

Proposed Broadmeadow Way Greenway Project

Preliminary Examination Report

(in accordance with Article 120 of the Planning & Development
Regulations 2001 (as amended))

BSM

Est.
1968

**Brady Shipman
Martin**

**Built.
Environment.**

Strategic Assessment **Built Environment**

Client:

Fingal County Council

Date:

15 May 2019

DOCUMENT CONTROL SHEET

6606_RP-01_Preliminary Examination Report

Project No. 6606
Client: Fingal County Council
Project Name: Proposed Broadmeadow Way Greenway Project
Report Name: Preliminary Examination Report (in accordance with Article 120 of the Planning & Development Regulations 2001 (as amended))
Document No. RP-01
Issue No. 05
Date: 15/05/2019

This document has been issued and amended as follows:

Issue	Status	Date	Prepared	Checked
01	Draft Report	09 Nov 2018	DF	TB
02	Updated Draft Report	25 Apr 2019	RD	TB
03	Updated Draft Report	30 Apr 2019	TB	TB
04	Final Draft Report	07 May 2019	TB	TB
05	Final	15 May 2019	TB	TB



Contents

1	Introduction	1
2	Environmental Impact Assessment (EIA)	1
3	Preliminary Examination	2
4	Description of the Proposed Development.....	3
5	Nature, Size, Location of Proposed Development & Types and Characteristics of Potential Impacts	10
6	Preliminary Examination Conclusion.....	17
7	References	18
	Appendix 1.....	19



1 Introduction

Fingal County Council is seeking development consent for the provision of the Broadmeadow Way – a new greenway (shared footpath and cycleway) of c.6km in length – between Malahide Demesne and Newbridge Demesne near Donabate County Dublin. The proposed greenway will cross the Broadmeadow Estuary along the west side of the existing Dublin Belfast Railway causeway and bridge.

The proposed Broadmeadow Way Greenway Project is a subthreshold local authority development. This report is the preliminary examination of this proposed subthreshold development which examines inter alia the type and scale of the proposed development and the receiving environment in addition to the nature, size and location of the proposed development.

The report has been prepared for Fingal County Council by Thomas Burns, (B.Agr.Sc. (Landscape); Dip. E.I.A. Mgmt., Ad.Dip. Plan. & En. Law) Partner with Brady Shipman Martin, environmental, landscape and planning consultants.

2 Environmental Impact Assessment (EIA)

Environmental Impact Assessment (EIA) is the process of examining the anticipated environmental effects of a proposed project - from consideration of environmental aspects at design stage, through consultation and preparation of an Environmental Impact Assessment Report (EIAR), evaluation of the EIAR by a competent authority, the subsequent decision as to whether the project should be permitted to proceed, encompassing the public response to that decision.

The EIAR is a report or statement of the effects, if any, which the proposed project, if carried out, would have on the environment. It is prepared by the applicant to inform the EIA process.

Directive 2014/52/EU¹ *amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment*, was transposed into national planning law on the 2 September 2018 through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018). Projects which require EIA are listed in Annex I and Annex II of the EIA Directive, as amended.

National EIA provisions in relation to planning development consents are contained in the Planning and Development Act 2000, as amended (PDA 2000) and in the Planning and Development Regulations 2001, as amended (PDR 2001). The requirements of Annex I and Annex II of the EIA Directive have been transposed into Schedule 5 (Parts 1 and 2 respectively) of the PDR 2001.

Projects listed in Schedule 5 Part 1 require EIA if the stated threshold set therein has been met or exceeded, or where no thresholds are set. Schedule 5 Part 2 projects meeting or exceeding the stated national thresholds set out therein, or where no thresholds are set, also require EIA. Projects that do not meet the stated threshold may still require 'sub-threshold EIA' if there is a real likelihood of significant effects on the environment arising from the proposed development.

The proposed Broadmeadow Greenway is not of a type or scale of development listed in either Part 1 or Part 2 of Schedule 5 of the PDR 2001, and therefore EIA is not a mandatory requirement.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN>

It is noted that the proposed Broadmeadow Greenway project is a Local Authority own development and therefore, the requirement for sub-threshold EIA is addressed under Article 120 of the PDR 2001, which states.

(a) Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the local authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

3 Preliminary Examination

The following preliminary examination was undertaken pursuant to the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) which transposed Directive 2014/52/EU and having regard to the ministerial Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)².

