

Client:

Dún Laoghaire-Rathdown County Council (DLRCC)

Project:

Druids Glen Road Phase 3, Cherrywood SDZ

Report:

EIA Pre-Screening



Document Control Sheet

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SECTION 1: INTRODUCTION

Barry Transportation has prepared this Environmental Impact Assessment (EIA) Pre-Screening on behalf of Dún Laoghaire-Rathdown County Council (DLRCC) for the proposed Druids Glen Road Phase 3 project, hereafter referred to as the 'proposed development'.

This EIA Pre-Screening has been prepared to help establish, with regard to the EIA Directive and the relevant transposing legislation, whether the proposed development is a type of project that requires environmental impact assessment and, if so, whether the project exceeds any specific threshold with regard to environmental impact assessment. This EIA Pre-Screening then concludes on the next steps with regard to the EIA process.

The proposed development is currently at concept design stage and the process and approach with regard to environmental impact assessment will evolve as the project progresses to and through the preliminary design stage.

1.1 Overview of the Proposed Development

The proposed development is situated in the Cherrywood Strategic Development Zone (SDZ). The Cherrywood SDZ is situated approximately 8 km south of Dún Laoghaire Town Centre near Loughlinstown, between the N11 and the M50, approximately a kilometre north of where they fork from the M11. Dún Laoghaire-Rathdown County Council (DLRCC) has been specified as the Development Agency for the Cherrywood SDZ by Government Order and as such, has prepared the Cherrywood Planning Scheme (CPS). The CPS requires the construction of a bridge feature on Druids Glen Road to link Development Area 5 to Development Area 1, see Figure 1-1. The construction of this bridge is critical in addressing the infrastructure deficits required to open up land for development, and in particular housing.

