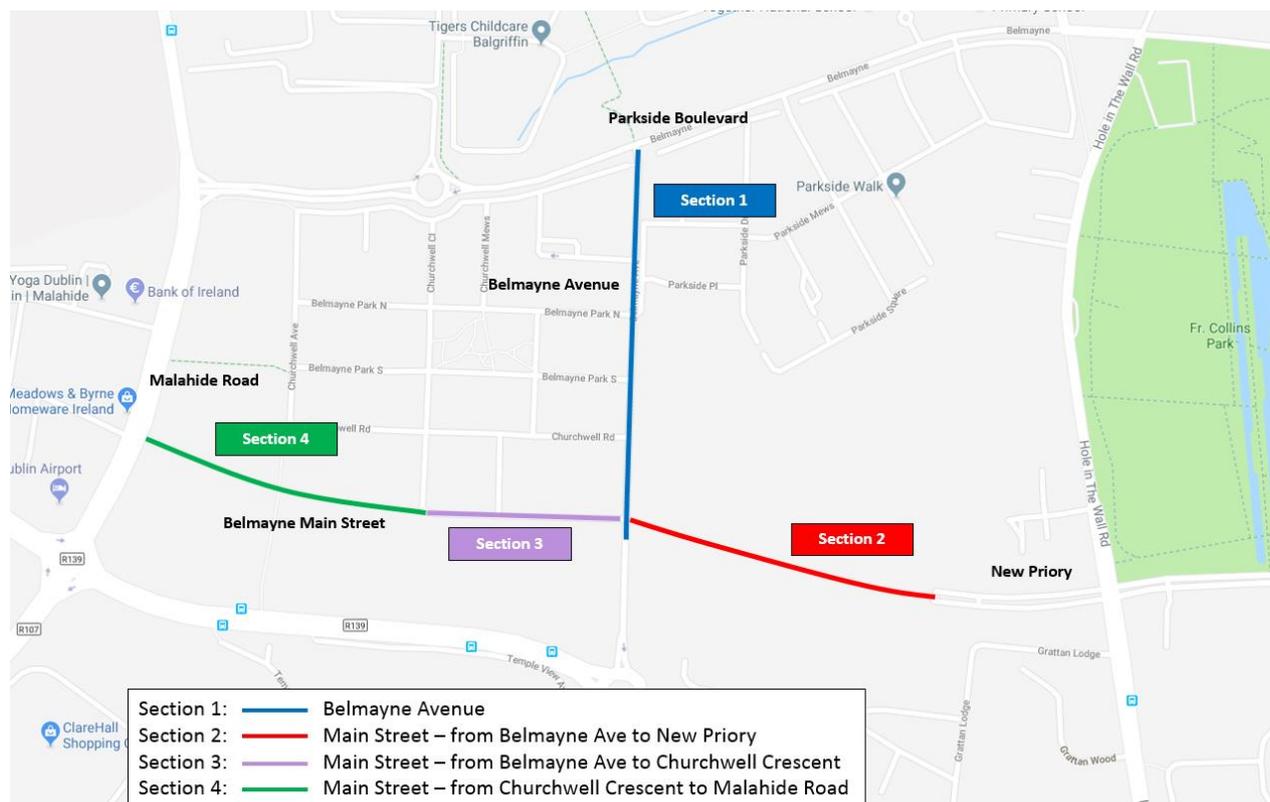


Figure 4: Location of 4 main elements of the proposed road scheme (source: DBFL Consulting Engineers)

Section 1: Belmayne Avenue

Belmayne Avenue, is a single carriageway local road that extends from the junction with Parkside Boulevard to the roundabout with the R139. Belmayne Avenue carriageway width varies from 6.5m to 14m. It is approximately 575m in length. The road provides access for residents to the Belmayne residential areas.

At the junction of Belmayne Avenue/Parkside Boulevard, it is proposed to retain the junction as a priority operation and to provide a signalised pedestrian crossing on the western arm of Parkside Boulevard to accommodate pedestrians from Belmayne into the existing park. A pedestrian crossing will be provided to serve the new schools at Belmayne Avenue (construction commenced). It is noted that there will be another school development at the south east corner of Belmayne Avenue/Belmayne Main Street.

Section 2: Main Street from Belmayne Avenue to New Priory

The section of proposed Main Street from Belmayne Avenue to New Priory is approximately 330m in length and comprises a partially constructed roadway which is currently used for site construction access but with no through road.

This section of the scheme proposes a bus lane in both directions and one traffic lane in both directions. Cyclists can be accommodated within the proximate greenway as part of the Parkside residential development (not currently open). Along Main Street in this section, cyclists will be accommodated in a cycle track both sides of the street. A median island is proposed for this section along its length. Parking is not proposed along this section of the street, but 3.25m pathways are included. The width of the street cross section on this uncompleted section (currently closed) of roadway will go from the existing c.21m to 25m.

Section 3: Main Street from Belmayne Avenue to Churchwell Crescent

Belmayne Main Street, as currently constructed, is a dual carriage way road (approx. 23m wide) approx. 370m in length. The street is currently partially constructed between the junction of Belmayne Avenue and Churchwell Crescent with no through route to the Malahide Road. While constructed as a dual carriageway, Section 3 of the scheme is currently in use as a single carriageway way road. A median island of 3m runs the length of the street. The area south of the median does not carry vehicular traffic, and is predominantly used for local parking.

It is proposed to provide footpaths on both sides of the street varying from 2m to 3m in width, parking bays (2.4m wide) both sides of the street, 1.75m cycle tracks both sides of the street, and 3m bus lanes as well as 3m traffic lanes. There is a 2m median island proposed within the carriageway. The central median is to be repositioned as part of the road development. The cross section of the existing street will increase from the existing c.23m to 29.2m.

Section 4: Main Street from Churchwell Crescent to Malahide Road

This section of the scheme does not include any existing built (or partially built) roadways. The proposed road alignment does replicate the layout permitted under the parent permission for Main Street, extending to the front of the future block between Churchwell Crescent westwards some 130m to the north-south axis with Churchwell Avenue. The proposed road between this point and the junction with Malahide road comprises the only significant departure from the parent permission. This area was previously indicated on drawings as Planning Permission Ref. Ref. 0354/02 as 'phase - to be determined' with connection to the Malahide Road (via Grange Road Extension) (see Fig. 6 and Fig.6 which shows access to the 'Grange Road Extension' between cells P52 and P53 in the south-west corner of the grid layout). The section of the Main Street is now proposed to intersect the Malahide Road forming a junction with Mayne River Avenue. The length of this new section is approx. 180m. Some 80m of this section of the road is for bus only (2 lane with a cross-section width of c.25.5m) and circa 100m is for bus and general traffic use (4 lane with cross section width of 31.2m).

It is proposed to provide 3-4m wide footpaths along both sides of the street in this location with parking (width 2.4m) and cycle lane facilities on both sides of the street. A 2m median island is proposed along the length of the street.

A bus gate is also proposed along this section out on to the Malahide Road with vehicular traffic having to divert north or south off Main Street before this point via local roads to be constructed at a future date when the town centre proposals are developed. This proposed bus gate will tie in with future proposals along the Malahide Road regarding the NTA's QBC corridor.

2.0 EIA Screening Process

2.1 Introduction

This section of the report sets out the legislative basis for 'Screening' so as to decide whether or not a road development requires the preparation of Environmental Impact Assessment Report (EIAR).

2.2 Relevant Legislation

EIA requirements derive from Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC) and as codified and replaced by Directive 2011/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment (and as amended in turn by Directive 2014/52/EU). Directive 2014/52/EU is transposed into Irish law under the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

In the case of a road development, Section 50 of the Roads Act 1993, as amended, sets out the requirements and provisions for the preparation of an EIS. All roads projects can be placed into one of the following categories:

- those that exceed the thresholds laid down and therefore have a mandatory requirement to prepare an EIS; and
- those projects that are sub-threshold and must be assessed on a case-by-case basis to determine whether or not they are likely to have significant effects on the environment;
- projects that fall under Annex II (13) (a) of the Directive for Any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed.

2.3 Methodology

Screening is the process of deciding whether a development requires an EIA. The mandatory and discretionary provisions within the Roads Act 1993, as amended, allow the requirement for an EIA to be determined. The methodology for screening road developments was prepared having regard to the following documents:

- *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (Environmental Protection Agency, Draft August 2017);
- *Interpretation of definitions of project categories of annex I and II of the EIA Directive* (European Commission 2015);
- *Environmental Impact Assessment of National Road Schemes – A Practical Guide* (National Roads Authority, 2008);
- *Environmental Impact Assessment (EIA), Guidance for Consent Authorities regarding Sub-threshold Development* (Environmental Protection Agency, 2003);
- *Guidelines on the Information to be Contained in Environmental Impact Statements*, (Environmental Protection Agency, 2002); and
- *Guidelines on EIA Screening* (The European Commission, June 2001).

