

Environmental Impact Assessment Screening Report

for proposed
universally accessible entrance
at
Killiney Hill

for: **Dún Laoghaire–Rathdown County Council**



by: **CAAS Ltd.**
1st Floor
24-26 Ormond Quay Upper
D07 DAV9



AUGUST 2021

Document Control

	Author/Reviewer	Date
prepared by	Paul Fingleton	Various dates to 18 August 2021
checked by	Conor Skehan	19 August 2021
status	Final, subject to any comments from DLRCC	

Table of Contents

1. Introduction.....	1
2. The proposed development	2
2.1 Overview of the development.....	2
2.2 Project details.....	2
3. Legislative basis for EIA	6
4. Screening considerations	7
4.1 Project type	7
4.1 Subthreshold development.....	8
4.2 Review against Schedule 7 criteria.....	9
5. Conclusions.....	13

Figures

Figure 2.1 Location map.....	3
Figure 2.2 Extent of works area.....	4
Figure 2.3 Site plan.....	5

Appendices

Appendix I – Standard Descriptions of Effects

Appendix II – Competency of Author

1. Introduction

CAAS has been appointed by Dún Laoghaire-Rathdown County Council to prepare this Environmental Impact Assessment Screening Report for the proposed universally accessible entrance at Killiney Hill, Killiney Hill Road, Killiney, Co. Dublin (the proposed development). This report has been prepared to form an opinion as to whether or not the proposed development should be subject to Environmental Impact Assessment (EIA) and if so, whether an Environmental Impact Assessment Report (EIAR) should be prepared in respect of it.

The screening assesses the proposed development with reference to the EIA legislation¹ including the EIA Directive, and Planning and Development legislation. It also has regard to relevant parts of *EIA Guidance for Consent Authorities regarding sub-threshold development*, 2003, Department of the Environment, Heritage and Local Government, *OPR Practice Note PNO2 Environmental Impact Assessment Screening*, 2021, OPR and *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, 2018, Department of Housing, Planning and Local Government and relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, 2015, EU and *Environmental Impact Assessment of Projects - Guidance on Screening*, 2017, EU.

The consideration of potential impacts covers all significant direct, indirect and secondary impacts as relevant, with reference to the guidance and in compliance with the legislation, including the criteria for determining whether certain development types should be subject to EIA, and which are grouped into these categories in the Directive:

- (i) Characteristics of the proposal
- (ii) Location of the proposal
- (iii) Characteristics of potential impacts

Where used, descriptions of impacts follow the statutory EPA (draft) *Guidelines on the information to be contained in Environmental Impact Assessment Reports* (2017). For ease of reference, these standardised descriptions are reproduced in Appendix I of this report.

Information on the development has been obtained from Dún Laoghaire-Rathdown County Council, including a written description and drawings.

The following sections of this report cover:

- The proposed development (s2)
- The legislative basis for EIA (s3)
- Screening considerations (s4)
- Conclusion (s5)

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

¹ see section 3 for details

2. The proposed development

2.1 Overview of the development

The site is located along the western boundary to Killiney Hill Park, adjacent to Killiney Hill Road. The entrance is approximately 1.4km south of Dalkey Village, on the west boundary of Killiney Hill, and is the primary entrance to access the park tearooms and associated facilities (see Figure 0.1 and Figure 0.2 for site location). The entrance is known locally as the Victorian or Tearooms entrance. The total area of the proposed development is 0.096ha.

The aim of the project is to create a universally accessible entrance. Although the topography of the park does not allow universal access throughout, the proposed project will enable universal access to the tearooms and the seating area and toilet facilities associated with it. The proposed project will also enhance the overall appearance of the existing entrance, improve on movement circulation and define a legible and structured arrival space. Terraced planters will flank the entrance, preventing unauthorised vehicle parking and framing the original gates.

2.2 Project details

The project consists of:

- A 2m wide footpath will link the park arrival area to the proposed entrance. A bespoke guardrail positioned along the Killiney Hill Road will provide a protective barrier between the pedestrian and vehicular movement.
- A reconstituted stone gateway structure will mark the entrance to the universal accessible path and ambulant accessible steps.
- Minor earth form manipulation of the sloped embankment to accept the proposed steps and accessible path. The embankment will be planted with suitable native / pollinator friendly species.
- The upper seating space associated with the Tearooms will be resurfaced and additional seating introduced.
- The installation of cycle racks will provide for short stay cycle parking and help prevent unauthorised parking within the pedestrian arrival space.
- A planting scheme will supplement the existing native woodland environment and create interest with selected specimen species.