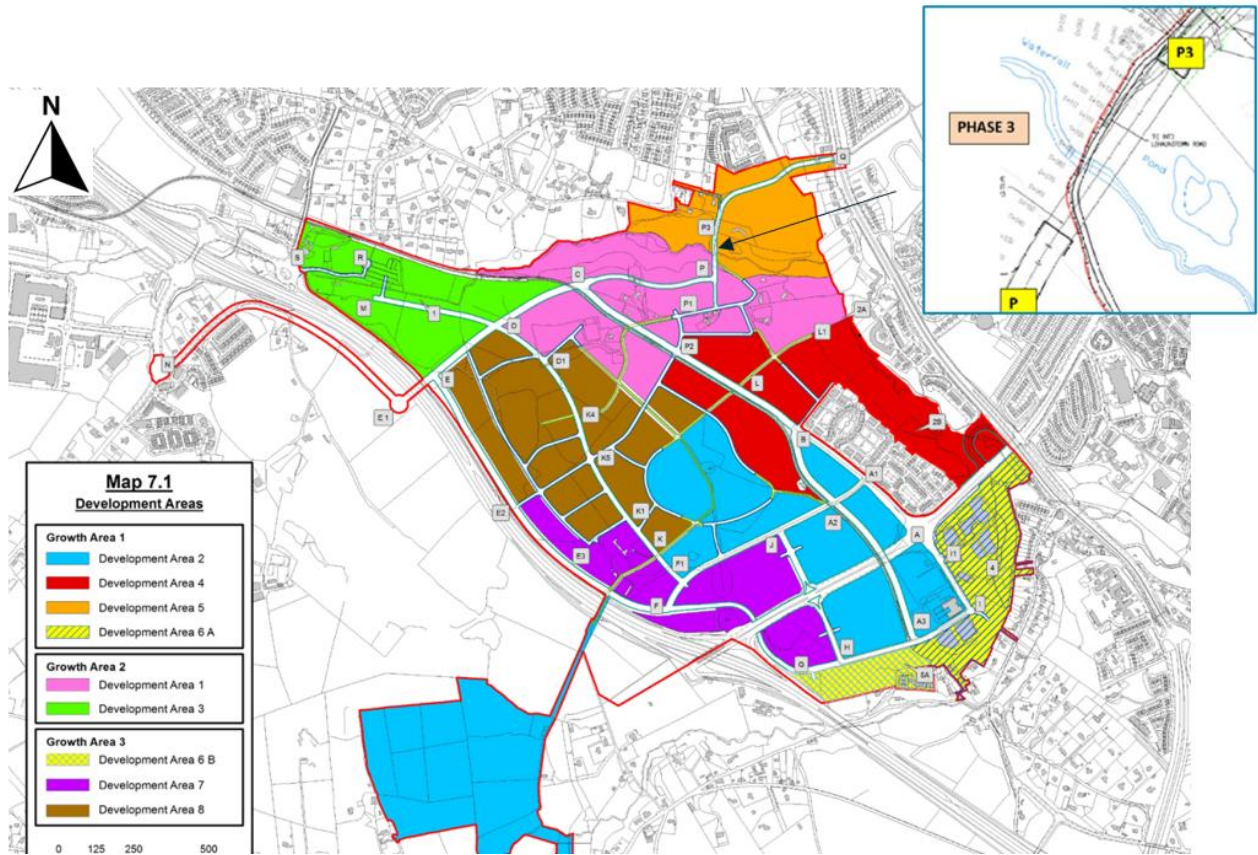


Figure 1-1: Map of Development Areas of Cherrywood SDZ and Proposed Connection between Areas 5 and 1

The lands have a varied landscape and topography, flanked by three valleys: Druids Glen, Brides Glen and the Cherrywood/Loughlinstown River Valley, and the historical ruins of Tully Church identifying the high point/pinnacle of the plan area. The Cherrywood SDZ lands area is shown in Figure 1-1.

The proposed development is located between P and a point to the north of P3 as shown in Figure 1-2 below. The Druid's Glen Road bridge will span Carrickmines River and Druid's Glen Valley and will provide connectivity between the development areas, within the Cherrywood Planning Scheme and the wider road network, including Lehaunstown Lane and the N11.

Figure 1-2 shows the extents of the proposed development. The bridge element of the proposed development will cross Carrickmines River and Druids Glen Valley at the location where Lehaunstown Lane currently crosses the river. The proposed development, combined with the completed sections of Druids Glen Road (Phase 1 and Phase 2) will connect the N11 with the planned Cherrywood Road Network for the purpose of the movement of vehicles, pedestrians and cyclists.

