

COMHAIRLE CONTAE ÁTHA CLIATH THEAS
South Dublin County Council

Record of Executive Business and Chief Executive's Orders

Land Use, Planning and Transportation

Environmental Impact Assessment (EIA) Screening Determination
Dodder Road Lower Rapid Deployment Active Travel Measures,
in conjunction with Dun Laoghaire-Rathdown County Council
as part of the Dodder Greenway

Pursuant to the requirements of the above, South Dublin County Council (SDCC) is proposing to consent to the construction of a segregated active travel facility at Ely Arch to the boundary of Dun Laoghaire-Rathdown County Council (DLR), as part of the Dodder Greenway.

It is intended to place the plans and particulars for the development on public display for a non-statutory consultation, although the works will be executed under Section 38 of the Road Traffic Act 1994.

Description of the Proposed Development:

Although the overall proposed scheme extends for approximately 460m, a small portion of this (100m) lies within SDCC, with the remainder in DLR. The proposal mainly involves the changing a two-way carriageway to one-way (southbound) between the junction with Orwell Rd and the junction adjacent to the footbridge at the southern entrance to Orwell Park and conversion of the existing northbound carriageway to a two-way cycle track. The route will continue to be operated and maintained as a public transport route in an urban area.

Scheme proposals relevant to the SDCC section consist of the following:

- Removal of the northbound traffic lane along Dodder Road Lower
- Provision of a 3.0m wide two-way segregated cycle track by way of a bolt down kerb
- Associated ancillary works i.e. updated road markings, new signage etc.

Approximately 4 small shrubs / trees near the western end of the scheme are to be removed to facilitate footpath widening prior to tie in with the existing Dodder Greenway SDCC scheme.

Legislative Context:

This determination has considered the relevant legislative context as set out in Section 3 of the EIA Screening Report, but not limited to:

- Directive 2011/92/EU as amended by Directive 2014/52/EU (known as the EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- The Planning and Development Acts 2000, as amended.
- The Planning and Development Regulations 2001, as amended (S.I. 600/2001)
- European Union (Planning and Development) (Environmental Impact Assessment) Regulations (2018) (S.I. 296/2018)
- European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations (S.I. 279 of 2019)
- The Roads Act 1993, as amended
- Road Traffic Act, 1994

- Roads Regulations, 1994(S.I. 119/1994)

EIA Screening Report:

The Active Travel Section, Infrastructure and Climate Change Department of DLR has commissioned the preparation of the Environmental Impact Assessment Screening Report (EIASR) to determine whether the proposed development may have potential to give rise to significant environmental effects and whether an EIA is required for the Proposed Development. The EIASR has been prepared by CAAS Ltd. The EIASR details the characteristics of the Proposed Development and its likely significant effects (if any) on the environment.

The EIASR has been considered and evaluated by the SDCC Planning Department who are satisfied that the EIASR gives full consideration to the relevant legislative context; sets out the requirements for mandatory and sub-threshold EIA; and agrees with the contents and conclusion set out in the EIASR.

The proposed development does not fall within any of the classes of projects identified in Annex I of the EIA Directive and listed in Part 1 of Schedule 5 of the 2001 Regulations which require a mandatory EIA. Furthermore, the proposed development do not meet or exceed the thresholds set out in Part 2 of Schedule 5 of the 2001 Regulations for any classes of projects identified in Annex II of the Directive (as transposed in Part 2 of the Regulations). Therefore, the proposed development does not trigger the need for a mandatory EIA.

The proposed development is a type set out in Part 2 Class 1 O (b)(iv) of Schedule 5 but does not exceed the relevant quantity, area or other limit specified in that Part. Therefore, it is a subthreshold urban development and has been screened for EIA.

The proposed development does not meet the criteria or exceed thresholds outlined in Section 50(1) of the Roads Act 1993, as amended, or Article 8 of the Roads Regulations 1994. The prescribed classes of roads developments and thresholds that trigger a mandatory EIA are also contained in Section 2 and Section 50 of the Roads Act 1993, as amended, the proposed development does not exceed the relevant quantity, area or other limit specified within this Legislation. Therefore, it is considered a sub-threshold roads development and has also been screened for EIA on that basis.

The EIASR concludes in the preliminary examination that "it can be considered that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed scheme". Thus, EIA screening is not warranted.

EIASR concludes:

"It is considered that the Orwell Road to Dodder Road Lower Rapid Deployment Scheme does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required for it. This conclusion is based on an objective review of the proposed scheme, including its characteristics, location and the likelihood of it causing significant environmental effects."

The reasons for this conclusion as set out in the report are *inter alia* as follows:

- The location of the development, characteristics of the development, description and scale of the proposed works, type and characteristics of the potential impacts.
- Based on review against the Schedule 7 criteria, the environmental impacts of the proposed project can be generally anticipated to be insignificant to slight during both the temporary construction phase and during the permanent operational phase. These

effects are not likely to be significant within the meaning of the Directive.

- The net effect on vehicular traffic can be anticipated to be not significant within the meaning of the Directive. When operational, pedestrian and cyclist facilities will be improved by the proposed scheme.
- The proposed development does not overlap with or pass through any designated European Sites With standard construction management measures potential construction effects on the Dodder and its ecological corridor can be anticipated to be imperceptible to slight and during operation, effects can be expected to be insignificant within the meaning of the Directive.
- Construction phase impacts can be anticipated to be insignificant to slight and temporary to short term. Overall operational effects will be permanent and imperceptible to insignificant.
- On the basis of its nature and scale, when considered together with effects arising from other existing and/or permitted development, also taking account of known proposed developments and adopted plans, the subject proposal has negligible potential to cause or contribute to significant cumulative effects within the meaning of the Directive.
- The EIARSR has followed the relevant legislation and has had regard to guidance.

Determination:

Having regard to the foregoing, the proposed Orwell Road to Dodder Road Lower Rapid Deployment Scheme does not trigger a mandatory EIA under the EIA Directive 2011/92/EU as amended or the Planning and Development Regulations 2001, as amended or the Roads Act 1993, as amended and Road Regulations 1994. Further, the Council (as Competent Authority) determine, for the reasons set out above and in the EIA Screening Report, that the proposed development, is not likely to have significant effects on the environment due to the nature, scale or location of the proposed development relevant to areas of environmental sensitivity and the types and characteristics of potential impacts, cumulation of effects with those arising from other existing and/or proposed projects and measures to avoid or prevent what might otherwise have been significant adverse effects on the environment.



Senior Executive Planner

Order: That South Dublin County Council as the Competent Authority having considered the EIA Screening Report prepared by CAAS Ltd., Planning and Environmental Consultants, makes a determination that the proposed development, by itself or in combination with other projects, is not likely to have a significant effect on the environment and accordingly that an Environmental Impact Assessment is not required. An EIAR is therefore not required.



Senior Planner

Date: 06/08/2024

To whom the appropriate powers have been delegated by the order number DELG (3124) of the Chief Executive of South Dublin County Council.