In the ministerial guidelines the preliminary examination process is described in chapter 3 “Pre-Application stage” and under the sub-heading “Screening”.

As stated above, Article 75 of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) substituted a new Article 120 into the Planning and Development Regulations 2001 to 2018.

This preliminary examination was based on professional expertise and experience, and having regard to the ‘Source – Pathway – Target’ model which identifies the source of likely significant impacts, if any, the environmental factors which will potentially be affected, and the route along which those impacts may be transferred from the source to the receiving environmental factors.

Generally it is noted that a screening determination “*is a matter of professional judgement, based on objective information relating to the proposed project and its receiving environment. Environmental effects can, in principle, be either positive or negative*” (section 3.1 of Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018). However, the process must

² Prepared by the Department of Housing, Planning and Local Government.

also have regard to the ruling of the European Court that the EIA Directive has a “wide scope and a broad purpose” when determining if EIA is required³.

As the proposed Broadmeadow Greenway Way Project is Local Authority own development, this preliminary examination was carried out in accordance with the provisions of Article 120 of PDR 2001 and having regard to:

- **Schedule 7:** *Criteria for Determining whether development listed in Part 2 of Schedule 5 should be subject to an Environmental Impact Assessment, and*
- **Schedule 7A:** *Information to be provided by the Applicant for the purposes of Screening Sub-threshold development for Environmental Impact Assessment.*

This preliminary examination considered the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 and Schedule 7A of the PDR 2001 and this report sets out the main reasons for concluding that there is a real likelihood of significant effects on the environment arising from the proposed development and it is concluded that the proposed development of the Broadmeadow Way Greenway Project would be likely to have such effects and accordingly the preparation of an Environmental Impact Assessment Report (EIAR) is required.

Extracts of Schedules 7 and 7A of the PDR 2001, are included in Appendix 1 to this report.

4 Description of the Proposed Development

The following description of the proposed development is set out in accordance with the requirements of Schedule 7A of the PDR 2001.

4.1 A description of the proposed development, including in particular:

4.1.1 A description of the physical characteristics of the whole proposed development and, where relevant, of demolition works (Item 1(a), Schedule 7A of PDR 2001)

The proposed development comprises the provision of the Broadmeadow Way – a new greenway (shared footpath and cycleway) of c.6km in length. The greenway links Malahide Demesne to Newbridge Demesne near Donabate, County Dublin. The proposed greenway will cross the Broadmeadow Estuary along the west side of the existing Dublin Belfast Railway causeway and bridge.

The proposed development includes:

- Use of c. 900m of existing pathways within Malahide Demesne, extending from the main car park located southeast of Malahide Castle to the Hogan’s Gate entrance on the R106, Dublin Road, including new route signage and bicycle parking facilities.
- Approximately 140m of new footpath construction at Bridgefield car park and new ramp/access upgrade works at the existing pedestrian entrance leading to the R106 Dublin Road.
- Reconfiguration of c. 220m of the R106 Dublin Road between Bridgefield car park and O’Hanlon’s Lane to facilitate the provision a new off-road shared

³ ECJ cases C-72/95, C-2/07 and C-275/09.

pedestrian and cyclist facility along the northern side of the road, and a new signal controlled crossing.