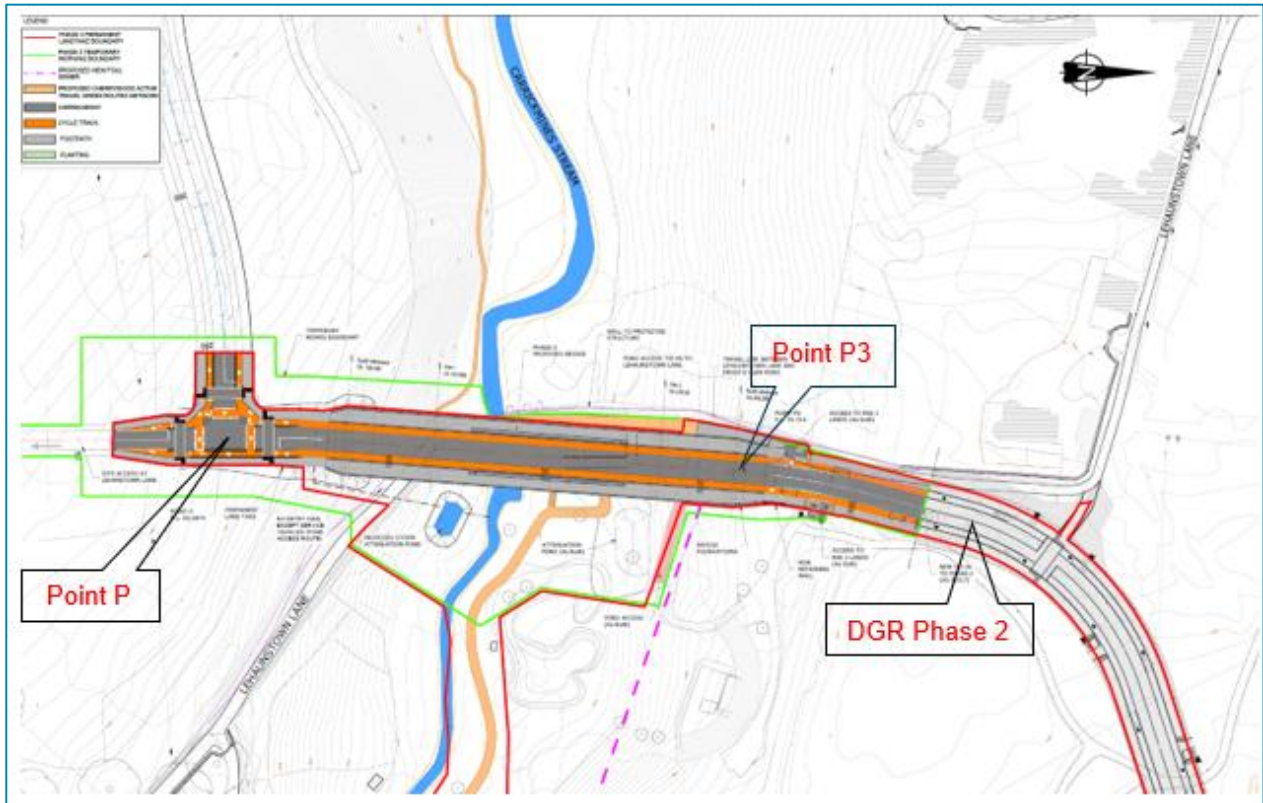


Figure 1-2 Project Site Location Plan

The bridge element of the proposed development (identified as the emerging Preferred Bridge Option in the accompanying Final Options Assessment Report (FOAR)), would comprise a three-span extradosed bridge featuring concrete girders and a cable stayed design with low pylons with an overall length of approximately 147m. The larger central span has a length of 65m, while the two outer spans have lengths of 30m. The width of the proposed bridge deck is 19.5m. The bridge uses a cable stayed design, with steel cables extending from four reinforced concrete pylons, with 2 pylons on either side of the bridge. This option has a structural depth ranging between 2.1m (midspan) and 3.0m (support), while the pylons have an overall height of 17m, of which 6.5 m is over the bridge deck, see Figure 1-3 below.

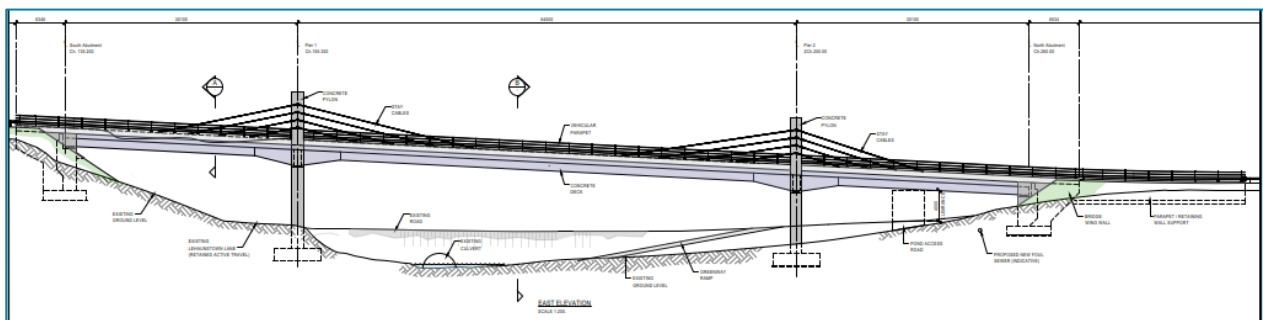


Figure 1-3 Bridge East Elevation

The bridge will span the valley with circa 67m of south road section and 44m north road section to complete the infrastructure and tie-in with Phase 2. The overall road cross section width, as per the concept design for the proposed development, is 17.5m and comprises a 7.0m wide carriageway with two 3.5m traffic lanes, and a 2.25m cycleway and 3.0m wide footpath on both sides of the road. Refer to Appendix A for outline bridge drawings. **Table 1-1** below provides co-ordinates for the proposed structure.

Table 1-1: Site Location Details

Structure Name	ITM X Coordinate	ITM Y Coordinate
Druids Glen Road Bridge	723319	724139

The construction of this bridge will support the ongoing development of the Cherrywood SDZ as a key residential and commercial hub.

