

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in
accordance with Article 120 of the Planning & Development
Regulations 2001-2021)

Strategic Assessment **Built Environment**

BSM

Est.
1968

**Brady Shipman
Martin**

**Built.
Environment.**

Client:

Fingal County Council

Date:

07 December 2021

DOCUMENT CONTROL SHEET

6806_RP-EIA01_Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

Project No. 6806
Client: Fingal County Council
Project Name: Part XI Church Fields Housing and Eastern Linear Park Development
Report Name: Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)
Document No. RP-EIA01
Issue No. 02
Date: 07/12/2021

This document has been issued and amended as follows:

Issue	Status	Date	Prepared	Checked
01	Draft	19 Oct 2021	TB	TB
02	Draft (Project Title Updated)	22 Oct 2021	TB	TB
03	Public Consultation	07 Dec 2021	TB	TB



Contents

1	Introduction	4
1.1	Environmental Impact Assessment	4
1.2	Purpose of Report.....	5
2	Description of the Site, the Proposed Development and the Planning Context	6
2.1	Site Location and Description.....	6
2.2	Context of Proposed Development	8
2.3	The Proposed Development.....	8
2.4	Fingal Development Plan 2017-2023.....	9
2.4.1	Sheet 12 of Fingal Development Plan (Refer to Figure 3).....	9
2.4.2	Sheet 14 of Fingal Development Plan	10
2.4.3	Sheet 15 of Fingal Development Plan	10
3	Requirement for Environmental Impact Assessment (EIA)	14
3.1	Introduction.....	14
3.2	Mandatory EIA.....	14
3.3	Sub-Threshold EIA.....	15
3.4	Preliminary Examination for Sub-Threshold EIA	16
3.5	Schedule 7A and Schedule 7 of Planning and Development Regulations 2001-2021	16
3.5.1	Schedule 7A (1): A Description of the Proposed Development.....	17
3.5.2	Schedule 7A (2): Location of Proposed Development	19
3.5.3	Schedule 7A (3): Types and Characteristics of Potential Impacts.....	21
3.5.4	Potential Impacts under Section 171A(b) of the Planning and Development Act 2000, as amended.....	22
3.5.5	Assessment of requirement for EIA under Schedule 7A of PDR 2001, as amended	24
4	Conclusion.....	25
5	Key References.....	26



1 Introduction

Fingal County Council (FCC) is proposing the construction of residential and open space / park development on a site at Church Fields in Tyrrelstown, Mulhuddart Dublin 15. The Proposed Development includes for the construction of 220no two, three and four-bedroom houses and 80no one, two and three-bedroom residential apartments, together with a crèche, community facility and two retail units in three blocks (A, B and C).

The proposed development also provides for an area of linear park / open space (Eastern Linear Park) serving both the existing the proposed communities at Wellview, Avondale and Church Fields.

The proposed development includes roads and car parking; provision of pocket parks, communal open spaces, hard and soft landscape; potable water, surface water and wastewater infrastructure, SuDS, drainage, 3no ESB sub-stations, lighting and all associated works.

Planning permission is being applied for under Part 8 of the Planning and Development Regulations 2001-2021, and the procedure is as set out in Part 11, Section 179 of the Planning and Development Act 2000-2021.

Brady Shipman Martin was appointed by Fingal County Council to prepare a screening for the requirement, or not, for EIA in the form of a Preliminary Examination of the proposed development. The Preliminary Examination describes the type and scale of the Proposed Development and the receiving environment in addition to the nature, size and location of the Proposed Development.

1.1 Environmental Impact Assessment

EIA requirements derive from Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC, 2003/35/EC and 2009/31/EC. The Directive and its amendments were subsequently codified and replaced by Directive 2001/92/EU, as amended in turn by Directive 2014/52/EU [hereafter the EIA Directive]. EIA is mandatory for certain projects and for other projects that meet or exceed a stated threshold as set out in Annexes I and II of the EIA Directive.

The objective of the EIA Directive is to provide for a high level of protection of the environment and human health, through the establishment of minimum requirements for environmental impact assessment prior to development consent being given, for public and private developments that are likely to have significant effects on the environment.