The *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (Environmental Protection Agency, Draft August 2017) provide a flow diagram of the screening process and this is the process generally followed in this Screening Report (See Figure 5).

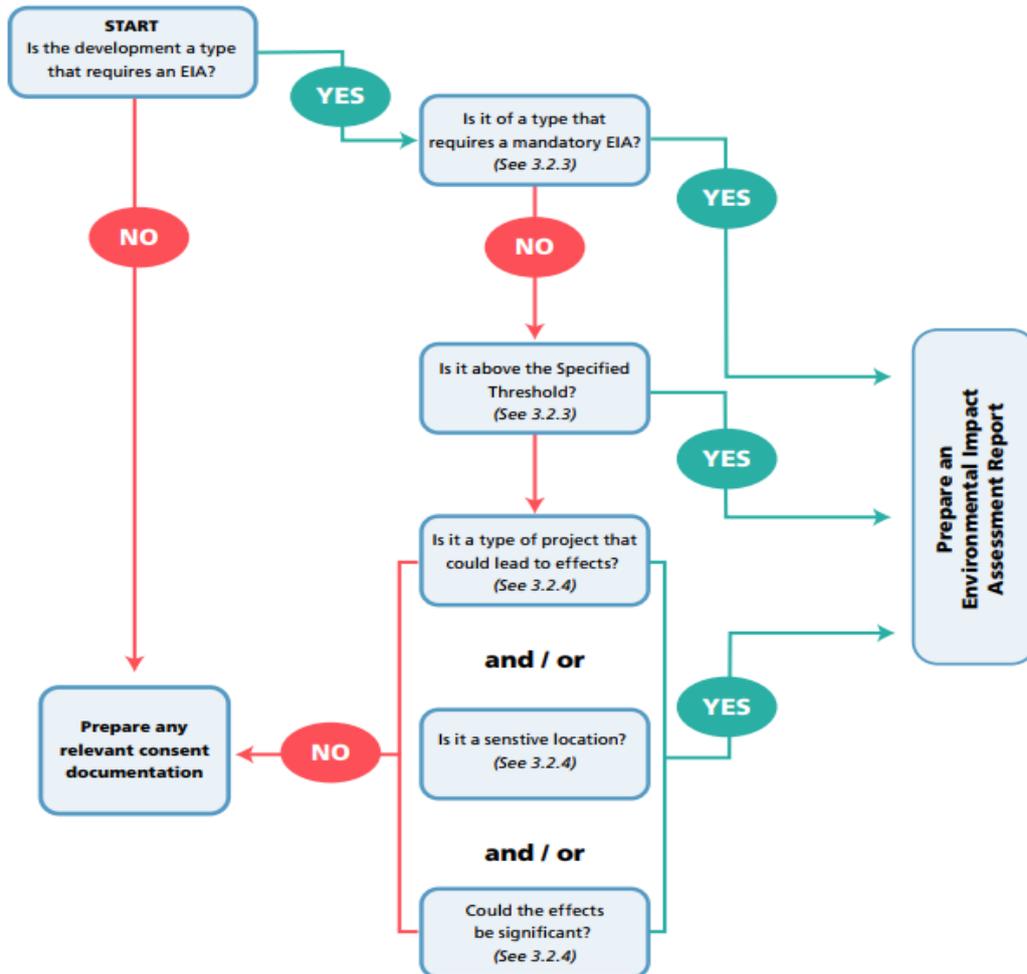


Figure 5: EIA Screening Process (taken from Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (Environmental Protection Agency, 2017))

3.0 Mandatory EIAR Review

Where a road is being proposed for the first time, the legislative requirements which deem whether an EIAR is mandatory for a project are outlined in Section 50 of the Roads Act, 1993 (as amended) and in Article 8 of the Roads Regulations, 1994.

This particular BMSBA scheme refers to amendments or alterations to roads which have already been permitted and implemented (in part) primarily under An Bord Pleanála Grant of Permission under Ref. PL29N.131019 (DCC Ref. 0354/02) and subsequent permissions. Therefore, in this case it is important to establish in the first place whether the project falls under criteria for amendments to permitted projects under Annex II, Class 13 of the Directive. This is considered in further detail in following sub-section.

The BMSBA is proposed as a Part 8 Road Scheme, and therefore an overview of these legislative requirements and their applicability to this road project are provided in Table 1 below.

Projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have adverse effects on the environment

The document 'NRA Environmental impact assessment of National Road Schemes – A practical Guide (November 2008)' sets out the following statement in respect of Changes to Approved Road Development at section 2.4:

"The 1997 amendment to the EIA Directive introduced a new project category in Annex II (Annex II lists projects which may be subject to EIA). Class 13 of Annex II indicates that EIA may be required where: "any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment". Applied to roads, Class 13 provides that where there is a change or extension to a road development that has already received statutory approval, has completed construction or is under construction (or proceeding to construction) and that change or extension may have significant adverse effects on the environment, a new EIA is required. This implies that changes can be made to an approved road scheme without requiring a new EIA where those changes do not give rise to significant environmental impacts. Changes to a road scheme may occur, for example, when during the course of construction conditions are encountered (not foreseen in the EIS) that necessitate a change or modification to the design"

The *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (Environmental Protection Agency, Draft August 2017) refers to 'Project Type' at section 3.2.2. It notes:

The first step is to examine whether the proposal is a project as understood by the Directive. Projects requiring environmental impact assessment are defined in Article 4 and set out in Annexes I and II of the Directive. If a proposed project is not of a type covered by the Directive, there is no statutory requirement for it to be subject to environmental impact assessment. However, this is a complex issue and regard should be had to the Directive's 'wide scope and broad purpose'. In determining if the proposed project is of a type covered by the Directive it may be necessary to go beyond the general description of the project and to consider the component parts of the project and/or any processes arising from it. If any such parts or processes are significant (e.g. construction of a significant road, deforestation or peat extraction) and, in their own right, fall within a class of development covered by the Directive, the proposed project as a whole may fall within the requirements of the Directive. The Commission document on Interpretation of definitions of project categories of annex I and II of the EIA Directive provides useful guidance on project interpretation.

The 2015 European Commission document “*Interpretation of definitions of project categories of annex I and II of the EIA Directive (European Commission 2015)*” cited by the EPA considers the definition of Annex II(13)(a) projects in some detail. It notes the following on p.57 under the heading “*Annex II (13) (a) Any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment*”.

Directive 85/337/EEC did not explicitly cover modifications of existing projects, with the exception of ‘Modifications to development projects included in Annex I and projects in Annex I undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than one year’ (Annex II(12)).

Directive 97/11/EC amended Directive 85/337/EEC so as to include modifications of existing Annex I and Annex II projects in Annex II(13): ‘any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have adverse effects on the environment’.

Directive 2003/35/EC, which amended Directive 85/337/EEC, among others, and came into effect on 25 June 2005, introduced a new Annex I(22)80 category including changes or extensions of projects listed in Annex I where such a change or extension in itself meets the thresholds, if any, set out in Annex I. These project modifications therefore need to undergo an environmental impact assessment according to Article 4(1) of the Directive. Changes or extensions of existing projects not included in Annex I(22) fall within Annex II(13) (See Box 1).

The evolution over time of the wording of the EIA Directive concerning project modifications reflects the case law of the Court on this subject. On a number of occasions, the Court has dealt with the issue of whether a project should be interpreted as a new project or a modification of an existing one, and how the project is then covered by the requirements of Articles 4(1) and 4(2) of the Directive.

‘Already authorised’ in the sense of Annex II (13) means projects for which development consent has been given.[our emphasis]

The Directive’s requirements have been transposed into the Planning and Development Regulations 2001-18 Schedule 5, Part 2 Class 13 as follows:

Class 13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

The 2008 NRA Guidance document cited above, refers to ‘Changes or Extensions to Approved Schemes’ in the Case Study ‘Box 4’. This referred to M50 South Eastern Motorway at Carrickmines where in 2002, the National Roads Authority and Dún Laoghaire Rathdown County Council agreed a number of measures to be implemented at the Carrickmines site on the M50 South Eastern Motorway so as to enhance the extent of archaeological features to be preserved *in situ*. The EIS and Motorway Scheme had been approved by the Minister for the Environment and Local Government in 1998. In response to a proposed minor modifications to the design, a member of the public requesting An Bord Pleanála to direct the local authority to carry out an EIS on the basis it would have “a significant negative impact on the environment”.

The road authority submitted that the provisions of Class 13 of Annex II of the EIA Directive (No. 97/11/EC) would only be relevant where the nature and scale of any proposed variations to an approved scheme would be such as to constitute substantial material change which would give rise to significant adverse environmental effects. It was argued that the modifications being proposed would not entail significant adverse effects and that the changes concerned were modest in nature in the context of the scale of the overall scheme. An Bord Pleanála refused the application for a direction to prepare an EIS. It concluded that the proposed modifications did not significantly alter the proposed road development from that previously approved. It also went on to say that the proposed modifications would not of themselves have significant adverse effects on the environment and accordingly do not comprise a project specified at paragraph 13 of Annex II of the EIA Directive (as amended). In coming to its conclusions, the Board had regard to the significance criteria set out in Annex III of the EIA Directive.