- Approximately 135m of road resurfacing, 230m of shared surface road markings, signage and boundary hedge trimming along O’Hanlon’s Lane.
- The reconfiguration of the junction of Bissets Strand and O’Hanlon’s Lane.
- Two signal controlled crossings and new traffic signals at the railway bridge on Bissets Strand.
- The construction of approximately 260m of off-road shared pedestrian and cyclist facilities and associated landscaping and ancillary works on Bissets Strand.
- Works to facilitate a new greenway some 615m in length along the existing weir maintenance access track on the western embankment of the Dublin-Belfast railway causeway, extending north from Bissets Strand into Malahide Estuary, to include new surfacing, fencing, boundary walls, local stone fill, route lighting and signage, and a viewing area.
- Provision of a new 12-span pedestrian / cycleway bridge deck of approximately 180m⁴ in length on the existing piers located alongside the Dublin-Belfast railway bridge situated on the weir in Malahide Estuary.
- Works to facilitate a new greenway of approximately 1,000m in length along the shoulder of the western embankment of the Dublin-Belfast railway causeway, from the railway bridge on the weir in Malahide Estuary extending as far as the northern shoreline of Malahide Estuary at Kilcrea, to include new surfacing, fencing, boundary walls, local stone fill, route lighting and signage.
- Provision of c. 910m of new greenway along the western side of the Dublin-Belfast railway through agricultural lands in Kilcrea on the north side of the estuary, between the northern shore of Malahide Estuary and the L-6165-0 Coast Road/Corballis Road, with works to include new surfacing, fencing, route lighting and signage, and a new three span bridge over the Pill River of 50m in length constructed in timber and concrete.
- Provision of c. 230m of new greenway along the southern side of the L-6165-0 Coast Road/Corballis Road, Kilcrea to include to include surfacing, fencing, route lighting and signage.
- Upgrading and re-alignment along c.450m of the L-6165-0 Coast Road/Corballis Road adjacent to the Dublin-Belfast railway bridge, including the installation of signal-controlled pedestrian and cyclist crossing points.
- Provision of c.370m of new greenway, including a single span (12m) bridge crossing, constructed in concrete and timber, of the Pill River through agricultural lands in Kilcrea and along the southern bank of the Pill River.
- Crossing of the newly constructed Donabate Distributor Road and the pedestrian lights for same.
- Resurfacing works along c.140m of the existing L-6135-0 Kilcrea Road north to the R126 Hearse Road.
- Reconfiguration of the junction of the L-6135-0 Kilcrea Lane and the R126 Hearse Road to facilitate pedestrian and cyclist access to Newbridge Demesne.

⁴ The proposed Broadmeadow Way Greenway Project includes the provision of a bridge of c.180m in length over the Broadmeadow Estuary. While consent for the proposed Broadmeadow Way Greenway development is being sought under the Planning and Development Act 2000 (as amended), it is noted that in other proposed developments under the Roads Acts a similar sized bridge would require a mandatory EIA.

- Use of approximately c.900m of existing pathways including new route signage and bicycle parking at Newbridge Demesne.
- Ancillary works along the route including drainage works, provision of fencing, boundary treatments, agricultural accesses, noise barrier (close to the Donabate Distributor Road), public lighting, landscaping and other minor works.

The proposed greenway will typically be c.4m in width, other than sections where the proposed greenway is utilising existing public roads, tracks and pathways. It will be finished with a macadam surfacing to ensure comfort and safety for cyclists, pedestrians and mobility-impaired users. The route will utilise existing paths at Malahide Demesne and Newbridge Demesne.

A 2.4m high security fence will line the eastern edge of the proposed greenway where it runs adjacent to the Dublin-Belfast railway line, to prevent access to the railway. This security fence will be put in place by Irish Rail in advance of any proposed development work on the greenway to ensure the safety of the railway line.

Permanent fencing will prevent egress to the agricultural lands and small number of residential properties at Kilcrea and to the northern shore of Malahide Estuary. The project will not involve a connection to the eastern embankment of the railway line at any point. Where not already provided, low-level illumination will be provided along the scheme for user comfort and safety.

4.1.2 A description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected (Item 1(b), Schedule 7A of PDR 2001)

In addition to the description of the proposed development (at sub-section 4.1.1) the following provides a review of the environmental sensitivity of the location of the proposed development, having particular regard to:

- consideration and designation in the Fingal Development Plan 2017-2023;
- Appropriate Assessment and likelihood of impact on European Sites; and
- Flood Risk Assessment

4.1.2.1 Fingal Development Plan 2017-2023

A review of some of the key environmental considerations from the Fingal Development Plan 2017-2023 (Refer to Figure 1) indicates that:

- The Broadmeadow Estuary is identified as being a Special Area of Conservation (SAC) and a Special Protection Area (SPA): both forming part of the Natura 2000 network protected under the Habitats Directive (see Section 4.1.2.2 of this report);
- The Broadmeadow Estuary is identified as a proposed Natural Heritage Area (pNHA) and as a Ramsar Conservation Wetland;
- Ecological buffer zones are identified on lands along Broadmeadow Estuary – particularly to the north of the Estuary;
- Lands on the edge of Broadmeadow Estuary and along the Pill River, are identified as being subject to potential for flooding;
- The proposed route is located within a *'highly sensitive landscape'*;
- The majority of the northern portion of the proposed route is located either in an area of *"High Amenity"* or *"Open Space"*;

- There are objectives to ‘*preserve views*’ along the northern and southern shoreline of the Broadmeadow Estuary;
- There is an objective to “*Protect & Preserve Trees, Woodlands and Hedgerows*” in Malahide and Newbridge Demesnes.
- Malahide Demesne and Newbridge Demesne are both identified as being Architectural Conservation Areas (ACAs); and
- There are a number of protected structures located along the route of the proposed greenway within Malahide Demesne, in Malahide, at Corballis Road, and within Newbridge Demesne.