The EIA Directive was transposed into national planning consent procedures in September 2018 through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018). Annex I and II of the EIA Directive have also been transposed into national legislation via Part 1 and Part 2 respectively of Schedule 5 of the Planning and Development Regulations 2001, as amended.

Projects that do not meet or exceed a stated threshold are subject to Screening for the requirement, or not, for 'sub-threshold' EIA.

The Proposed Development is a 'local authority own development' and therefore, if EIA is not a mandatory requirement, Screening for the requirement, or not, for sub-threshold



Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

EIA is addressed by means of a Preliminary Examination in accordance with Article 120 of the Planning and Development Regulations, 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.

1.2 Purpose of Report

This report considers if the Proposed Development should be subject to mandatory EIA, and if not, comprises a Preliminary Examination of the Proposed Development to determine the requirement, or not, for a sub-threshold EIA.

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.

The application for the Proposed Development is also accompanied by a Screening for Appropriate Assessment (AA) prepared by Brady Shipman Martin.



2 Description of the Site, the Proposed Development and the Planning Context

2.1 Site Location and Description

The circa 9.5 hectare site is a greenfield area located immediately north of established residential development and open space at Wellview, northwest of Mulhuddart Village in Dublin 15. The northern boundary is defined by Damastown Avenue. The Site will be accessed via a roundabout on a section of new link road being provided along the western boundary of the Site under the previously permitted Church Fields Link Road and Cycleway Networks Project (FCC Planning Ref. No.: PARTXI/011/19).

Undeveloped greenfield lands lie to the immediate east of the Site with a prominent mature tree-lined corridor framing Church Road further east. An 110kV transmission line cross the north-eastern corner of the lands c. 150 east of the Site. The valley of Pinkeen River is located over 400m to the west and south of the Site with industrial developments within Damastown Industrial Estate west of the river.

The Site is generally open and falls from c.83 above ordnance datum (AOD) in the northeast to c.68m AOD in the southwest, where there is a noticeable low point. The area of the proposed residential development is generally under rough grassland with some scrub and evidence of previous ground development works. The area of the proposed linear park retains some of the original topography, sections of stream corridor, hedgerows and other semi-natural planting.

Two schools, a religious centre and further greenfield lands identified for future Community Infrastructure lie to the immediate north of Damastown Avenue. Damastown Road is over 500m to the south, with the Tolka River valley beyond and the N3 Dublin Navan Road circa 1km to the south of the Site.

There are no European Sites (Natura 2000 Sites) or Natural Heritage Areas (NHA) on or adjoining the site. The nearest European Site is Rye Water Valley / Carton SAC, which is upstream on the River Liffey, circa 7.5km to the southwest. The nearest Natural Heritage Area is the proposed NHA at the Grand Canal circa 3.4km to the south



Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)



Figure 1 Site Context with Site outlined in Red (TBC)



2.2 Context of Proposed Development

The Proposed Development comprises a residential and linear park / open space development with associated and ancillary works at Church Fields, Mulhuddart in Dublin 15. The Proposed Development represents the first phase of a wider area of residential and linear park / open space development at Church Fields. The development of the overall area is guided by the Church Fields Design Framework (Refer to Figure 2).

In broad terms the wider development area is bounded by established residential communities at Wellview and Avondale to the south; by Damastown Avenue to the north; Church Road to the east; and the Pinkeen River valley and industrial lands to the west. It is envisaged that in the order of 1000 residential units will be provided on the lands, together with supporting community and local commercial development, such as a crèche, community facilities, small retail or service units, and associated roads, open space and services.

The proposed linear park sits at the interface between the existing and proposed residential development and will serve both equally. The linear park will connect to the Pinkeen River valley at its western end and to existing open space areas at Wellview at its eastern end.

2.3 The Proposed Development

This Proposed Development comprises 300 residential units and c.1.9 hectares of proposed linear park / open space, together with all associated and ancillary development. The overall area of the Proposed Development is circa 9.5 hectares at Church Fields, Mulhuddart in Dublin 15. (Refer to Figure 3).