Permission for Main Street

In preparing this Screening Report, the 2002 EIS on the ‘Proposed Mixed Development at Balgriffin Park’ (prepared by Fergal McCabe for the Shannon Group) was reviewed (ABP Ref. PL29N.131019). The application was prepared on foot of the North Fringe Action Plan and Framework Plan prepared by the developer. The proposal included the Main Street running from Malahide Road to the eastern extent of the land holding. The phasing diagram scan from the EIS below illustrates the development proposals assessed in the EIS by An Bord Pleanála. The Main Street as proposed was 28.4m street including dual carriageway and incorporating bus lanes. It is evident that the permission only deviated from current proposal at the ‘Phase to be Determined’ section of the diagram below (western side) where the bus gate link to the Malahide Road is now proposed.



Figure 6: Extract from 2002 EIS for Belmayne showing the grid layout of streets including Belmayne Main Street

This is further clarified by reference to Figures 7 and 8 below which are also images from the EIS on An Bord Pleanála's files. The original application description (sourced from ABP Inspector's Report) was for:

Permission was sought to construct 130 no. three- and four-bedroom houses, 136 no. two- and three-bedroom duplex units, 363 no. one-, two- and three-bedroom apartments, 2 no. reserved sites for creche facilities of 466sq.m each and 2,961sq.m of ground floor commercial/retail uses with alternative live/work uses (total 629 residential units). Accommodation is to be provided in two-, three-, four-, five- and six-storey buildings. Public open space will contain a storm water attenuation lake south of the Mayne River. Surface water will be discharged to the Mayne River. Foul waste will be discharged to the public foul sewer network. Water supply is from the public mains. Access to the site is from Malahide Road and Grange Road Extension. Layout incorporates a Quality Bus Corridor between Grange Road Extension and the future railway station to the east. The development comprises phase 1 (9.7ha.) of an overall mixed-use development (57.8ha.) of 5 phases with two undetermined phases on Dublin City Council lands adjacent to Malahide Road. The application is accompanied by an Environmental Impact Statement. The application is based on a Framework Plan (prepared by the applicant and lodged with the application) which in turn is based on the North Fringe Action Area Plan 2000.



Figure 7: Extract from 2002 EIS for Belmayne showing detailed cell references with access to the 'Grange Road Extension' between cells P52 and P53 in the south-west corner of the grid layout of streets.

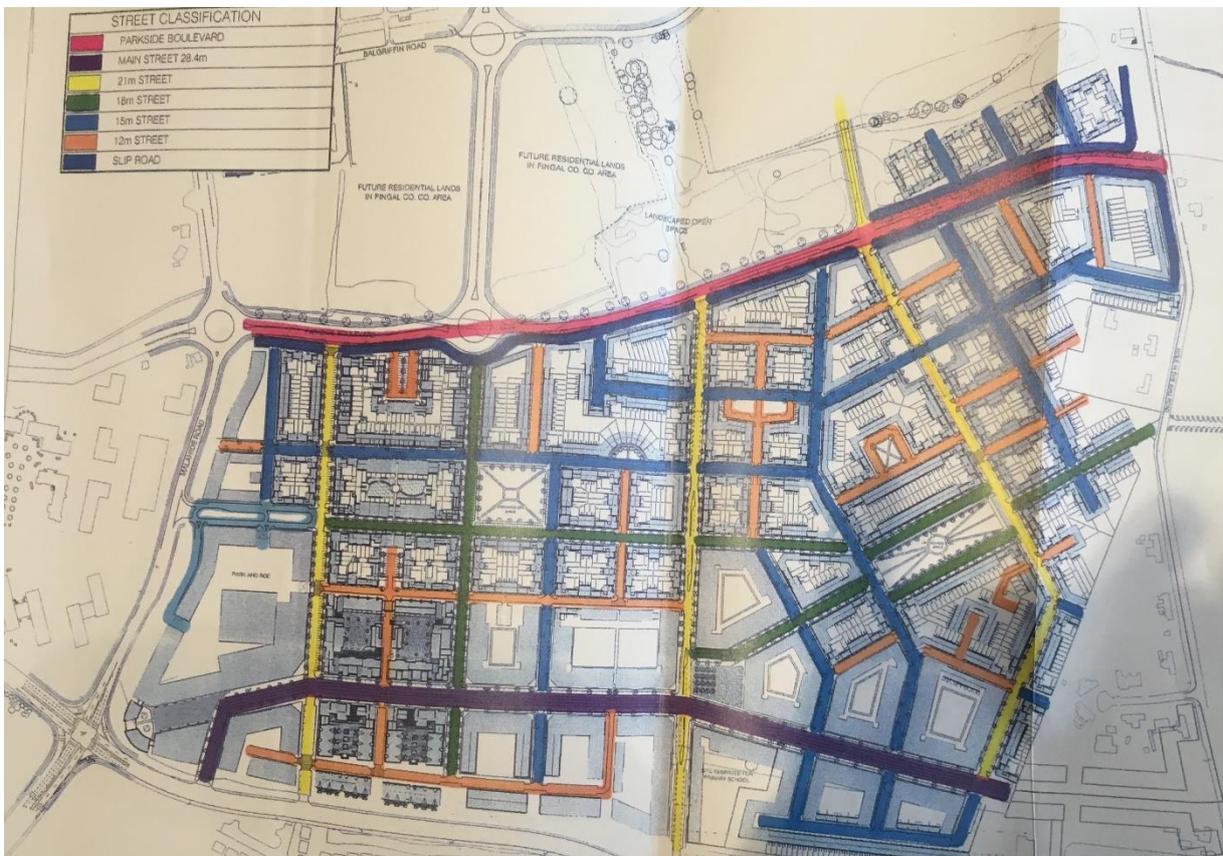


Figure 8: Extract from 2002 EIS for Belmayne showing Street Classification for the EIS area with Belmayne Avenue defined in yellow as '21m Street' and Main Street defined in purple as '28.4m street'.

An Bord Pleanála Granted permission for development subject to conditions. Condition 3 required substantial work on the Main Street in advance of the residential development:

3. The developer shall construct the following roads, including footpaths and public lighting, prior to the occupation of any units within phase 1 of the development:-

a) Southern carriageway of the Parkside Boulevard - from Malahide Road to Hole in the Wall Road – including the section outside the site boundary outlined in red with this application. The exact details of the junction with Hole in the Wall Road shall be agreed, on site, with the planning authority in order to correctly align the junction with the proposed Northern Parkway on the site on the opposite side of Hole in the Wall Road. The design and construction shall facilitate the provision of the roundabout for the Balgriffin by-pass.

b) Main Street - from Grange Road Extension to the eastern boundary of the site – including the section outside the site boundary outlined in red with this application. The exact details of the junction with the proposed Main Street on the adjacent Vallyelly site to the east shall be agreed, on site, with the planning authority in order to correctly align the two sections of Main Street. These roads shall be taken in charge by the Council, once constructed.

Reason: To facilitate the orderly development of the area by providing essential roads and public transport infrastructure.

As noted in section 1 of this report above, Condition 5 required that access to Grange Road Extension would be by way of Main Street only (between cells P52 and P53 (see Fig.6)) and shall be confined to pedestrians, cyclists, public transport vehicles and controlled vehicles. Condition 6 required the proposed bus corridor on Main Street be relocated from the median lanes to run along the lanes adjacent to the side pavements.

It is noted that an application was made to Dublin City Council under Ref.4315/03/x1 in 2014 to extend the life of the 10 year permission (PL29N.207192) for residential and mixed uses providing a total of 2180 dwellings and 10,052 sqm retail commercial and community uses in a 2/3/4/5/6 storey development and an 8 storey tower feature at the proposed central Town Square on a 36.6 ha (90.4ac) site at Balgriffen Park, Dublin 17 bounded by Malahide Road to the west, Mayne River to the north, Grange Road extension to the south and Hole in the Wall Road to the east.

The application description noted; *“The development includes an approved (PL29N. 131019) central east west boulevard which will function as a Quality Bus Corridor from Grange Road Extension linking ultimately via Fr. Collins Park to a new station to be provided by others on lands north of Grange Road Donaghmede.”* DCC issued a Further Information request for the extension of permission application, which was not responded to and the life of the permission expired.

Amendment to ‘Authorised’ Development

Annex II 13(a) does not require that a permission is ‘live’ as per planning legislation, but that the change or extension refers to *development already authorised, executed or in the process of being executed*. It is considered that *“in the process of being executed”* refers to development being undertaken on foot of a permission within the life of that permission and *“executed”* means completed. Therefore, authorised is taken to refer to development that is authorised (in this case with full EIS assessment under Annex II)².