The scheme includes (but is not limited to) the following elements:

- Alterations to constructed road at P3 to achieve compliant tie-in gradients to existing road networks;
- Bridge construction with circa 67m of road in south side of the bridge and 44m road north side of the bridge including tie in with Druids Glen Road Phase 2 at P3;
- Construction of a new link to Lehaunstown Lane as well as new link off Lehaunstown Lane to an existing pond;
- New signalized 'protected' junction at Junction P (Druids Glen/Barrington Road);
- Landscaping works and boundary treatment;
- Drainage, SuDS, new attenuation pond and connection to an existing attenuation pond;
- Earthworks and pavement;
- Signing and road markings;
- Public lighting;
- Accommodation Works;
- Utility services provision (including watermain, foul sewers, storm drainage, gas, power, and communications ducting, etc.) as required.

SECTION 2: LEGISLATION, GUIDANCE AND REQUIREMENT FOR EIA PRE-SCREENING

2.1 Overview

This section outlines the relevant legislation and guidance reviewed in the compilation of this EIA Pre-Screening. This section also compares the proposed road development against the list of projects which legally require EIA and compares it against their mandatory trigger thresholds.

2.2 Legislation

The following legislation has been considered during the preparation of this EIA Pre-Screening:

- Directive 2011/92/EU¹ on the Assessment of the Effects of Certain Public and Private Projects on the Environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment² (the “EIA Directive”);
- Roads Act 1993 Regulation (Roads Act), as amended;
- Roads Regulations, 1994 (S.I. No. 119 of 1994), as amended;
- European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations 2019 (S.I. No. 279 of 2019).
- Planning and Development Act 2000, as amended;
- Planning and Development Regulations 2001, as amended; and
- European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as amended (S.I. No. 296 of 2018).

2.3 Guidance

The following guidance and consultation documents have also been considered during the preparation of this report:

- Department of Housing, Planning, Community and Local Government (2018) Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018);
- Department of the Environment, Heritage and Local Government (2003) Environmental Effect Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development;
- Environmental Protection Agency (2022) Guidelines on the Information to be contained in Environmental Impact Assessment Reports;
- Environmental Impact Assessment Screening - OPR Practice Note PN02 (Office of the Planning Regulator (OPR), 2021);
- Environmental Impact Assessment Projects. Guidance on the preparation of the environmental impact assessment report (Directive 2011/92/EU as amended by 2014/52/EU);
- NTA (2023). Guidance for EIA and AA Screening of Active Travel Projects; and

¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification).

² Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

- European Commission (2015) Interpretation of definitions of project categories of annex I and II of the EIA Directive.

2.4 Requirement for Screening under the EIA Directive and Roads Act 1993, as amended

The Environmental Impact Assessment (EIA) Directive (Directive 2011/92/EU) as amended by Directive 2014/52/EU, aims to ensure a high level of protection of the environment and human health, through the establishment of minimum requirements for EIA, prior to consent being given, of public and private developments. EIA screening determines whether an EIA is required for a specified project.

Schedule 5 of the Planning and Development Regulations 2001, as amended, identifies development i.e., prescribed classes of development requiring EIA where a development meets or exceeds the thresholds set out under Schedule 5 (Part 1 and Part 2) mandatory EIA is required and, as such, there is no screening determination required. Where a development is of a class included in Schedule 5 but is sub threshold the development shall be subject to a preliminary examination and if required, screening, to determine (i.e., a Screening Determination) if it would or would not be likely to have significant effects on the environment. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) state:

“Where, based on a **preliminary examination** of the information submitted with the application and any other supplementary information received, the competent authority concludes that, having considered the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment, this should be recorded with reasons for this conclusion stated, and no EIA required, or formal determination made. The recording of the competent authority's view should be brief and concise, but adequate to inform the public. In many cases this considered view will be included in the planner's/inspector's report on the planning application and this may be cross-referenced in the competent authority's decision. Normally, this will be published at the time of the decision of the competent authority.

Where, based on the information submitted with the application and any other supplementary information received, and having considered the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended, **there is a real likelihood of significant effects on the environment, the competent authority must determine that an EIA is required.** The main reasons for this determination should be recorded.

Where, based on the information submitted with the application and any other supplementary information received, the competent authority, having considered the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, forms the view that there is significant and realistic doubt in regard to the likelihood of significant effects on the environment, the competent authority must proceed to a further examination to determine whether EIA is required. This requires the applicant to submit the information specified in Schedule 7a to the Planning and Development Regulations 2001 (as amended) in order to facilitate a formal Screening Determination.”