The site is located between the existing Wellview Estate to the south and Damastown Avenue to the north, and between greenfield lands along Church Road to the east and the permitted Church Fields Link Road to the West.

The Proposed Development consists of:

- 300 Residential units comprising:
 - 220 houses, two, three and four-bedroomed two and three-storey houses;
 - 80 one and two-bedroomed apartments in three four-storey blocks;
- The provision of a Crèche of approximately 570sqm;
- The provision of a Community Facility of approximately 270sqm;
- The provision of 2 retail units with a combined area of approximately 280sqm;
- The provision of 3no. ESB sub-stations;
- The provision of access roads, car parking, bike parking and storage and associated infrastructure;
- The provision of public open spaces including play areas and kick-about areas and new pedestrian and cycle connections; and
- The provision of approximately 1.9 hectares of new Linear Park including destination play facilities, walks, and new pedestrian and cycle connections.

Vehicular access to the site is proposed via a new roundabout off the permitted Church Fields Link Road which links Ladyswell Road in the south to Damastown Avenue in the north.

The Proposed Development will be connected to existing public wastewater network. The Site will be serviced from public water supply, and ESB, Eircom, GNI utilities which are all

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

available adjacent to the Site. Public lighting will be provided to roads adjacent to and within the Site and along the principal north south connections within the proposed Linear Park.

Surface water drainage will include on-site SuDS designed in accordance with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and to the requirements of Fingal County Council. Surface water discharge will be attenuated both within the Site and again in the attenuation ponds (to be provided as part of the Church Fields Link Road and Cycle Network), prior to discharge at greenfield rates to the Pinkeen River.

The Site is outside of Dublin Airport Noise and Safety Zones and it is not subject to flooding.

2.4 Fingal Development Plan 2017-2023

The following key references from the Fingal Development Plan are relevant to the site and the Proposed Development (Refer to Figure 4).

The Site is zoned RA – Residential Area to *“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure.”*

2.4.1 Sheet 12 of Fingal Development Plan (Refer to Figure 3)

- The site and adjoining lands to the east and west are zoned ‘RA – Residential Area’;
- Existing residential development (also zoned RA) and existing open space (zoned OS – Open Space) lies south of the site at Wellview;
- Lands north of the Site and north of Damastown Avenue are zoned ‘CI – Community Infrastructure. These lands already provide for two schools and a religious centre;
- The valley of the Pinkeen River – c.400m west of the site, is zoned ‘HA – High Amenity’;
- Lands to the west of the Pinkeen River are zoned ‘GE – General Employment’;
- There are map based objectives to ‘Protect and Preserve Trees, Woodlands and Hedgerows in the southwest corner of the Site, along the boundary of the Site with existing open space at Wellview, and along Church Road. The latter belt of trees along Church Road are located outside of the Site boundary;
- There are no protected structures on the Site. The following are on the Fingal Record of Protected Structures (RPS), which are also Recorded Monuments and Places (RMP), are located in the surrounding environment:
 - RPS No. 0670 / RMP No. 013-010: Mulhuddart Church (in ruins) & Graveyard – east of Church Road – c.50m east of the Site;
 - RPS No. 0671 / RMP No. 013-009: Lady’s Well – west of Church Road – c.250m southeast of the Site; and
 - RPS 0673 / RMP No. 013-006: Tyrrelstown House – c.300m north of the Site.
- There is a mapped based objective to provide for a school on the lands. However, previous consultations with the Department of Education confirmed that they did not have a need for a school on this land bank and that any requirements for a school site is being / would be provided on the lands to the north of Damastown Avenue; and
- The Site is outside of Dublin Airport Noise and Safety Zones.