² It is interesting to note, that the principle of a road being ‘authorised’ and the relevance of the permission extending beyond the typical ‘life’ of a planning permission, is provided for in the Planning and Development Act 2000, as amended (section 40(2)(iv)). As noted in section 1 of this report, this allows for the completion (beyond the life the permission) of roads, services and open spaces in a development where they are necessary for or ancillary or incidental to the completed buildings.

The current application for the BMSBA road scheme is being made under Part 8 procedure. It is a separate and new application that amends an authorised development. The only part of this development that materially deviates from the authorised development is the link to Malahide Road. This section is approx. 180m in length. The length of the Main Street element of the scheme is c.880m. Therefore the changed alignment is only c.20% of the length of the Main Street. This is below the 25% threshold. The proposed BMSBA scheme does not result in an increase in size of the Authorised Main Street scheme by greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold (500m). It is therefore concluded that a Mandatory EIAR is not required.

Having regard to the statement in the planning regulations that *an increase in size is calculated in terms of the unit of measure of the appropriate threshold*, it is noted that unit of measure of the threshold of the road scheme is road length (not area) and therefore minor changes in road width are not pertinent considerations for the purposes of Class 13. It is further noted that Class 13(c) refers to demolition of structures. It is noted that while alterations are proposed to the median on Belmayne Main Street, it is clear that this would not constitute demolition which *would be likely to have significant effects on the environment*.

In the interest of completeness we also refer to Class 14 of the Planning and Development Regulations 2001-17 Schedule 5, Part 2 *Works of Demolition* which includes “*Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7*”.

As per this reports findings in respect of Class 13(c), alterations proposed to the median on Belmayne Main Street would not constitute demolition which would be likely to have significant effects on the environment.

Table 1 below summarises the assessment of Mandatory EIAR requirements have regard to the Roads Act and Annex II Class 13 Thresholds.

Table 1: Mandatory EIAR requirement as per the Roads Act, 1993 (as amended), and the Roads Regulations, 1994

Mandatory	Regulatory Reference	Response
Construction of a Motorway	S. 50(1)(a) of the Roads Act, 1993, as substituted by S.9(1)(d)(i) of the Roads Act 2007	The proposed road development is not a Motorway. Mandatory Threshold Trigger not reached.
Construction of a Busway	S. 50(1)(a) of the Roads Act, 1993, as substituted by S. 9(1)(d)(i) of the Roads Act, 2007	The proposed road includes Busway but falls under Annex II (13) (a) <i>Any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed</i> Mandatory Threshold Trigger not reached.
Construction of a Service Area	S. 50(1)(a) of the Roads Act, 1993, as substituted by S. 9(1)(d)(i) of the Roads Act, 2007	The proposed road development is not a Service Area. Mandatory Threshold Trigger not reached.
Prescribed type of proposed road development: - 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	Prescribed by Article 8 of the Roads Regulations, 1994 (Road development prescribed for the	The proposed scheme provides for c.175m of roadway that deviates from the authorised scheme between Malahide Road and the axis of Churchwell Avenue and Churchwell Crescent. Existing roadway included within the scheme is already 4

<p>or more in length in a rural area, or 500 metres or more in length in an urban area</p> <ul style="list-style-type: none"> - The construction of a new bridge or tunnel which would be 100 metres or more in length 	<p>purposes of S. 50(1)(a) of the Roads Act, 1993).</p>	<p>lanes and would not therefore be materially realigned or widened for the purposes of EIA, and falls under <i>Annex II (13) (a) Any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed</i></p> <p>The scheme does not provide for a new bridge or tunnel.</p> <p>The proposed development therefore does not fall into the prescribed type of development whether it is considered to be in an urban or rural area.</p> <p>Mandatory Threshold Trigger not reached.</p>
<p>Where An Bord Pleanála (ABP) considers that a proposed road development would be likely to have significant effects on the environment it shall direct the road authority to prepare an EIS.</p>	<p>S. 50(1)(b) of the Roads Act, 1993.</p>	<p>It is noted that Section 50(1)(b) of the Roads Act, 1993 allows for An Bord Pleanála (ABP) to direct the road authority to prepare an EIAR where it considers that a proposed road development would be likely to have significant effects on the environment.</p> <p>It is considered that the road development would not be likely to have significant effects on the environment and a sub-threshold EIA is not required.</p>
<p>Where a road authority considers that a proposed road development would be likely to have significant effects on the environment it shall inform ABP in writing and where ABP concurs it shall direct the road authority to prepare an EIS.</p>	<p>S.50(1)(c) of the Roads Act, 1993.</p>	<p>The scheme falls under Annex II (13) (a) <i>any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed</i> It is considered that the road development would not be likely to have significant effects on the environment and a sub-threshold EIA is not required.</p>
<p>Where a proposed road development would be located on certain environmental sites the road authority shall decide whether the proposed development would be likely to have significant effects on the environment. If the authority decides that the proposed road development would be likely to have such effects, paragraph (c) shall apply accordingly. The sites concerned are:</p> <ul style="list-style-type: none"> i. a European Site, meaning <ul style="list-style-type: none"> (a) a candidate site of Community importance, (b) a site of Community importance, (c) a candidate special area of conservation, (d) a special area of conservation, (e) a candidate special protection area, or (f) a special protection area ii. land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 (No. 39 of 1976), iii. land designated as a refuge for fauna under section 17 of the Wildlife Act, 1976 (No. 39 of 1976). 	<p>S. 50(1)(d) of the Roads Act, 1993, as inserted by Art. 14(a) of the EIA (Amendment) Regulations, 1999</p>	<p>Having regard to the Appropriate Screening report and the fact the project falls under Annex II (13) (a) <i>Any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed</i>, It is considered that the road development would not be likely to have significant effects on a European Site, the environment and a sub-threshold EIA is not required</p>

4.0 Sub-Threshold Development

EIAR Screening for Sub-threshold development is provided for under article 120 of the Planning and Development Regulations, 2001 as amended³. In accordance with Annex I & II of The Directive, the Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I), where they are sub-threshold, require the following assessment:

1. A description of the proposed development, including in particular:
 - (a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works;
 - (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the proposed development.
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 resulting from:
 - (a) the expected residues and emissions and the production of waste, where relevant;
 - (b) the use of natural resources, in particular soil, land, water and biodiversity.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.'

The criteria contained within Annex III, (i.e. the criteria that must be considered when making screening decisions on a case by case basis), as transposed in Irish legislation⁴, for assessing sub-threshold development are grouped under three headings viz. (i) Characteristics of Proposed Development, (ii) Location of Proposed Development and (iii) Characteristics of Potential Impacts.

Competent/consent authorities must have regard to these criteria in forming an opinion as to whether or not a sub-threshold development is likely to have significant effects on the environment by virtue *inter alia* of its nature, size or location and should be subject to EIA. The key issue is: 'are the likely effects "significant" in the context of these criteria'? Schedule 7 of the Regulations set out the criteria as follows:

1. Characteristics of proposed development

The characteristics of proposed development, in particular— (a) the size and design of the whole of the proposed development, (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,

(c) the nature of any associated demolition works, (d) the use of natural resources, in particular land, soil, water and biodiversity, (e) the production of waste, (f) pollution and nuisances, (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, and (h) the risks to human health (for example, due to water contamination or air pollution).

³ European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, art. 75

⁴ *ibid*

Table 2: Criteria for the purposes of sub-threshold development⁵**1. Characteristics of proposed development**

The characteristics of proposed development, in particular to:

- the size and design of the whole of the proposed development,
- 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 118 [296] development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,
- the nature of any associated demolition works,
- the use of natural resources, in particular land, soil, water and biodiversity,
- the production of waste,
- pollution and nuisances,
- 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, and
- the risks to human health (for example, due to water contamination or air pollution).

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- (a) the existing and approved land use,
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment,
 - (iii) mountain and forest areas,
 - (iv) nature reserves and parks,
 - (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;
 - (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,
 - (viii) landscapes of historical, cultural or archaeological significance.

3. Characteristics of potential impacts

The potential significant effects of projects in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected).
- (b) the nature of the impact.
- (c) the transboundary nature of the impact.
- (d) the intensity and complexity of the impact.
- (e) the probability of the impact.
- (f) the expected onset, duration, frequency and reversibility of the impact.
- (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, and
- (h) the possibility of effectively reducing the impact.

⁵ *ibid*, Schedule 7

5.0 Characteristics of the Proposed Development

Having regard to the sub-threshold criteria set out in Section 4 and Table 2, this section of the report addressed the assessment of sub-threshold development under the heading (i) Characteristics of Proposed Development.

5.1 The size of the proposed development,

The projects described in considerable detail in Section 2 of this EIA Screening Report are all contained within the area of Balgriffin-Balmayne LAP.