Road developments, and in particular consideration of whether an EIA is required or not, fall to be considered under the Roads Act 1993, as amended, and the Roads Regulations 1994, as amended. Therefore, the requirements for EIA Screening under the Roads Act (1993), as amended, have been followed in this report.

This EIA Pre-Screening Note has been prepared to assist the applicant in recording whether the Proposed Development is of a class of development requiring EIA.

2.5 Roads Act 1993, as amended

Given that the proposed development is considered a “road development” under the meaning of the Roads Act 1993, as amended, the requirements for EIA Screening under this legislation have been followed in this report.

2.5.1 Relevant definitions under Section 2 of Roads Act 1993, as amended

A “road” is defined under Section 2 of Roads Act 1993, as amended as:

“(a) any street, lane, footpath, square, court, alley or passage,

(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple and whether or not designated for a particular class of vehicle), pavement or footway,

(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, verge, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channeliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

(d) any other structure or thing forming part of the road

(i) used, or the use of which is reasonably required, for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or

(ii) prescribed by the Minister”;

A “road authority” is defined under Section 2 of Roads Act 1993, as amended as:

“road authority”, except in Part V, means a local authority;

A “proposed road development” is defined under Section 2 of Roads Act 1993, as amended as:

“Proposed road development” means any proposed road development which is subject to an Environmental Impact Assessment under Section 50.

A “public road” is defined under Section 2 of Roads Act (1993), as amended as:

“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

The proposed development is a “road” development as defined under Section 2 (b) of Roads Act 1993, as amended. Dún Laoghaire-Rathdown County Council (DLRCC) is a “road authority” under the Roads Act 1993, as amended, and the proposed construction of the bridge is interpreted as the construction of a “public road” and “bridge” under Section 2 of the Roads Act 1993. “Development” is defined under section 3(1) of the Planning and Development Act 2000, as amended, as “the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land”.

2.5.2 Requirement for mandatory EIA under the Roads Act 1993, as amended

Section 50(1) of the Roads Act 1993, as amended, relates to road developments subject to Environmental Impact Assessment.

The thresholds for mandatory EIA of a road development are set out in Section 50(1)(a) below. The prescribed types of proposed road development for the purposes of Section 50 (1)(a)(iv) are set out in Article 8 of SI 119 of 1994 Roads Regulations and set out below.

Roads Act (1993), as amended

“50. (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:

- (i) the construction of a motorway;*
- (ii) the construction of a busway;*
- (iii) the construction of a service area;*
- (iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.*

SI 119 of 1994 Roads Regulations. Part V Environmental Impact Assessment

“(8). The prescribed types of proposed road development for the purpose of subsection (1)(a)(iv) of section 50 of the Act shall be

- (a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;*
- (b) the construction of a new bridge or tunnel which would be 100 meters or more in length”*

The proposed Druids Glen Phase 3 development is neither a motorway, busway nor service area, but it does consist of the construction of a bridge which would be approximately 147m in length.

SECTION 3: CONCLUSION

The proposed development, which is at concept design stage, will include a new bridge that would be approximately 147m in total length and which exceeds the thresholds outlined in Section 50(1)(a) of the Roads Act 1993, as amended, and Article 8 of the Roads Regulations 1994. Therefore, the proposed development does trigger the need for a mandatory Environmental Impact Assessment.

An EIA will be mandatory as long as the threshold continues to be exceeded. In such instances, a Preliminary Examination and/or Screening Determination will not be necessary, and this will be reviewed as the project progresses through Preliminary Design stage.

REFERENCES

Department of Housing, Planning, Community and Local Government (2018) *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)*

Department of the Environment, Heritage and Local Government (2003) *Environmental Effect Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development*

Environmental Protection Agency (2022) *Guidelines on the Information to be contained in Environmental Impact Assessment Reports*

European Commission (2017) *Guidance on EIA Screening*

Office of the Planning Regulator (OPR) (2021) *OPR Practice Note PN02 Environmental Impact Assessment Screening*

European Commission (2015) *Interpretation of definitions of project categories of annex I and II of the EIA Directive*

National Transport Authority (2023) *Guidance for EIA And AA Screening of Active Travel Projects Funded by the NTA*

APPENDIX A – Bridge Drawings