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

2.4.2 Sheet 14 of Fingal Development Plan

- Green Infrastructure (Sheet 14), indicates the following:
 - the valley of Pinkeen River (c.400m to the west of the Site) is a Highly Sensitive Landscape;
 - existing open space at Wellview is located to the immediate south of the Site (i.e. south of proposed linear open space element);
 - The church (ruins) and graveyard located east of Church Road are protected structures and recorded monuments c.50m east of the Site;
 - Lady's Well (Holy Well) located along the west side of Church Road is a protected structure and recorded monument c.250m southeast of the Site;
 - Tyrrelstown House located c.300m north of Damastown Avenue is protected structure and recorded monument;
 - there are no preserved views pertaining to the Site;
 - there are no architectural conservation areas (ACAs) pertaining to the Site;
 - there are no geological heritage site pertaining to the Site; and
 - the Site is not within a Special Amenity Area.

2.4.3 Sheet 15 of Fingal Development Plan

- Green Infrastructure (Sheet 15), identifies an ecological corridor along Pinkeen River Stream c.400m to the west of the Site.
- There are no Natura Sites or Natural Heritage Areas on or close to the site.

It is considered that the proposed residential development is appropriately located in terms of landuse zoning, environmental considerations and specific or local objectives.

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)



Figure 2 Overall Church Fields Design Framework (with area of Proposed Development outlined in Red)

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)



Figure 3 Proposed Site Layout (TBC)

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)



Figure 4 Landuse Zoning with Site outlined in Red (Annotated Extract from Sheet 12 of FCC Development Plan) (TBC)

3 Requirement for Environmental Impact Assessment (EIA)

3.1 Introduction

A mandatory requirement for EIA is generally based on the nature or scale of a Proposed Development, as set out in the EIA Directive. These mandatory requirements are transposed into Irish Law in the Planning and Development Act 2000, as amended [hereafter the PDA 2000], and the Planning and Development Regulations 2001, as amended [hereafter the PDR 2001] and relevant European and national guidance, including: *Environmental Impact Assessment of Projects Guidance on Screening, EU, 2017*, and *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018*.

These provisions identify certain types and scales of development for which EIA is mandatory.

Projects require EIA where they:

- Conform to the stated project types / scales in Part 1 of Schedule 5 of the PDR 2001, or
- Meet or exceed national thresholds set out in Part 2 of Schedule 5 of the PDR 2001, or where no thresholds are set.

Where EIA is required, the applicant (developer) must prepare and submit an Environmental Impact Assessment Report (EIAR) and the EIA Directive sets out the minimum information, which the EIAR must include in Annex IV (also provided in Schedule 6 of the PDR 2001).

Developments which correspond to Schedule 5 Part 2 Project Types (Classes) but which are below the given threshold are considered for the requirement, or not, for potential sub-threshold EIA.

3.2 Mandatory EIA

Section 172(a) of the PDA 2000 provides the legislative basis for mandatory EIA. It states:

“An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where ... :

(a) the proposed development would be of a class specified in –

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either –

I. such development would exceed any relevant quantity, area or other limit specified in that Part, or

II. no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either –

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

I. such development would exceed any relevant quantity, area or other limit specified in that Part, or

II. no quantity, area or other limit is specified in that Part in respect of the development concerned,

Projects listed for the purposes of EIA in Part 1 of Schedule 5 typically include major industrial, chemical, energy, waste, infrastructure and intensive agricultural developments. However, the proposed residential / open space development does not correspond to a class of development set out under Part 1 of Schedule 5 and therefore, EIA is not a mandatory requirement under this provision.

Projects listed for the purposes of EIA in Part 2 of Schedule 5 include a stated threshold at or above which EIA is required. Classes 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5, relate to Infrastructure projects, referring to housing and urban developments as follows:

“Class 10(b) (i). Construction of more than 500 dwelling units.”

*“Class 10(b) (iv). 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.”**

* Being located in a built-up area, outside of a business district the appropriate threshold for EIA under Class 10(b)(iv) is 10 hectares.

While the Proposed Development is a residential / urban development, it does not meet or exceed the specified thresholds. The number of dwelling units proposed as part of the development is 300 and the area of development is circa 9.5 hectares. As such the Proposed Development does not meet or exceed the stated thresholds and EIA is not a mandatory requirement under this provision.