5.2 The cumulation with other proposed development,

The proposed development is located within the urban expansion area of Belmayne, which in turn forms part of the Northern Fringe expansion of Dublin City. Fig.8 below illustrates the location of Belmayne relative to adjoining neighbourhoods and districts. It has been identified that there are a number of permitted developments (primarily residential) in the area of the proposed development.

Developments of relevance in terms of potential cumulative effects, which have been granted by the relevant authority are outlined in Table 3 below and the potential cumulative effects are summarised within this table. There have been a large number of permissions in the area since 2003/04. The primary permissions for the road layout framework for the area have been subject to an EIA by An Bord Pleanála which considered the cumulative development of the land bank. The proposed development facilitates the road network of granted under ABP Ref. PL29N.131019.

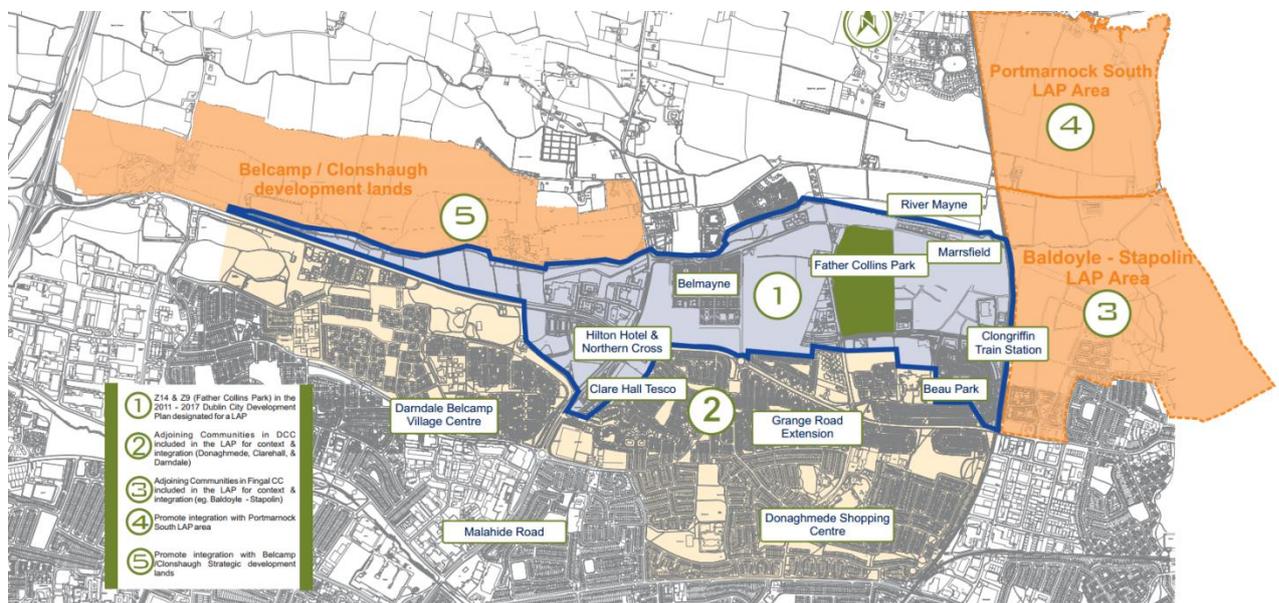


Fig 9 Map from Clongriffin-Belmayne LAP showing the area on the northern fringe of Dublin relative to Area related to Adjacent Communities

Table 3: Granted Planning Permissions within the Study Area

DCC Planning Ref. number	Development Description
0354/02	PP GRANTED by DCC & ABP ref. no. PL29N.131019 for a mixed development comprising: 130 no.3 and 4 bedroom houses,136 no. two three bedroom duplex units, 363 no. one two three bedroom apartments, 2 no. reserved sites for crèche facilities of 466sqm each, 2961 sqm of ground floor retail/commercial uses with alternative "live/work" uses, Ancillary active and passive Public Open Space will be provided in the form of a central landscaped square and a financial contribution towards the first stage redevelopment of Fr. Collins Park plus the first stage of a linear Public Open Space incorporating storm water attenuation lake south of the Mayne River. Ancillary car parking, street furniture, refuse facilities etc. in a 2/3/4/5/6 storey development on 57.8Ha (143 ac) site at Balgriffen Park bounded by the Malahide Road to the west Mayne River to the north. Grange road extension and the layout to provide a section of the future Quality Bus Route running in a general spine between the Malahide Road and the future rail station to the East. The development comprises the first phase of an overall residential/mixed use development on c. 9.7Ha. A Framework Plan was lodged with the application and which in turn was based on the North Fringe Action Plan 2000 prepared by DCC.
4315/03	10 Year Permission under Ref.4315 (PL29N.207192) for residential and mixed uses providing a total of 2180 dwellings and 10,052 sqm retail commercial and community uses in a 2/3/4/5/6 storey development and an 8 storey tower feature at the proposed central Town Square on a 36.6 ha (90.4ac) site at Balgriffen Park, Dublin 17 bounded by Malahide Road to the west, Mayne River to the north, Grange Road extension to the south and Hole in the Wall Road to the east. The development was an extension of approved (PL29N.131019), comprising Phases 2, 3 and all of 4 and 5 of an overall residential mixed use development on a overall site of 57.8 ha to be developed in the context of a Framework Plan based on North Fringe Action Area Plan 2000.
4004/04	PP GRANTED for revisions to, and compliance with, a permitted development Plan Reg. Ref. 354/02 (Bord Pleanála No. 29N.131019) of 640 dwellings, crèche facilities, ground floor retail/commercial uses with alternative "live/work" uses
2029/06	PP GRANTED for revision to previously approved scheme (Reg ref: 4315/03 & Bord Pleanála Ref: PL.29N.207192); comprising new 23sqm ESB Sub Station and Utilities room located at ground floor level at the north west corner of cell P11 and located within approved residential units J/J1/H/K/G on 36.6 ha (90.4acres) site at Balgriffen Park, Dublin 17 bounded by, Malahide Rd To The West, Mayne River To The North, Grange Road extension to the South and Hole in the Wall Road to the East
3511/06	PP GRANTED for revision to previously approved scheme (Reg ref 4315/03 & Bord Pleanála ref: PL.29N.207192); comprising entrance feature walls, incorporating development name, security kiosk and illumination located between cell P12 and cell P13 at junction with Parkside Boulevard on 36.6ha (90.4 acres) Site at Balgriffen Park, Dublin 17, bounded by, Malahide Road to the west, Mayne River to the north, Grange Road extension to the south and Hole In The Wall Road to the east
1306/07	PP GRANTED for amendments to cell P7 in previously approved scheme Reg Ref 4315/03 (PL29N.207192) incorporating revisions to the southern and eastern end of the block.
1359/07	PP GRANTED for an amendment to phasing in an approved development of 2820 dwellings amending planning permission Reg ref 0354/02 (PL29N131019), 4004/04 and Condition No 3 (b) of 4315/03 (PL29N.207192) in to include cell nos. P13 P 14 P15 and Cell P 16 consisting of 101 houses and 40 apartments in the current approved phase of development in lieu of Cell P4 consisting 189 approved apartments.
4589/07	PP GRANTED Refers to the decision to grant permission for amendments to Cell P5 and Cell P7 in previously approved scheme reg ref 4315/03 (PL29N.207192). reg ref 1306/07 and reg ref 3178/07.
4776/07	PP GRANTED for modifications to a previously approved mixed use scheme incorporating a town square per reg ref 4315/03 (PL29N.207192) replacing permitted Cells P18 and P20 with new cells P18A and P20A which will now comprise of 24 no. Blocks (ranging in height from 4 to 6 storeys over ground), which will enclose 2 no. semi-private courtyards (total area c. 2797sqm) and which will front onto a modified central public open space area which will now be known as the 'neighbourhood square' (c 2908 sqm) and which will be located within the south-western corner of Cell P20A.
3992/08	Extension of Duration of permission application (3991/08/x1 refers) PP GRANTED for Planning permission for development at a site of c.4.34hectares at Cells P21, P22, P23 & P25, which will also include the permitted Neighbourhood Park (c.0.488hectares to the north of cell P25) all at Belmayne', Balgriffen Park, Dublin 17 (which is bounded generally by the Malahide Road to the west; the Mayne River to the north; the Grange Road Extension to the south; and the Hole in the Wall Road to the east). The development will consist of modifications to permitted cells P21, P22, P23 and P25 per Reg. Ref. 4315/03 (PL29N.207192) which approved 4no. residential blocks comprising of 373no. residential units and 1no. crèche.
3283/13	3 YR TEMP PP GRANTED RETENTION for school buildings in approx.. location of Cells P41-P44
2941/14	PP GRANTED for development at a site of c.6.13 hectares at "Parkside" development lands located on the former Balgriffen Park Lands, Dublin 17. The application site is located within a larger landbank bounded by Belmayne Avenue/Seam Street to the west, the Hole in the Wall Road to the east, and Main Street to the south
3601/15	PP Granted the construction of 2 no. 2 storey 16 Classroom Primary Schools with a total combined floor area of approximately 5500m2 and all ancillary works. The site works to the school grounds will consist of the provision of new access roads, a new entry exit layout to each school, associated car parking spaces, bicycle parking, ball courts, associated landscaping, boundary treatments and all ancillary site works.
2275/17	PP Granted for Planning permission is sought for amendments to the development permitted under register reference number 2114/15. The site is bounded by Belmayne Avenue to the West and Parkside Boulevard to the North, with the Parkside residential development to the East and development lands to the South. Amendments as proposed are: Revisions to internal layouts of House Type A (34 No.) Type A1 (1. No) Type B (20 no.) and B1 (1 no.) and associated elevational changes.