4.1.2.2 Appropriate Assessment (AA)

The obligation to undertake AA derives from Article 6(3) of the Habitats Directive (Directive 92/43/EEC), and both involve a number of steps and tests that need to be applied in sequential order. Article 6(3) of the states:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in-combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’

The first stage is to establish whether, in relation to a particular plan or project, AA is required. This first stage is termed as ‘Screening for the Requirement for AA’ and its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in-combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site’s conservation objectives. The precautionary principle must be applied; therefore, where significant effects are likely, uncertain or unknown at the Screening stage, AA will be required.

In crossing the Broadmeadow Estuary, the proposed greenway development directly abuts and crosses two European Sites forming part of the Natura 2000 network, these are the:

- Malahide Estuary SAC (Site Code No.: 000205); and
- Malahide Estuary SPA (Site Code No.: 004025).

The proposed development has been subject to Screening (Stage 1) for the requirement for AA. Applying the precautionary principle, the screening found that the potential for likely significant effects on a Natura 2000 site(s) could not be excluded, and therefore, AA is required, and a Natura Impact Statement (NIS) should be prepared.

4.1.2.3 Flood Risk Assessment (FRA)

A flood risk assessment was carried out for the route of the c.6km long proposed greenway. A review of the flood mapping indicates there is a risk for either coastal or fluvial flooding along sections of the proposed route.

A length of 2.35km was identified as being subject to potential from Coastal Flooding. This includes sections of the scheme on Bissets Strand and through the causeway

embankment of Dublin-Belfast Railway Line. An approximate length of 2.41km was identified as subject to potential from Fluvial Flooding. This is in the section from Kilcrea through to Newbridge Demesne.