3.3 Sub-Threshold EIA

Section 172(b) of the PDA, 2000 provides the legislative basis for sub-threshold EIA. It states:

“An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where ... :

(b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part,

and

(ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment.”

While EIA is not a mandatory requirement, the Proposed Development does fall below the threshold for residential / urban development specified in 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the PDR 2001. Therefore, as a local authority development, the Proposed Development is subjected to a Preliminary Examination in accordance with Article 120 of the PDR 2001 for the requirement, or not, for ‘sub-threshold’ EIA.

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

3.4 Preliminary Examination for Sub-Threshold EIA

The following Preliminary Examination has been 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)¹. In the ministerial guidelines, the Preliminary Examination process is described in Chapter 3 “Pre-Application stage” and under the sub-heading “Screening”.

This Preliminary Examination is 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, if any; 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 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 required².

As the Proposed Development is a local authority own development, the Preliminary Examination is carried out in accordance with the provisions of Article 120 and Schedules 7 and 7A of PDR 2001.

3.5 Schedule 7A and Schedule 7 of Planning and Development Regulations 2001-2021

Article 120 of the PDR 2001 requires that the information required in Schedule 7A be provided for the purposes of the Preliminary Examination. Schedule 7A requires:

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.*

¹ Prepared by the Department of Housing, Planning and Local Government.

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

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

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

It is noted that item 4 of Schedule 7A (above) requires that the provision of information shall also take account of the criteria set out in Schedule 7 of PDR 2001. These criteria are grouped under three headings as follows:

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

3.5.1 Schedule 7A (1): A Description of the Proposed Development

The Proposed Development is described in detail in section 2 of this report. With respect to Schedule 7A it is noted that no demolition works are required. With reference to Schedule 7, Characteristics of Proposed Development are described in Table 3.1.

Table 3.1 Characteristics of Proposed Development

Type and Characteristics of Proposed Development	Comment
a) the size and design of the whole of the proposed development,	<p>The Proposed Development provides for a 300 unit residential and c. 1.9 hectare linear park development on an overall site of c.9.5 hectares. The lands are zoned for residential development and lie to directly north of existing residential development at Wellview and Avondale.</p> <p>There is no likelihood of significant environmental effects by reason of the size and design of the Proposed Development.</p>
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,	<p>Other projects in the vicinity of the Proposed Development comprise small scale residential infill and improvement within the existing Wellview and Avondale estates and infrastructure enhancement (e.g. Church Fields Link Road and Cycle Network Project).</p> <p>There is no likelihood of significant environmental effects by reason of cumulation with other development.</p>
c) the nature of any associated demolition works,	<p>No demolition works are required, other than normal site clearance works are included in the construction stage of the Proposed Development.</p> <p>There is no likelihood of significant environmental effects by reason of the small-scale demolition works.</p>

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

Type and Characteristics of Proposed Development	Comment
d) the use of natural resources, in particular land, soil, water and biodiversity,	There are no unusual aspects to the proposed development. Use of natural resources will be limited to the normal use of building materials and no likelihood of significant environmental effects arises.
e) the production of waste,	There are no unusual aspects to the Proposed Development. Normal site clearance works are included in the construction stage of the Proposed Development. Production of waste will be limited and subject to appropriate recycling or removal to approved, licensed facilities. No likelihood of significant environmental effects arises.
f) pollution and nuisances,	Construction works have the potential for noise disturbance. However, any such disturbance will be temporary (limited to the construction period), localised and controlled and mitigated by standard construction best practice and normal day-time working hours. No other pollution or nuisances are identified and no likelihood of significant environmental effects arises.
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	There are no unusual aspects to the Proposed Development. No particular risks are identified and no likelihood of significant environmental effects arises.
h) the risks to human health (for example, due to water contamination or air pollution).	There are no unusual aspects to the proposed residential development. New wastewater infrastructure will connect into the existing wastewater network. No particular risks to human health are identified no likelihood of significant environmental effects arises.

3.5.1.1 Summary

There is no likelihood of significant effects on the environment arising from the nature of the Proposed Development.