5.3 The nature of any associated demolition works

The only works which may be considered as demolition in the broad sense, is the relocation of the median on Belmayne Main Street. It is clear that this would not constitute demolition which *would be likely to have significant effects on the environment*.

5.4 Use of Natural Resources

Whilst exact quantities of materials required have not been determined at this stage, large amounts of quarried aggregates, concrete, steel and bitumen will be used during construction phase. Some of this material will be gained from within the site, however the majority will be needed to be imported to the site. The proposed works are restricted to an existing road alignment (partially constructed in places) and on made ground and therefore there is extremely unlikely for there to be any potential impact pertaining to land, soil, water and biodiversity.

5.5 Production of Waste

It is likely that quantities of unsuitable material will be excavated and not reused during the construction. Whilst the exact amount of this unsuitable material has not been evaluated, an assessment will be undertaken to identify potential locations for recovery/disposal. The excavation and treatment of this material may have potential environmental effects. However the likelihood and severity of these effects will be minimised through compliance with the NRA Environmental and Construction Guidelines and the employment of construction management best practice.

5.6 Pollution and Nuisances

The proposed Belmayne Road scheme is approx. 2 km from Baldoyle Bay SPA and SAC. In addition to these European designations Baldoyle Bay is also recognised as a wetland of international importance under the RAMSAR Convention (site 25/10/88). It is also a proposed Natural Heritage Area, a designation under national legislation. It is noted that the Appropriate Assessment Screening Report accompanying the Part 8 Road Scheme concludes that there is no potential negative impact on these sensitive sites.

During construction, polluting material has the potential to cause environmental effects, however the likelihood and severity of these effects will be minimised through compliance with the NRA Environmental and Construction Guidelines and the employment of construction management best practice. Guidance from Inland Fisheries Ireland will also be followed (noting that the proposed development is not likely to have impact on existing watercourses). During the construction stage, temporary impacts will be experienced by those property owners along the proposed road and those road users on the existing network.

When the proposed road development is operational there will be increases in noise and vibration levels and air quality emissions along the route, however the road is located within an urban environment with existing roads. Runoff from roads can affect water quality however mitigation to avoid this effect is readily available, e.g. through the use of SUDS.

5.7 Risk of Accidents

During the construction stage, the likelihood of an accidental spillage of construction materials into watercourses will be managed through the adoption of strict best practice construction management. During the operational stage, it is anticipated that the risk of accidents and the resulting pollution risks will be reduced due to improved road safety. It is considered that there is no potential for major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge.

5.8 The risks to human health (for example, due to water contamination or air pollution).

During construction, there is potential for disturbance or for polluting material has the potential to cause environmental effects which may potentially have impacts on human health. However the likelihood and severity of these effects will be minimised through compliance with the NRA Environmental and Construction Guidelines and the employment of construction management best practice.

The proposed development is designed as a public transport corridor and pedestrian friendly street environment which to support the livability and enjoyment of the locality for existing and future residents. The proposed BMSBA road scheme will improve access to the area for sustainable modes of transport and private vehicles. The introduction of a number of traffic safety measures (pedestrian crossings and controlled junctions) shall protect pedestrians safety and ensure that the road functions at an appropriate speed within a built-up environment so as not to endanger residents and visitors to the area alike.

6.0 The Location of the Proposed Development

The second criteria of for the evaluation of sub-threshold development (referred to in section 4) relates to environmental sensitivity of geographical areas likely to be affected by the proposed development.

The proposed development provides for an enhanced and safer urban boulevard and which will become a public transport corridor and support the sustainable development of high quality streets in a developing area.

However, having regard to experience and rulings by the European Court of Justice, it has been shown that, in certain circumstances, small-scale projects can have significant effects on the environment, and so should be duly considered. For example, in case C-392/96 (Commission v Ireland, 1999), the European Court of Justice, in paragraph 66, made the point that even a small-scale project can have significant effects on the environment if it is in a location of particular environmental sensitivity. Consideration of “significant effects” should not therefore be determined by reference to size only. The nature and location of a project must also be taken into account (para.4.1 of Sub-threshold guidelines).

The following section therefore reviews the sensitivity of the receiving environment, under prescribed criteria under Schedule 7 of the Planning and Development Regulations 2001-2015.

6.1 The existing and approved land use

The Clongriffin - Belmayne Area is located in the north eastern corner of the Dublin City Council area approximately 7km north of the city centre and c.1km west of the coastal village of Baldoyle, to the immediate north of the existing neighbourhood of Donaghmede. The area is about 2km south - east of Dublin Airport, and 3km from Swords. The area is immediately adjacent to the boundary with Fingal County Council (FCC). The former agricultural lands, which are broadly flat in nature are characterised by the existing roads infrastructure located there and by the established and developing urban character of the surrounding area. Built structures on the site comprise: roads and related infrastructure, other service infrastructure and remnants of past construction work.

The boundaries of the LAP area, which is zoned for social, economic and physical development are largely defined by the Dublin to Belfast rail line to the east (also the boundary with FCC), the River Mayne to the

north (also the boundary with FCC), the junction of the Grange Road extension, the R139 and Malahide Road to the west (this junction is now notable for the Northern Cross development and Airport Hilton Hotel at the junction) and the R139 and Grange Road extension to the south. The Hole in the Wall Road and recently completed Fr Collins Park are located in the approximate centre of the plan area.

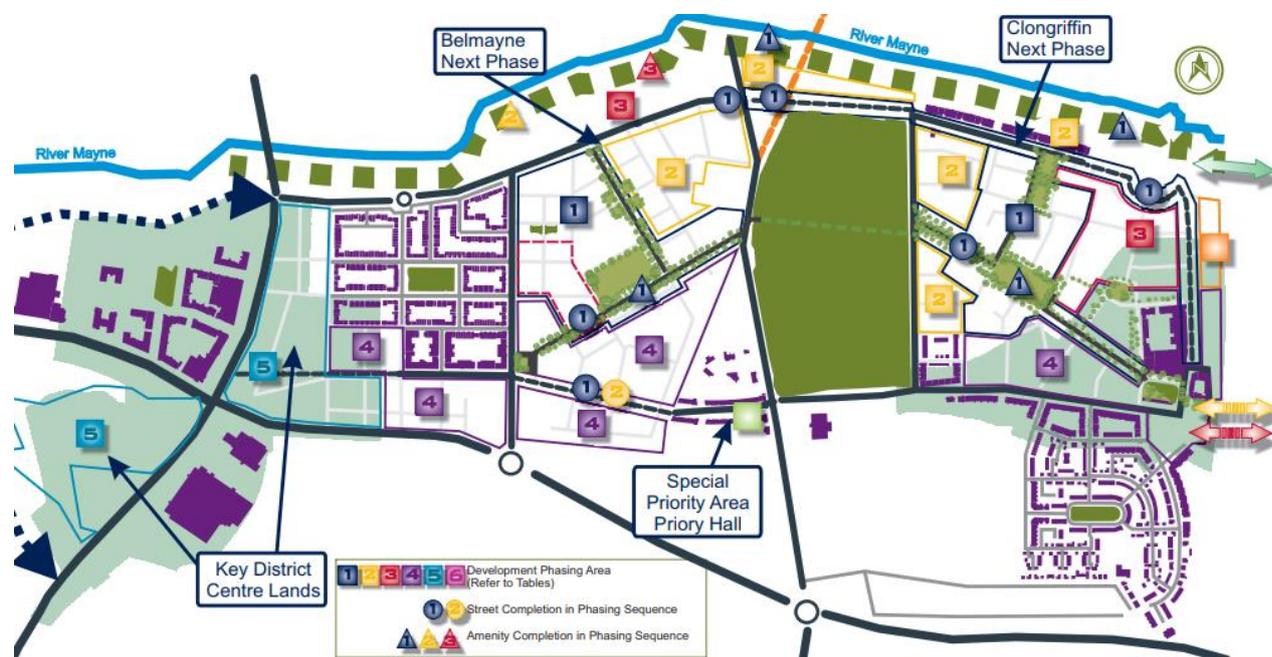


Figure 10: Extract from Local Area Plan showing location of adjoining key sites

The proposed Belmayne Road scheme is approx. 2 km from Baldoyle Bay SPA and SAC. In addition to these European designations Baldoyle Bay is also recognised as a wetland of international importance under the RAMSAR Convention (site 25/10/88). It is also a proposed Natural Heritage Area, a designation under national legislation. The AA Screening Report concluded that there is no potential negative impact on these sensitive sites. The immediate area of the road scheme is characterised by flat made-ground, scrub, development sites and existing roadway. The site is therefore not environmentally sensitive and it is considered there is no potential for negative impact on the receiving environment.