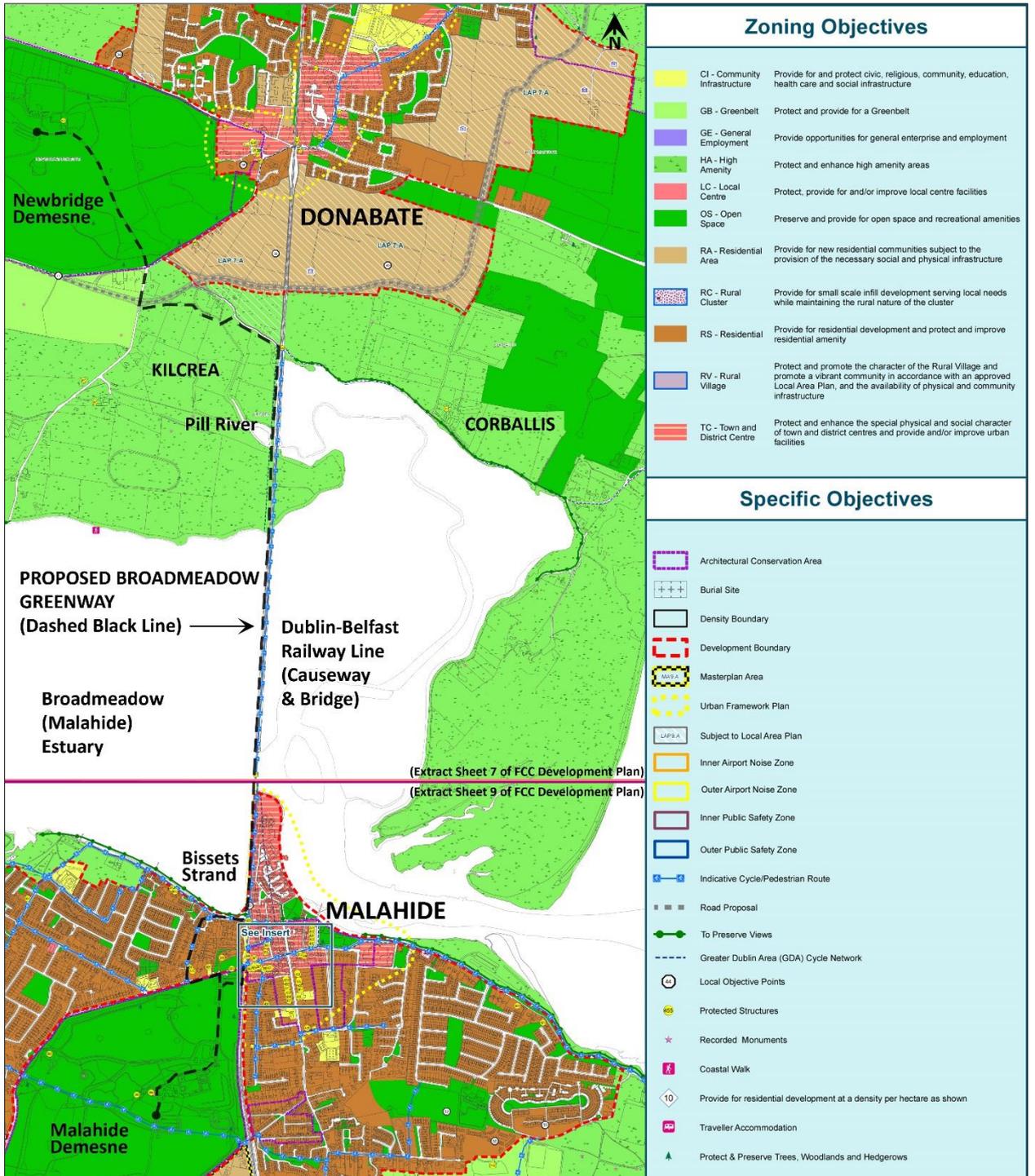
The flood risk assessment report, and the design of the levels for the proposed greenway, are such that the majority of the length greenway are in Flood Risk Zone B and Zone C as indicated in the previous sections of the report and will therefore be usable at all times up to the .1% Annual Exceedance Probability (AEP).

Circa 850m of the route – at Bissets Strand and on the railway maintenance track – is located within Flood Zone A (*i.e.* 1% AEP). Flooding in the 1% AEP area will be managed by Fingal County Council to ensure the safety of the public, that there will be significant weather and flood alerts during any potential flood event and that therefore, no potential of any risk will arise for users of the greenway during these 1 in a 100 year event.

4.1.2.4 Summary of Environmental Sensitivity

The proposed development is located in a coastal environment between Malahide and Donabate. The location is centred on the Broadmeadow (Malahide) Estuary – an area of recognised national and international environmental and landscape sensitivity, including the designation of European Sites, architectural conservation areas, identified flood risk, high amenity and landscape and visual considerations.

Figure 1 Extract from Sheets 7 & 8 of Land Use Zoning Maps in Fingal Development Plan 2017-2023. (Indicative route of Proposed Broadmeadow Greenway illustrated in dashed black line)



4.2 A description of the aspects of the environment likely to be significantly affected by the proposed development (Item 2, Schedule 7A of PDR 2001)

Given the context of the receiving environment and the nature of the proposed development, it is considered that the following aspects of the environment have the potential to be significantly affected:

- **Biodiversity:** The proposed development will have direct effects on designated sites, including European a designated SAC and SPA, as well as a pHNA and Ramsar wetland, and local ecological habitats and networks.
- **Water:** The proposed development will have a direct effect on the Broadmeadow estuary and its associated weir, the Pill River, and local flood zones.
- **Material Assets:** The proposed development will have direct effects on private property, their accesses and boundaries. The proposed development will also have direct effect on agricultural properties.
- **Cultural Heritage:** The proposed development commences and terminates in historic demesnes (Malahide and Newbridge Demesnes), both of which include a range of protected structures and are designated as Architectural Conservation Areas. In addition the proposed development has potential for effects on other features of archaeological and or cultural heritage significance.
- **Landscape:** The proposed development will have direct effects on areas of high amenity landscapes, protected views, and two regional / historic parks (Malahide and Newbridge Demesnes).