The Proposed Development involves the construction of 300 residential units and c.1.9 hectares of open space on an appropriately zoned Site of circa 9.5 hectares on residential zoned lands north of existing residential development. Therefore, the scale of the Proposed Development is below relevant EIA thresholds.

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

This scale of residential development will not give rise to significant effects on the environment either by way of its size or design.

Any potential pollution aspect will be avoided through appropriate standard construction practice management regimes.

Any noise and nuisance associated with the proposed construction works will be short-term and subject to standard construction management and best practice procedures.

Any waste arising will be small in quantity and taken from the site for reuse or disposal, subject to normal statutory controls.

3.5.2 Schedule 7A (2): Location of Proposed Development

The Proposed Development is described in detail in Section 2 of this report. With reference to Schedule 7, aspects relating to the Location of Proposed Development are described in Table 3.2.

Table 3.2 Location of Proposed Development

Type and Characteristics of Potential Impacts	Comment
a) the existing and approved land use	The site is zoned for residential use and is in part greenfield or previously disturbed ground in rough grass or scrub. No likelihood of significant environmental effects arises.
b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,	The Proposed Development will have negligible impact on the quality and regenerative capacity of natural resources in the area. No likelihood of significant environmental effects arises
c) the absorption capacity of the natural environment, paying particular attention to the following areas:	Having regard to the criteria listed below, it is considered that the site has a high absorption capacity for the scale and type of development proposed and no likelihood of significant environmental effects arises.
(i) wetlands, riparian areas, river mouths;	No impact arises.
(ii) coastal zones and the marine environment;	No impact arises.
(iii) mountain and forest areas;	No impact arises.
(iv) nature reserves and parks;	No impact arises.
(v) areas classified or protected under legislation, including	A separate Screening Report for the requirement for Appropriate Assessment (AA) has been prepared and

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

Type and Characteristics of Potential Impacts	Comment
Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;	excludes any potential for impact on Natura 2000 Sites. No impact arises.
(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;	No issues arise.
(vii) densely populated areas;	The proposed residential and open space development is located north of existing and established residential and open space development of a similar nature. No likelihood of significant environmental effects arises.
(viii) landscapes and sites of historical, cultural or archaeological significance.	The Proposed Development is set back from Church Road, and from the church and graveyard (recorded monument) east of Church Road. The Proposed Development has no impact on the potentially sensitive setting of the recorded monument. No likelihood of significant environmental effects arises.

3.5.2.1 Summary

There is no likelihood of significant effects on the environment arising from the location of the Proposed Development.

By virtue of its zoning and location adjoining similar residential and open space development, the proposed development is appropriately located within surrounding landuses.

The Screening for the requirement for Appropriate Assessment (AA) concludes that the Proposed Development, by itself or in combination with other plans and projects, in light of best scientific knowledge, will not, in view of the conservation objectives of the site, adversely affect the integrity of any European Sites.

In terms of other environmental sensitivities, *e.g.* landscapes/sites of historical, cultural or archaeological significance, the Proposed Development will not give rise to any significant effects.

The Site can successfully accommodate the Proposed Development without any significant environmental effects.

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

3.5.3 Schedule 7A (3): Types and Characteristics of Potential Impacts

The Proposed Development is described in detail in Section 2 of this report. With reference to Schedule 7, aspects relating to the Type and Characteristics of Potential Impacts of Proposed Development are provided in Table 3.3.

Table 3.3 Type and Characteristics of Potential Impacts

Type and Characteristics of Potential Impacts	Comment
a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),	Any potential impact will be temporary, short-term and limited to the Site and immediately adjoin areas. Therefore, the geographical extent and population likely to be affected is very small and no likelihood of significant environmental effects arises.
b) the nature of the impact	There are no unusual aspects to the proposed residential / open space development and any potential impacts are consistent with and typical of normal small scale of such development. No likelihood of significant environmental effects arises.
c) the transboundary nature of the impact	No transboundary impacts arise.
d) the intensity and complexity of the impact,	No impact of an unusual intensity or complexity is expected.
e) the probability of the impact	N/A
f) the expected onset, duration, frequency and reversibility of the impact,	Any potential impacts will be temporary or short-term associated with the normal construction and / or early operation stage of the Proposed Development. No medium or long-term impact arises and no likelihood of significant environmental effects arises.
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	The Proposed Development does not give rise to cumulation with other development for the purposes of Section 172(1A)(b) of the PDA, 2000.