The universally accessible entrance will be constructed south of and adjacent to the Victorian entrance. This new entrance will be contemporary in design and off-set from the original entrance to avoid detracting from the historic setting (see Figure 0.3 for the site plan).

The general upgrade works will include new paving and kerbs, seating, public lighting, soft landscaping, cycle parking, fabrication & installation of new entrance gateway, construction of steps and accessible pathway and minor earth works (Figure 0.3).

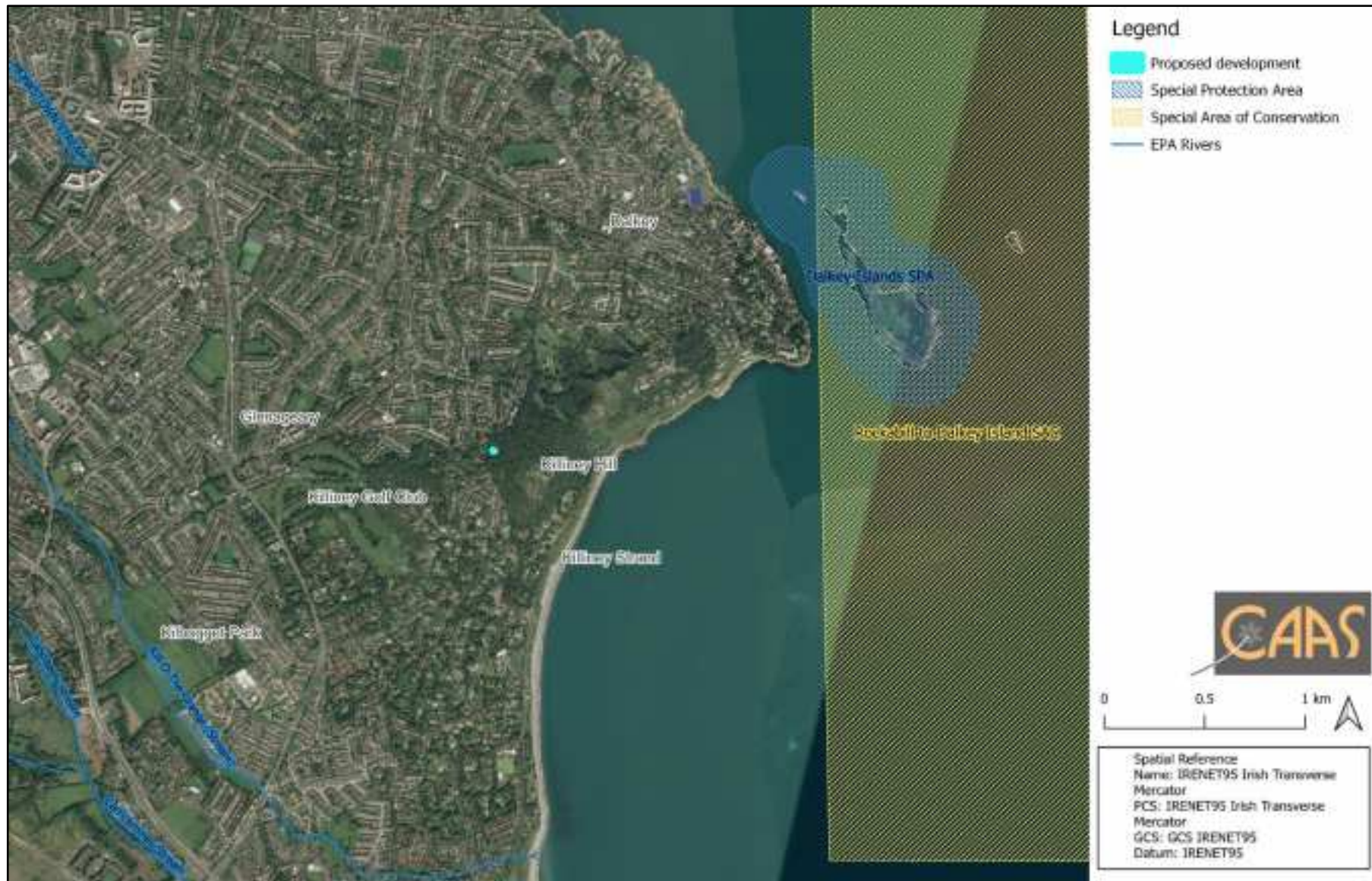


Figure 0.1 Location map

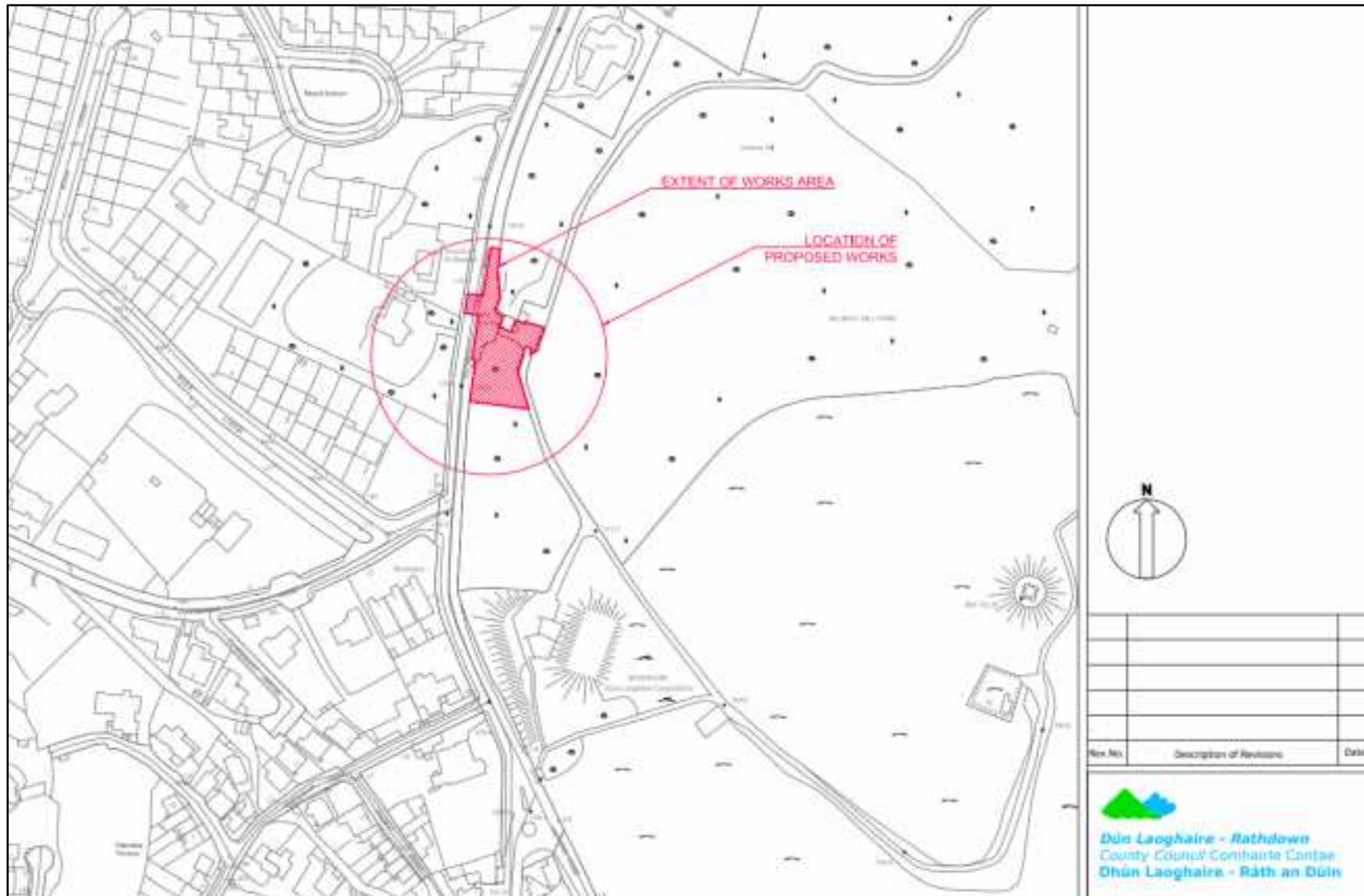


Figure 0.2 Extent of works area

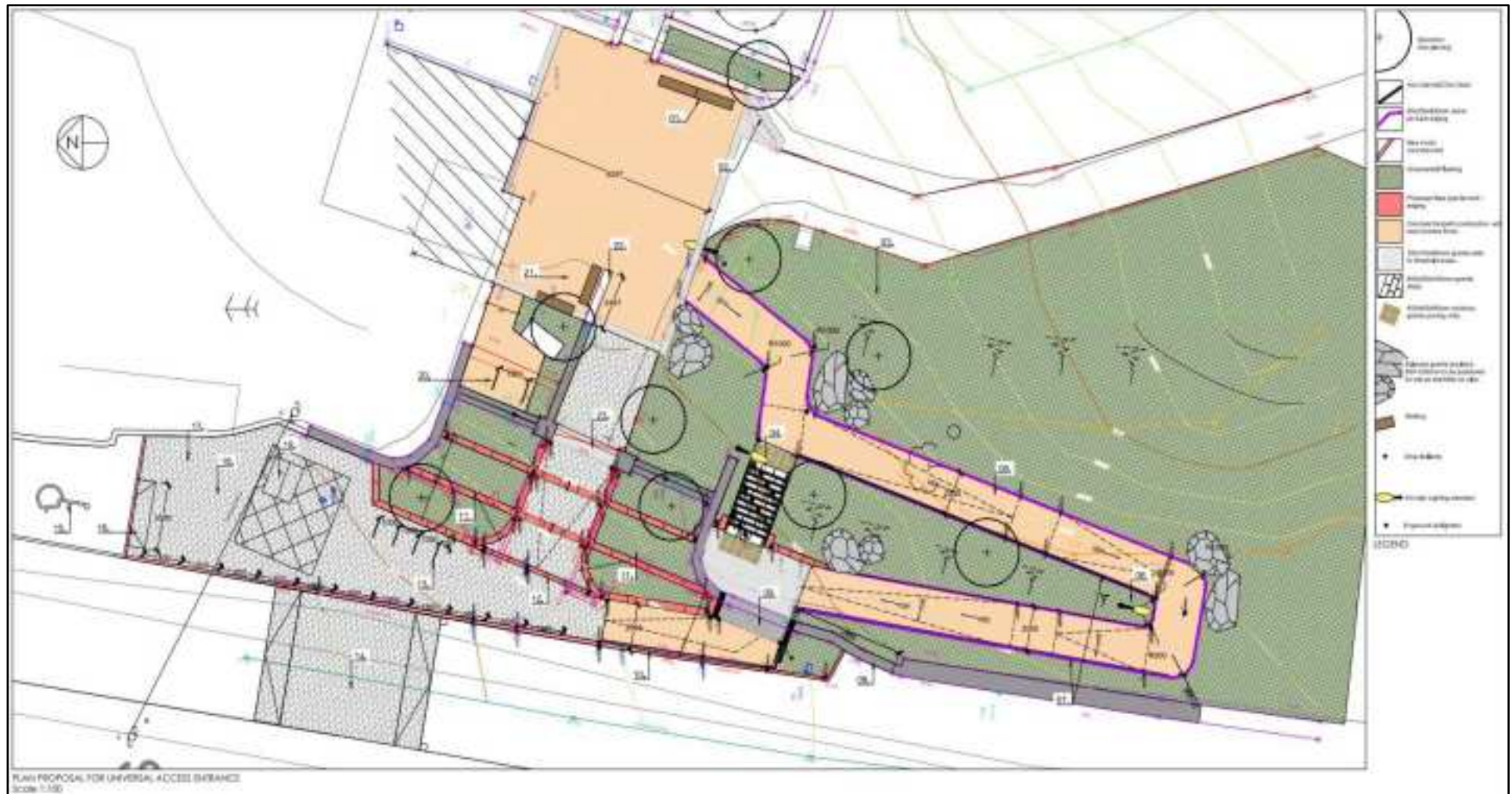


Figure 0.3 Site plan²

²Dún Laoghaire-Rathdown County Council Drawing ref. DLR-KH-2445-003

3. Legislative basis for EIA

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

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

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

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

4. Screening considerations

4.1 Project type

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

Potentially relevant project types prescribed for EIA purposes in the Planning and Development legislation are listed in the table below, with commentaries of their applicability to the proposed development. Criteria prescribed in the legislation for changes or extensions are included.