4.3 A description of the likely significant effects, to the extent of information available on such effects, of the proposed development on the environment resulting from –

4.3.1 The expected residues and emissions and the production of waste, where relevant (Item 3(a), Schedule 7A of PDR 2001)

It is expected that construction of the proposed development will result in minimal production of waste – primarily in the form of soil / surface material to be removed to construct the greenway.

It is considered that operation of the proposed development will not result in production of waste.

4.3.2 The use of natural resources, in particular soil, land, water and biodiversity (Item 3(b), Schedule 7A of PDR 2001)

Part of the proposed greenway development will utilise existing footpaths within Malahide and Newbridge Demesnes, while further sections will be located on existing roads and laneways and on the existing stone embankment of the railway causeway across Broadmeadow Estuary.

The remaining sections of the proposed greenway will bridge the existing weir in the middle of Broadmeadow Estuary and utilise existing agricultural lands on the north side of the estuary. Given the nature of the proposed greenway development the use of soil and land is linear in nature and relatively minor.

Nevertheless, the proposed development does impact on the sensitive water, biodiversity and landscape environments of the Broadmeadow Estuary and of the Pill River and surrounding farmland.

4.4 The compilation of the information at paragraphs 4.1 to 4.3 (above) shall take into account, where relevant, the criteria set out in Schedule 7 (Item 4, Schedule 7A of PDR 2001)

The information provided under section 4.1 to 4.3 above has had regard to the criteria set out in Schedule 7 of the PDR 2001 and further consideration of these criteria is presented in Section 5 of this report.

5 Nature, Size, Location of Proposed Development & Types and Characteristics of Potential Impacts

5.1 Schedule 7 of PDR 2001

Schedule 7 of the PDR 2001 sets out the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA. These criteria are addressed in Table 5.1.

Table 5.1 Assessment against Criteria from Schedule 7 of PDR 2001

1. Characteristics of Proposed Development	
(a) the size and design of the whole of the proposed development	<p>The proposed pedestrian/cycleway greenway is c.6km in length and will typically be c.4m in width, other than where sections utilise existing public roads, tracks and pathways, <i>e.g.</i> within Malahide Demesne and Newbridge Demesne.</p> <p>The greenway includes for provision of a 180m long pedestrian/cycle bridge over the existing weir in Broadmeadow/Malahide Estuary. Part of the greenway will be constructed on the existing stone causeway, which carries the Dublin – Belfast railway line across the estuary. The greenway also provides for 2 bridges of the Pill River (50m and 12m in length).</p> <p>Refer also to detailed description in Section 4.1.1. above.</p>

1. Characteristics of 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	None identified.
(c) the nature of any associated demolition works	There are no demolition works associated with the proposed development.
(d) the use of natural resources, in particular land, soil, water and biodiversity	<p>For the most the proposed greenway will make use of existing footpaths and roads (e.g. in Malahide and Newbridge and on the railway causeway), thereby reducing the need for natural resources.</p> <p>Nevertheless, some natural resources (primarily stone) will be required for temporary construction works in the estuary and for construction of the greenway through greenfield locations.</p> <p>Steel and concrete will be required for the proposed bridges and walls.</p> <p>Construction in greenfield locations will also require some limited removal of existing soil and vegetation.</p>
(e) the production of waste,	<p>Construction of the proposed development will result in minimal production of waste – primarily in the form of soil / surface material to be removed to construct the greenway.</p> <p>It is considered that operation of the proposed development will not result in production of waste.</p>

1. Characteristics of Proposed Development	
(f) pollution and nuisances,	<p>Construction of the proposed development will be subject to standard controls and construction management plans and will not result in pollution and nuisances.</p> <p>It is considered that operation of the proposed development will not result in the generation of pollution and nuisances.</p>
(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	<p>Due to the nature of the proposed development, risk or major accidents are not a significant aspect. Nevertheless it is noted that the proposed greenway is in part located alongside and operational railway (which is to be fenced off) and is also located in a coastal/river estuary environment which is subject to flooding. Therefore, sections of the proposed greenway may need to be closed during extreme wind or rainfall conditions.</p>
(h) the risks to human health (for example, due to water contamination or air pollution).	<p>Due to the nature of the proposed development, no specific risks to human health have been identified due to contamination or air pollution.</p> <p>Given the nature of the environment, sections of the proposed greenway may need to be closed during extreme wind or rainfall conditions.</p>