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

Type and Characteristics of Potential Impacts	Comment
h) the possibility of effectively reducing the impact.	<p>Any potential impacts will be temporary or short-term associated with the normal construction and / or early operation stage of a proposed residential / open space development.</p> <p>Such potential impacts are appropriately mitigated through standard construction best practice and control of working hours.</p> <p>No likelihood of significant environmental effects arises.</p>

3.5.4 Potential Impacts under Section 171A(b) of the Planning and Development Act 2000, as amended

The potential for the Proposed Development to give rise to significant environmental impacts on the environmental factors listed in Section 171A(b) of the PDA 2000 is described in detail Table 3.4.

Table 3.4 Assessment of Proposed Development against the factors specified in Section 171A(b) of the Planning and Development Act 2000, as amended.

EIA Factor	Comment
Population	<p>Positive impact in providing for new residential accommodation and open space amenity development.</p> <p>No negative impact arises.</p>
Human Health	<p>The development is located outside of the Airport Safety and / or Noise Zones.</p> <p>No significant impact arises.</p>
Biodiversity	<p>No adverse impact arises. No impact arises on any European Site (Natura 2000 Sites).</p> <p>No significant impact arises.</p>
Land	<p>The circa 9.5 hectare site is currently a greenfield land which is zoned for residential use.</p> <p>No significant impact arises.</p>
Soil	<p>The circa 9.5 hectare site is currently a greenfield land which is zoned for residential use.</p> <p>Proposals for the residential development are aligned with the natural topography of the Site so as to minimise excavation works and the c.1.9 hectare Linear Park provides for maximum retention and reuse of existing soils.</p> <p>No significant impact arises.</p>

Part XI Church Fields Housing and Eastern Linear Park Development

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

EIA Factor	Comment
Water	<p>There is no watercourse on the Site and existing drainage ditches are being retained and incorporated within the proposed Linear Park.</p> <p>The Site is not subject to flood risk.</p> <p>Appropriate surface water management and discharge measures are provided.</p> <p>No significant impact arises.</p>
Air and Climate	<p>The Proposed Development provides for a relatively small scale development of 300 residential units constructed to high standards of environmental performance.</p> <p>No significant impact arises.</p>
Material Assets	<p>The lands are zoned for residential use and are under abandoned / remnant grassland at present.</p> <p>No significant impact arises.</p>
Cultural Heritage	<p>The Site includes remnants of potential historic boundaries and hedgerows. These features are being retained within the proposed Linear Park.</p> <p>The Proposed Development is sufficiently distant from the church (ruins) and graveyard located east of Church Road.</p> <p>Site development works will be subject to archaeological monitoring.</p> <p>There is no impact on protected structures or architectural conservation areas.</p> <p>No significant impact arises.</p>
Landscape	<p>The valley of Pinkeen River, which is located over 400m to the west of the Proposed Development is a Highly Sensitive Landscape. A stand of mature trees defines the corridor of Church Road east of the Site. These features are not impacted by the Proposed Development.</p> <p>There is no impact on Special Amenity Areas, Protected Views or other landscape features of note.</p> <p>No significant impact arises.</p>
Interaction between factors	<p>No significant impact arises as a result of any potential for interaction between environmental factors.</p>

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

3.5.4.1 Summary

The type or characteristics of the potential impacts arising from the Proposed Development will not give rise to significant environmental impacts.

There are no medium or long-term negative impacts and the Proposed Development is considered to be appropriately located and capable of successful integration in the surrounding environment.

Whilst temporary or short-term impacts relating to noise levels and dust are typical of any small-scale construction phase. The proposed works will be confined to the site of the Proposed Development and any potential impact on nearby receptors will be effectively managed through standard best practice construction measures.