The proposed development does not correspond to any specific project type listed under the regulations. However, for the purpose of providing a robust assessment, the proposed development has been considered under classes which it may correspond to most.

Project type / criteria	Comment	Is EIA required on this basis?
Planning and Development legislation S.I. 600/2001, Schedule 5, Pt 2		
Project type 10. <i>Infrastructure projects (b) (iv)</i>		
<p><i>Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i></p> <p><i>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</i></p>	<p>Commission guidance³ lists a range of projects, stating that these or other projects with similar characteristics can be considered to be ‘urban development’. These include:</p> <ul style="list-style-type: none"> • Shopping centres • Bus garages • Train depots • Hospitals • Universities • Sports stadiums • Cinemas • Theatres • Concert halls • Other cultural centres • Sewerage or water supply networks <p>The proposed project does not correspond to or have similar characteristics to any of the above listed project types.</p> <p>On the basis of case law it is arguable that the ‘urban development’ project type can be considered to apply to a wider range of developments in an urban areas than stated in the Commission</p>	No

³ Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU

Project type / criteria	Comment	Is EIA required on this basis?
	<p>guidance. (ref <i>Carvill & Anor v Dublin City Council & Ors</i> [2021 No. 111 JR])</p> <p>Notwithstanding, at 0.096 ha the size of the subject proposal is far less than either of the thresholds for this project which could be considered to apply here (<i>10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere</i>).</p>	
Project type 13. Changes, extensions, development and testing		
<p>(a) Any change or extension of development which would:-</p> <p>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, <u>and</u></p> <p>(ii) result in an increase in size greater than-</p> <ul style="list-style-type: none"> - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater 	<p>The changes covered by the proposed development will not result in:</p> <p>(i) the development being of a listed class</p> <p>N.B. While (subject to interpretation and case law as discussed above) it could be deemed to be urban development, it is below threshold.</p> <p>or</p> <p>(ii) the development corresponding to either of the expansion scales given in (ii)</p> <p>N.B. The perimeter wall of the Park, including gateways, is some hundreds of metres long. The length of this perimeter within the area of the proposed works is approximately 20 m long. Similarly, the length of pathways created by or affected by the works is much less than the length of pathways in the Park. The development is well below both of the scales of expansion given in 13(a)(ii) (25% and 50%).</p>	No

4.1 Subthreshold development

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

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

Annex III of the EIA Directive (2011/92/EU, as amended) as transposed into Schedule 7 of the Planning and Development Regulations - sets out criteria for review of sub-threshold projects to

determine if they should be subject to EIA. These criteria include characteristics, location and potential impacts.

The proposed development does not clearly fall into a project type prescribed in Part 2 of Schedule 5 and can be considered, on the one hand, not to be 'sub-threshold development'. On the other hand, taking project type 10(b)(iv) to have a wider meaning, per the case law referred to above, it may be considered that the development does correspond to this project type. For the avoidance of any doubt the next section of this report contains a review of the characteristics, location and potential impacts of the proposal against the Schedule 7 criteria to determine if it should be subject to EIA.

4.2 Review against Schedule 7 criteria

These criteria cover:

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

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

Schedule 7A of the Planning and Development Regulations sets out 'Information to be provided by the Applicant or Developer for the Purposes of Screening Sub-threshold Development for Environmental Impact Assessment'. This information includes:

1. A description of the proposed development
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
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

This screening report includes the relevant Schedule 7A information. This is contained in s2 above and in the commentary provided in and below the table which follows.