2. Location of the Proposed Development	
(a) the existing and approved land use	<p>As can be seen from Figure 1 the majority of the proposed development is located in an open coastal landscape, which includes a stone causeway, open estuary, agricultural lands, and regional parks/demesnes. A section of the proposed route passes through primarily residential areas in Malahide.</p>

2. Location of the Proposed Development	
(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,	<p>The proposed development is located within a unique and high-quality landscape comprising a coastal mosaic of historic parks/demesnes, coastal villages, estuarine waters and agricultural/coastal lands.</p> <p>While these landscapes are sensitive and have a low to moderate regenerative capacity, it is considered that the proposed development, by its nature and design, will not result in an overall significant effect on the natural resources in the area and its underground.</p>
(c) the absorption capacity of the natural environment, paying particular attention to the following areas:	The proposed development is located within a sensitive landscape comprising historic parks/demesnes, coastal estuarine waters and highly sensitive agricultural/coastal lands.
(i) wetlands, riparian areas, river mouths;	The proposed development crosses the estuary of the Broadmeadow River (see Section (ii) below) and involves 2 crossings of the Pill River (on bridges) and its associated riparian zone. It is considered that the proposed development will not have a significant effect on the Pill River or its associated riparian areas.
(ii) coastal zones and the marine environment;	The proposed development crosses the coastal / marine estuary of the Broadmeadow River alongside the Dublin-Belfast railway. The greenway will be constructed on the existing railway maintenance track / stone causeway and will cross the central weir via 180m long bridge to be constructed on existing piers. Construction of the bridge will require temporary works in the marine environment and temporary alterations to the existing weir.
(iii) mountain and forest areas;	None effected.

2. Location of the Proposed Development	
(iv) nature reserves and parks;	<p>The proposed development commences and terminates in the historic regional parks of Malahide Demesne and Newbridge Demesne. For the most part the proposed development will make use of existing footpaths and infrastructure within the parks and it is considered that it will not have a significant effect on the parks.</p> <p>The Broadmeadow Estuary is identified as a proposed Natural Heritage Area (pNHA) and as a Ramsar Conservation Wetland. It is considered that the proposed development will not have a significant effect on the pNHA or Ramsar designations.</p>
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;	<p>The Broadmeadow Estuary is identified as being a Special Area of Conservation (SAC) and a Special Protection Area (SPA): both forming part of the Natura 2000 network protected under the Habitats Directive. The proposed development will involve temporary construction works within a small portion of the designated areas. However, as stated in Section 4.1.2.2 of this report, the potential for impact on the Natura sites cannot be excluded and as such the development is subject to Appropriate Assessment and the preparation of a Natura Impact Statement (NIS).</p>
(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;	Not applicable

2. Location of the Proposed Development	
(vii) densely populated areas;	The southern end of the proposed development passes through the densely populated area of Malahide. However, it is considered that the proposed development will not have a significant adverse effect on the population and the provision of the greenway will have a positive effect on health and sustainable transport.
(viii) landscapes and sites of historical, cultural or archaeological significance	<p>The proposed development commences and terminates in the cultural and historic regional parks of Malahide Demesne and Newbridge Demesne. Both parks are also identified as being Architectural Conservation Areas. For the most part the proposed development will make use of existing footpaths and infrastructure within the parks and it is considered that it will not have a significant effect on the cultural or historic aspects of the parks.</p> <p>The proposed development is located in an area identified as being a highly sensitive landscape, with areas of high amenity and protected views. However, it is considered that the nature of the proposed development will not result in a significant effect on the landscape and access to the greenway will allow for new appreciation of the coastal landscape.</p>

3. Types and characteristics of potential impacts	
(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);	While the proposed development is c.6km long, being a greenway it is also generally confined to a narrow corridor. Therefore, with the possible exception of impacts within the marine/water environment, it is expected that any impacts will be limited in geographical extent and duration.