Development in this area was assessed in the 2002 EIS on the 'Proposed Mixed Development at Balgriffin Park' (prepared by Fergal McCabe for the Shannon Group) and permitted by An Bord Pleanála under ABP Ref. PL29N.131019.

6.2 The relative abundance, availability, quality and regenerative capacity of natural resources in the area and its underground

Having regard to the receiving environment character and the AA Screening Report prepared in association with this EIA Screening exercise, the proposed development will not significantly impact on the integrity of any main habitats (including soil, land, water and biodiversity).

6.3 The absorption capacity of the natural environment

This subsection of the second criterion relates to the absorption capacity of the existing environment having particular regard to:

- (i) wetlands, riparian areas, river mouths;
- (ii) coastal zones and the marine environment,
- (iii) mountain and forest areas,

- (iv) nature reserves and parks,
- (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;
- (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,
- (viii) landscapes of historical, cultural or archaeological significance.

The map in the Figure 11 below shows the location of the Belmayne area relative to the nearest SAC, SPA and other environmental designations, as well as densely populated areas. An Appropriate Assessment Screening Report has been prepared in conjunction with this EIA Screening exercise, which demonstrates that there will be no impact on the SAC or SPA. The natural and built environment in this area has the capacity to absorb the proposed development.

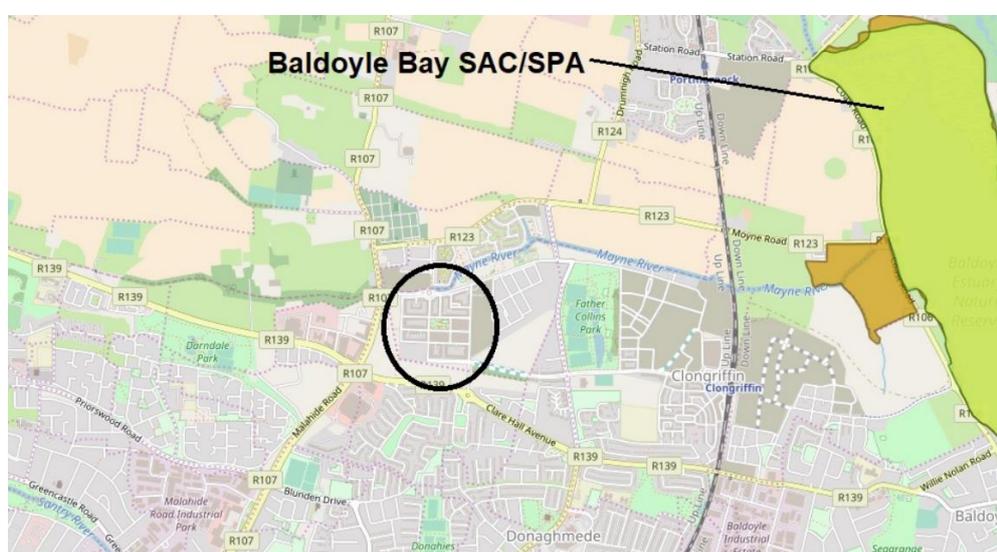


Fig 11 Map showing location of the subject land relative to European Sites

(Source Openfield AA Screening Report of development site at Belmayne, Dublin). The SAC boundary is shown in brown while that of the SPA is shown in lime green. (from www.epa.ie)

7.0 Characteristics of Potential Impact

The third criteria of for the evaluation of sub-threshold development (referred to in Section 4) relates to characteristics of potential impact.

7.1 The magnitude and spatial extent of the impact

The majority of the significant impacts during a road development of this nature are associated with the construction stage. These impacts are likely to be temporary, reversible and ‘once-off’. For this development the works largely comprise amendments and modifications to existing roadway, and the laying of new road on made ground. Long-term impacts are associated with the proposed new alignment and bus gate signalised junction with Malahide Road. The EIS previously undertaken for the subject site did not envisage any negative impacts on the alignments of the proposed road scheme and was approved by An Bord Pleanála. We also refer to the SEA Statement on the Clongriffin-Belmayne Local Area Plan 2012-2018 which concluded:

Each objective and policy of the LAP was evaluated against environmental protection objectives to ensure that proposals recorded either neutral or beneficial impacts. Where negative impacts were recorded, appropriate mitigation policies and objectives were identified and incorporated into the plan. The evaluation matrix tool in particular was effective in screening the impacts that policies and objectives, including amendments to policies and objectives would have on the environment.

During the construction stage noise nuisances and air pollution have a high probability of occurrence. The NRA Environmental Assessment and Construction Guidelines and specific mitigation measures will be adhered to during the development of the proposed road proposed development in order to reduce the probability of impacts on the surrounding environment. The probability of impacts due to the development cannot be predicted at this stage of the proposed development without detailed survey, investigation and assessment. Due to the location of the subject site in an urban (expansion area) environment, impacts are on ecology, watercourses and landscape are likely to be minimum. The potential magnitude of the impact is considered to be minimal.

Whilst exact quantities of materials required have not been determined at this stage, large amounts of quarried aggregates, concrete and bitumen will be used during construction phase. Some of this material will be gained from within the site, however the majority will be needed to be imported to the site. It is likely that quantities of unsuitable material will be excavated and not reused during the construction. Whilst the exact amount of this unsuitable material has not been evaluated, given that the majority of the receiving environment comprises existing roadway/tarmac or made ground, the excavation and treatment of this material is likely to have no significant environmental effects. During operation phase, the bus gate junction to the Malahide Road will join an existing busy arterial road, and not give rise to any additional environmental impacts.

An Appropriate Assessment Screening Report has been prepared on the proposed road development which finds that the scheme will not have a negative impact on any European site

The proposed BMSBA road development will extend the width of Belmayne Main Street by 6m to the south, however this will remain a four lane road. The width of Belmayne Avenue will be retained, as permitted under the parent planning permission for the area. Only a short link (*circa* 180m) to the Malahide Road is proposed on a new alignment. The road alignments were designed as the principle axis for the Belgriffin-Belmayne LAP development area. The location of roadway is within a defined development area that is partially developed, and with the benefit of an EIS covering the entire Belmayne area. The road development will facilitate public transport, cycling, pedestrian movement within, through and to the Belmayne area. The roadway will facilitate the development of sites and street frontages. The extent of the impact is local in nature.

7.2 The nature of the Impact

The proposed BMSBA road development provides for the construction, alterations and operation of Belmayne Main Street and Belmayne Avenue. The nature of impact will be related to road construction activity along an established road alignment on lands dedicated for development under the Local Area Plan. The operational impact will concern the use of the alignment as a transport corridor with increased activity (both pedestrian, cycle, bus and vehicular). This will see the existing and partially constructed road on the Belymane Main Street utilised for vehicular traffic as would be expected of this alignment. Therefore, while there would be a change in use of the road, that nature of impact would be mitigated by the fact that the development provides for the use of a designated roadway. The development would improve the character of the area through the completion of partially implemented road and streets providing linkage, residential amenity and improved access to the area.

7.3 The transboundary nature of the Impact

The proposed development is located within the functional area of Dublin City Council, and it is south of the boundary with Fingal County Council. While proposed works on Belmayne Avenue occur close to the county boundary, it is considered that the effects of the development is localised in nature and the proposed development will not have any Transboundary Impact.

7.4 The intensity and complexity of the Impact

The main potential impacts arise from construction, operation and removal of waste material. The project provides alternations and amendments to established roadways on alignments approved under previous planning permission within an area that was subject to an Environmental Impact Assessment by An Bord Pleanála. The road proposal will support land use and transportation integration and have a positive impact on movement and accessibility of the Belmayne area. The Part 8 scheme provides for a street based cross-section design to enhance the liveability, public realm and attractiveness of the built environment of Belmayne. During construction, temporary negative impacts are predicted due to noise, dust and visual impacts. These impacts are not considered significant. During operation, a positive impact is expected due to improved road conditions providing a more integrated local road network.

Ecology: An Appropriate Assessment Screening Report has been prepared on the proposed road development which finds no negative impact on sensitive receptors or European sites. The majority of the road proposal relates to pre-existing roadways, made ground and hard surfaces. Only a short link (c. 180m) to the Malahide Road is located off the previously approved alignment. The EIA for the lands did not find any ecological impacts on habitat for this small area.