The Proposed Development is a traditional residential and open space development located on an appropriately zoned site adjoining existing residential and open space development. The existing and proposed development will be connect to the public foul sewer network.

The Proposed Development does not give rise to any significant impact on environmental (EIA) factors provided in Section 171A(b) of the PDA, 2000.

3.5.5 Assessment of requirement for EIA under Schedule 7A of PDR 2001, as amended

Having regard to the information provided in Tables 31. To 3.4 (above) in relation to Schedule 7 of the PDR 2001, the following is an assessment for the Proposed Development to undergo EIA having regard to the requirements of Schedule 7A of PDR 2001, as amended.

3.5.5.1 Schedule 7A (1) A Description of the Proposed Development

The physical characteristics of the whole of the Proposed Development and the environmental sensitivities of the Site are described in detail in Section 2 and Section 3.5.4 of this Report. No demolition works are required for the Proposed Development.

The location of the proposed development is appropriately zoned for the proposed residential and open space development and as described in Section 2 of this report the Site does not have any particular environmental sensitivities.

3.5.5.2 Schedule 7A (2) A Description of Aspects of the Environment likely to be Significantly Affected by the Proposed Development

It is considered that no aspect of the environment is likely to be significantly affected by the Proposed Development.

3.5.5.3 Schedule 7A (3) A Description of Any Likely Significant Effects

It is considered that no aspect of the environment is likely to be significantly affected by the Proposed Development. There are no unusual aspects to the proposed development.

Normal site clearance works are included in the construction stage of the Proposed Development. Production of waste will be limited and subject to appropriate recycling or removal to approved, licensed facilities.

Construction works have the potential for noise disturbance. However, any such disturbance will be temporary (limited to the construction period), localised and

Preliminary Examination for the Purposes of Screening for EIA (in accordance with Article 120 of the Planning & Development Regulations 2001-2021)

controlled and mitigated by standard construction best practice and normal day-time working hours.

The use of natural resources will be limited to the normal use of building materials and no likelihood of significant environmental effects arises.

No other pollution or nuisances are identified and no likelihood of significant environmental effects arises.

4 Conclusion

The Proposed Development is not a development for which EIA is a mandatory requirement.

This Preliminary Examination has considered the nature, size and location of the Proposed Development and having regard to the criteria set out in Schedules 7 and 7A of the Planning and development Regulations, 2001, as amended, concludes, in accordance with Article 120(1)(b)(i) that:

“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.”

This conclusion is made on the basis that the Proposed Development:

- is of a relatively small-scale comprising 300 dwelling units and open space development on a site of circa 9.5 hectares;
- will not give rise to any likelihood of significant effects on the environment;
- will not adversely impact Natura 2000 Sites or sensitive habitats either on its own or in combination with other projects;
- is not subject to flooding; and
- falls below the thresholds for EIA set out in any applicable Class of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

This Preliminary Examination has been informed by a desk study, a site visit, and review of the Screening Report for Appropriate Assessment (AA), and of the drawings and reports prepared as part of the Proposed Development.

Standard best practice methodologies employed during the construction phase will limit any potential disturbance to the surrounding area and prevent any risk of pollution from the site, as outlined in this Report.

No significant negative effects on the environment have been identified and the project will have a long-term positive impact on Human Beings, with regard to the provision of additional housing and open space.

The type and characteristics of the potential impacts are not significant, taking into account the characteristics of the Proposed Development and its location.

The overall conclusion and determination is that there is no requirement for Environmental Impact Assessment of the Proposed Development.

5 Key References

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.

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.

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

Draft Noise Action Plan for Fingal County 2019-2023. Fingal County Council, September 2018.

Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, Department of Environment, Heritage and Local Government, 2003.

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, 2018.

Planning and Development Act 2000, as amended.

Planning and Development Regulations 2001, as amended.

Brady Shipman Martin

DUBLIN

Unit H Mountpleasant Business Centre
Mountpleasant Avenue Upper
Ranelagh
Dublin 6
+353 1 208 1900

CORK

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

mail@bradyshipmanmartin.com
www.bradyshipmanmartin.com