3. Types and characteristics of potential impacts	
(b) the nature of the impact;	<p>Given the nature of the proposed development and the receiving environment it is considered that impacts are likely to arise on factors including biodiversity, land and soils, water, landscape, and heritage etc.</p> <p>As stated in Section 4.1.2.2 of this report, the potential for impact on the Natura sites cannot be excluded and as such the development is subject to Appropriate Assessment and the preparation of a Natura Impact Statement (NIS).</p>
(c) the transboundary nature of the impact;	None arise.
(d) the intensity and complexity of the impact;	Given the nature of the proposed development it is considered that impacts will not be particularly intense or complex.
(e) the probability of the impact;	Given the nature of the receiving environment it is considered likely that impacts will arise.
(f) the expected onset, duration, frequency and reversibility of the impact;	<p>It is considered that the principal impacts are likely to be associated with the construction phase – particularly within the estuary and on the lands on the northern shore of the estuary.</p> <p>No significant impacts are expected during the operation stage of the proposed development.</p>
(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	None identified.

3. Types and characteristics of potential impacts	
(h) the possibility of effectively reducing the impact.	Given the nature of the proposed development and the potential impacts it is considered likely that impacts arising can be reduced and appropriately mitigated.

6 Preliminary Examination Conclusion

The proposed development does not fall into a category or exceed thresholds under the Planning Acts that trigger the mandatory requirement for an EIA, and therefore a statutory EIA is not required.

However, having regard to Article 120 of the PDA 2000 and the criteria set out in Schedules 7 and 7A of the PDR 2001 (as detailed in Sections 4 & 5 of this report), it is considered in this report that the proposed Broadmeadow Greenway Project development comes within a meaning of Article 120 (1) (b) (iii) that:

‘there is a real likelihood of significant effects on the environment arising from the proposed development,

[and therefore]

it shall (I) conclude that the development would be likely to have such effects, and (II) prepare, or cause to be prepared, an EIAR in respect of the development.’

Having carried out the aforementioned preliminary examination of the proposed Broadmeadow Way Greenway Project and considering the type and scale of the proposed development and the sensitive nature of the receiving environment in addition to the nature, size and location of the proposed development, impacts on aspects such as biodiversity, land and soils, water, and heritage *etc.* cannot be ruled out.

It is also noted that the potential for impacts on the Malahide Estuary SAC and Malahide Estuary SPA cannot be excluded and the proposed development is subject to Appropriate Assessment and the preparation of a Natura Impact Statement.

Accordingly, based on the aforesaid preliminary examination set out in this report, it is concluded that there is a real likelihood of significant effects on the environment arising from the proposed development and it is concluded that the proposed development of the Broadmeadow Way Greenway Project would be likely to have such effects and accordingly the preparation of an Environmental Impact Assessment Report (EIAR) is required.

7 References

Circular Letter: PL 05/2018: *Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Department of Housing, Planning and Local Government, August 2018.

EIA Directive (Directive 2011/92/EU as amended by 2014/52/EU).

Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017.

Fingal Development Plan 2017-2023, Fingal County Council, 2017

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

Guidelines on the Information to be contained in Environmental Impact Assessment Reports, Draft, Environmental Protection Agency, August 2017.

Habitats Directive (92/43/EEC).

Planning and Development Act 2000, as amended.

Planning and Development Regulations 2001, as amended.

Roads Act 1993, as amended.

Roads Regulations 1994, as amended.

Appendix 1

Schedule 7 and Schedule 7A of Planning and Development Regulations 2001, as amended.

SCHEDULE 7

Sections 146B, 176B, 176C, 177D and 177K of the Act and articles 103, 109, 120, 123A, 132I, 289 and 299C

CRITERIA FOR DETERMINING WHETHER DEVELOPMENT LISTED IN PART 2 OF SCHEDULE 5 SHOULD BE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT

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).

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard 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 and sites of historical, cultural or archaeological significance.

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),

(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.

SCHEDULE 7A

Sections 146B, 176A, 177C, 177D and 177K of the Act and articles 33, 103, 109, 120, 123A, 132C, 132D, 132F, 132G, 132H, 132I, 227, 286, 289, 299B and 299C

INFORMATION TO BE PROVIDED BY THE APPLICANT OR DEVELOPER FOR THE PURPOSES OF SCREENING SUB-THRESHOLD DEVELOPMENT FOR ENVIRONMENTAL IMPACT 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, and
 - (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, and
 - (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.

Brady Shipman Martin

DUBLIN

Canal House
Canal Road
Dublin 6
+353 1 208 1900

CORK

Penrose Wharf Business Centre
Penrose Wharf
Cork
+353 21 242 5620

LIMERICK

11 The Crescent
Limerick
+353 61 315 127

mail@bradyshipmanmartin.com
www.bradyshipmanmartin.com