Soils and Geology: The proposed development is located on lands with permitted development having been the subject of an EIA. There are not likely to be any significant effects to the soils and geology of the area.

Water: There are no water courses on the lands. Surrounding development is drained to attenuation tanks which drain to the River Mayne in the north which flows into Baldoyle Bay which is a Natura 2000 site. The entire scheme lies within the catchment of the Mayne River. Runoff from the proposed roads will be collected by a new drainage network which will discharge to existing watercourses. All discharges to existing watercourses will be subject to a limited discharge rate not greater than the greenfield runoff rate. During construction, there may be a risk of pollution to watercourse from chemical spills, concrete and runoff from exposed soils. Best practice standards, environmental guidelines and mitigation measures will be adhered to in order to avoid impacts on water quality. A Flood Risk Assessment prepared for the Clongriffin Belmayne Local Area Plan 2012 shows that the lands lie in a Flood Zone C catchment.

Air and Climate: During the construction stage, temporary dust emissions are likely to be the main source of impacts to sensitive receptors. However, due to the linear nature of the proposed development and the implementation of best practice measures dust impacts are unlikely to be significant. There is the potential for increased volumes of construction related traffic leading to increases in traffic based air pollutants such as NO₂ and particulate matter (PM₁₀ and PM_{2.5}). Increases in traffic based pollutants are also likely once the proposed scheme is operational. Increased traffic levels will also contribute to CO₂ emissions impacting Climate, however given the design and profile of the road and its use, it is not considered that the magnitude of this change would be significant.

Noise and Vibration: An increase in noise and vibration levels is expected during the construction stage but the impact is likely to be temporary in nature. As the proposed road will be located in an urban area there will be an increase in noise levels but traffic levels are not expected to lead to particularly high noise levels and mitigation measures will be provided where the three criterion are met in accordance with the *NRA Guidelines for the Treatment of Noise and Vibration in National Road Schemes*, (2004).

Population and Human Health: The proposed development will provide for the completion and implementation of an attractive Main Street for Belmayne with public transport facilities and cycle lanes. This will have a positive impact on the population and human health.

Material Asset - Traffic and Transport: The proposed BMSBA will improve access for private vehicles, public transport, cycling and walking and will have a positive impact on the area.

Landscape: The receiving environment is characterised as urban and subject to development proposals under the Local Area Plan and Dublin City Development Plan.

Archaeology, Architecture and Cultural Heritage: There are no architectural, cultural or heritage sites and structures located within the alignment of the proposed road route corridor. Conservation issues were fully assessed by An Bord Pleanála in the EIS for the lands.

Interactions: There will be slight interaction between many of the environmental topics due to the location of the proposed road development, particularly between the water environment and ecological receptors and between ecology and landscape.

7.5 Probability of the Impact

During the construction stage noise nuisances and air pollution have a high probability of occurrence. Impacts are also likely on ecology and landscape. The NRA Environmental Assessment and Construction Guidelines and specific mitigation measures will be adhered to during the development of the proposed road in order to reduce the probability of impacts on the surrounding environment.

7.6 Expected onset, duration, frequency and reversibility of the Impact

The majority of the significant impacts during the development will be associated with the construction stage. These impacts are likely to be temporary, reversible and 'once-off'. Any potential loss of habitat due to the development is likely to be irreversible and permanent. In this location where the development is proposed on existing roadway, partially constructed roadway or made ground it is considered that there is no potential loss of habitat. All development proposals are located on lands identified for development under the approved EIS and planning policy documents for the area.

7.7 The cumulation of the impact

This report has highlighted the cumulation of the impact of the proposed BMSBA scheme with the impact of other existing and/or development the subject of a consent for proposed development (see Table 3) 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. The proposal provides for minor variations to a scheme that is already authorised which would not constitute a substantial material change and which would not give rise to significant adverse environmental effects.

7.8 The possibility of effectively reducing the impact.

The effective management of the construction phase of development in accordance with the NRA Environmental and Construction Guidelines and the employment of construction management best practice. It is considered the completion and operation of the new main street scheme will enhance the residential amenity of the area and improve the quality of existing urban environment.

8.0 Conclusion

8.1 Introduction

This screening report has been carried out in accordance with the methodologies and guidelines contained in the following:

- *Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (Environmental Protection Agency, Draft August 2017);
- *Interpretation of definitions of project categories of annex I and II of the EIA Directive* (European Commission 2015);
- *Environmental Impact Assessment of National Road Schemes – A Practical Guide* (National Roads Authority, 2008);
- *Environmental Impact Assessment (EIA), Guidance for Consent Authorities regarding Sub-threshold Development* (Environmental Protection Agency, 2003);
- *Guidelines on the Information to be Contained in Environmental Impact Statements*, (Environmental Protection Agency, 2002); and
- *Guidelines on EIA Screening* (The European Commission, June 2001).
- *Environmental Impact Assessment of Projects Guidance on Screening* (Directive 2011/92/EU as amended by 2014/52/EU) (The European Commission, June 2017).

8.2 Mandatory EIA

The proposed BMSBA road scheme does not exceed any of the thresholds outlined in the Roads Act 1993-2007 as it is considered an amendment to an authorised development under Annex II, Class 13 of the Directive as transposed into the Planning Regulations. There is therefore no mandatory requirement to prepare an EIAR.

8.3 Sub-Threshold EIA

The proposed development is sub-threshold and therefore is assessed in accordance with the criteria in Article 27 of the European Communities (EIA) Regulations, 1989.

8.4 Characteristics of the Proposed Development

The proposed BMSBA road development comprises includes minor changes amendments to the junction of Belmayne Avenue/Parkside Boulevard (including a pedestrian crossing), minor alterations to Belmayne Avenue (including pedestrian crossing), and the alteration/improvement and completion of Belmayne Main Street from New Priory westwards to Malahide Road. On Main Street A new bus lane alongside one traffic lane is proposed, both of which will run in both directions. The only significant deviation from the previously approved alignment, is in Main Street section Churchwell Crescent to Malahide Road where a signalised junction and bus gate is also proposed along this section out on to the Malahide Road.

8.5 Location of the Proposed Development

The proposed development is located within the urban expansion area of Belmayne, which in turn forms part of the Northern Fringe expansion of Dublin City. The primary permissions for the road layout framework for the area have been subject to an EIA by An Bord Pleanála which considered the cumulative development of the land bank. The proposed development facilitates the authorised road network and development granted under ABP Ref. PL29N.131019.

8.6 Characteristics of Potential Impacts

The majority of the impacts associated with the construction stage will be short term, and will be reversible over time. The road footprint itself will not result in a loss of habitat or removal of natural material.

8.7 Likely Significant Effects

During the construction stage noise nuisances and air pollution have a high probability of occurrence. Due to the nature of the receiving environment which consists of existing roadways, hard surface, made ground and scrub lands the residual impacts on ecology, watercourses and landscape in construction and 'as built' stages are also likely to be moderate during the construction phase and likely significant and positive through the introduction of a new street that supports improved access, movement and public transport connectivity for the existing and future populations.

8.8 Conclusion and Recommendations

Dublin City Council (the Roads Authority) is implementing the street layout in accordance with Balgriffin-Belmayne Local Area Plan 2012-2018, and considers that the proposed development as an amendment to an authorised development under Annex II Class 13 of the directive is sub-threshold for the purposes of Environmental Impact Assessment. The development of the road and adjoining development lands has been comprehensively assessed as part of the EIS for the 'parent' planning permission for the lands. It is considered that no localised issues arise that would entail that the proposed amendments to the authorised development would give rise to any potential significant effects on the environment.

Having regard to the foregoing analysis, it is considered that the provisions of Class 13 of Annex II of the EIA Directive (No. 97/11/EC) would only be relevant where the nature and scale of any proposed variations to an approved scheme would be such as to constitute substantial material change which would give rise to significant adverse environmental effects. The scheme falls under Annex II (13) (a) as it is classified as 'any change or extension of projects listed in Annex I or Annex II, already authorised, executed in the process of being executed'. The only part of this development that materially deviates from the authorised development is the link to Malahide Road. This section is approx. 180m in length. The length of the Main Street element of the scheme is c.880m. Therefore the changed alignment is only 20% of the length of the Main Street. The proposed BMSBA scheme does not result in an increase in size of the Authorised Main Street scheme by greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold (500m). It is therefore concluded that a Mandatory EIAR is not required. It is therefore considered that the road development would not be likely to have significant effects on the environment and a sub-threshold EIA is not required. It is considered that the modifications being proposed by the BMSBA Road Scheme would not entail significant adverse effects and that the changes concerned are modest in nature in the context of the scale of the overall scheme.

Prepared by:



Richard Hamilton
BA (Hons) MSc MIPI MRTPI
Director

Future Analytics Consulting Ltd.

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