Schedule 7 Criteria	Commentary
<p>1. Characteristics of Proposed Development</p> <p>The characteristics of proposed development, in particular:</p>	
(a) the size and design of the whole of the proposed development	The site covers approx. 0.096 ha. It will affect approximately 20 m of park perimeter.
(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	The context of the site is largely in amenity usage with protected structures and extensive amenity woodland. The lands on the opposite side of Killiney Hill Road are largely in residential use. A review of planning files for the surrounding area found that permissions have been granted for a number of small to medium scale residential developments in the last 5 years.
(c) the nature of any associated demolition works	Approximately 3 m of existing wall will be removed to allow creation of the new universally accessible entrance..
(d) the use of natural resources, in particular land, soil, water and biodiversity	No significant natural resources will be used.
(e) the production of waste,	Waste generated during construction and operation can be anticipated to be typical for a small scale works project. No significant waste streams will be generated.
(f) pollution and nuisances,	During construction, the proposal is likely to generate localised and short-term noise and dust. It will also generate minor traffic. Post-construction, it can be anticipated to have negligible potential to cause any pollution or nuisance.
(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	There are no significant risks associated with the proposal.
<p>2. Location of proposed development</p> <p>The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—</p>	
(a) the existing and approved land use	The site is largely in amenity usage with protected structures and extensive amenity woodland. The lands on the opposite side of Killiney Hill Road are largely residential.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground	Due to the scale of the proposed development and its location in a developed residential and suburban context, the impact on natural resources in the area will be minimal.
(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	The development is on the perimeter of Killiney Hill Park.
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive	-
(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure.	-
(vii) densely populated areas	The environs of the Park are predominantly low-density suburban residential.
(viii) landscapes and sites of historical, cultural or archaeological significance	The existing Victorian gates and piers are protected structures as is the adjacent tearooms building.

3. Types and characteristics of potential impacts The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in section 171A of the Act, taking into account—	
(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected)	The site covers 0.096 ha. No significant effects are likely to extend beyond the site boundary.
(b) the nature of the impact	Temporary to short term localised construction phase impacts are likely. These are likely to be small scale and localised. Permanent effects on the setting of adjacent protected structures are likely. These are not likely to be significant within the meaning of the Directive.

(c) the transboundary nature of the impact	-
(d) the intensity and complexity of the impact	The effects outlined at (b) above are likely to be low in intensity and complexity.
(e) the probability of the impact	The effects outlined at (b) above are likely to occur.
(f) the expected onset, duration, frequency and reversibility of the impact	Construction phase impacts will commence at start of construction, be of varying frequency and can be anticipated to be insignificant to slight and temporary to short term. Once completed, effects will be insignificant and permanent.
(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	On the basis of their nature and scale, when considered in-combination with the proposed development, potential for other existing and/or permitted development to cause significant cumulative impacts can be considered to be negligible.
(h) the possibility of effectively reducing the impact	Not relevant as significant effects are considered unlikely to occur.

Based on review against the Schedule 7 criteria, the environmental impacts of the proposal can be anticipated to be unlikely to be significant within the meaning of the Directive.

Article 120 of the Regulations of 2001, as amended, require the Schedule 7A information to be accompanied by:

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

In relation to (a), an Appropriate Assessment screening report forms part of the Part 8 documentation. This finds that a stage two Appropriate Assessment is not required. There is no further relevant information arising from other assessments as described at (a) that needs to be taken into account.

In relation to (b) as no significant adverse effects are likely to occur on the environment, no measures are envisaged or proposed to avoid or prevent such effects.

5. Conclusions

It is considered that the proposed universally accessible entrance at Killiney Hill, Killiney Hill Road, Killiney, Co. Dublin 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 development, including its characteristics, location and the likelihood of it causing significant environmental impacts. The screening has followed the relevant legislation and has had regard to the relevant guidance.

Appendix I – Standard Descriptions of Effects

(from *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, 2018 draft, EPA)

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

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

	Irreversible Effects When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.
	Residual Effects The degree of environmental change that will occur after the proposed mitigation measures have taken effect.
	Synergistic Effects Where the resultant effect is of greater significance than the sum of its constituents, (e.g. combination of SO _x and NO _x to produce smog).

Appendix II - Competency of Authors

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

Paul is the lead author of the current EPA Guidelines⁴ and accompanying Advice Notes⁵ on EIARs. He has been involved in all previous editions of these statutory guidelines. He also provides a range of other EIA related consultancy services to the EPA. Paul is regularly engaged by various planning authorities and other consent authorities to provide specialised EIA advice.

Clare O'Doherty, Environmental Assistant has a BSc in Environmental Management, Dublin Institute of Technology, 2019. Clare has experience working as part of team projects and in the preparation of EIA and AA documents on behalf of multi-nationals and infrastructural providers. She also liaises with various government agencies and local authorities in order to assimilate the environmental baseline information that is used in EIAs and AAs and assists in the preparation of the various EIA and AA related documentation.

⁴ *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2017 (Draft)

⁵ *Advice notes on current practice in the preparation of Environmental Impact Assessment Reports*, EPA, 2003