

Environmental Impact Assessment Screening Report

for the proposed
Laurel Lodge Park Playground,
Castleknock

for: Fingal County Council

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Appendix I – Competency of Authors

1 Introduction

CAAS Ltd. has been appointed by Fingal County Council (FCC) to prepare this Environmental Impact Assessment Screening Report for the proposed Laurel Lodge Park Playground, Castleknock, Dublin 15 (the proposed development). This report has been prepared to form an opinion as to whether or not the proposed development should be subject to Environmental Impact Assessment (EIA) and if so, whether an Environmental Impact Assessment Report (EIAR) should be prepared in respect of it.

The screening assesses the proposed development with reference to the EIA legislation¹ including the EIA Directive, and Planning and Development legislation¹. It also has regard to relevant parts of:

- *EIA Guidance for Consent Authorities regarding sub-threshold development*, 2003, Department of the Environment, Heritage and Local Government
- *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, 2018, Department of Housing, Planning and Local Government
- *OPR Practice Note PN02 Environmental Impact Assessment Screening*, 2021, Office of the Planning Regulator
- relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, 2015, EU and *Environmental Impact Assessment of Projects - Guidance on Screening*, 2017, EU.

The first step involves a review of the characteristics of the development to find out if it corresponds to any type (class) which is subject to the EIA requirements as set out in the legislation. If it does correspond to any such type and is 'sub-threshold' (ref s5) then the second step is to carry out a 'preliminary examination' to establish the likelihood of significant effects on the environment arising from the proposed development. The outcome of the preliminary examination determines the subsequent steps of the screening process which may involve sub-threshold project considerations and review against prescribed criteria for determining whether the development should be subject to EIA.

If required, the consideration of potential effects covers all significant direct, indirect and secondary effects as relevant, with reference to the guidance and in compliance with the legislation. Where used, descriptions of effects follow the statutory EPA *Guidelines on the information to be contained in Environmental Impact Assessment Reports* (2022). For ease of reference, these standardised descriptions are reproduced in Appendix I of this report.

The information on the proposed development, as used for purposes of this report, including a written description, was provided by FCC.

The following sections of this report cover:

- The proposed development (s2)
- The legislative basis for EIA (s3)

¹ see section 3 for details

- Project type (s4)
- Sub-threshold development (s5)
- Preliminary examination (s6)
- Conclusion (s7)

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

2 The proposed development

2.1 Overview of the development

The proposed development comprises:

- A Local Equipped Area for Play (LEAP)² playground, approximately 400 m² in area, constructed in line with the principles of universal design³.
- 5 Play items including multi play & natural play items. Play area to be finished with permeable safety surfacing.
- New 1.2 m high bow topped metal rail fencing & gates finished black in colour, enclosing the proposed play area.
- 1 new drinking water fountain.
- Landscaping including mounding (to a maximum height of 1.5 m) and tree planting to the south-west of the proposed playground.
- 10 bicycle parking spaces using Sheffield type or similar bicycle stands, located adjacent to the proposed playground.
- All other ancillary site works

The total proposed site area is approx. 0.106 ha.

² An unsupervised area equipped for children of early school age and within five minutes walking time of home.

³ <https://universaldesign.ie/what-is-universal-design/>



Figure 1 Site location map

Source: Google maps (site boundary includes construction compound and is approximate)



Figure 2 Site plan including showing proposed location of construction compound

Source: FCC (See accompanying drawing set for full scaled versions of all drawings)



Figure 3 Aerial photograph of Laurel Lodge Park showing proposed playground location

Source: FCC (See accompanying drawing set for full scaled versions of all drawings.)



Figure 4 Modelled view of proposed playground

Source: FCC (See accompanying drawing set for full scaled versions of all drawings.)

3 Legislative basis for EIA

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

- Planning and Development Acts 2000-2020 (Part X)
- Planning and Development Regulations 2001 (S.I. 600/2001) as amended
- European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. 296/2018)

Part 1 of Schedule 5 of the Planning and Development Regulations 2001, as amended, lists projects included in Annex I of the Directive which automatically require EIA. For projects included in Annex II of the Directive, Part 2 of Schedule 5 provides thresholds above which EIA is required.

4 Project type

In the first instance it is necessary to determine whether the proposed development corresponds to any project type that is subject to EIA requirements.

The prescribed classes of development for the purpose of Section 176 of the Planning and Development Act 2000 are set out in Schedule 5 of the Planning and Development Regulations 2001 as amended. The proposed development is not a prescribed class of development within Schedule 5, Part 1 and so it is necessary to consider whether the proposed development comes within Schedule 5, Part 2.

Potentially relevant project types (or classes) prescribed for EIA purposes in Schedule 5, Part 2 are listed in the table below, with commentaries of their applicability to the proposed development. Criteria prescribed in the legislation for changes or extensions are included.

Project class / threshold	Comment	Is EIA required on this basis?
Planning and Development legislation S.I. 600/2001, Schedule 5, Pt 2		
Project class 10. <i>Infrastructure projects (b)</i>		
<p><i>(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.</i></p> <p><i>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</i></p>	<p>Commission guidance⁴ lists a range of projects, stating that these or other projects with similar characteristics can be considered to be ‘urban development’. These include:</p> <ul style="list-style-type: none"> • Shopping centres • Bus garages • Train depots • Hospitals • Universities • Sports stadiums • Cinemas • Theatres • Concert halls • Other cultural centres • Sewerage or water supply networks <p>The proposed development does not correspond to or have similar characteristics to any of the above listed projects and can be considered as not corresponding to project type 10(b)(iv).</p>	No

⁴ Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU

Project class / threshold	Comment	Is EIA required on this basis?
Project type 12. <i>Tourism and leisure projects (e)</i>		
<i>Theme parks occupying an area greater than 5 hectares.</i>	<p>Regarding interpretation of the meaning of this project type, Commission guidance⁵ states: -</p> <p><i>(i) The theme or objective of the park is not defined by the EIA Directive. Parks falling within this project category could be developed, for example, for recreational, educational or informative purposes. However, it should be noted that the project category ‘theme park’ is listed in Annex II (12) under the heading ‘Tourism and leisure’. For instance, a park that has a specific theme or attraction or several attractions, like an amusement park, should be considered a theme park. Areas planned for a leisure attraction based on or related to a particular subject should also be covered by this project category. For example, water parks and zoos should be considered to fall under this project.</i></p> <p>The proposed Local Equipped Area for Play (LEAP) playground, being an unsupervised area equipped for children of early school age and within five minutes walking time of home, is not a ‘theme park’ and can be considered as not corresponding to project type 12(e) .</p>	No
<i>Project type 13. Changes, extensions, development and testing</i>		
<p><i>(a) Any change or extension of development which would:-</i></p> <p><i>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</i></p> <p><i>(ii) result in an increase in size greater than-</i></p> <ul style="list-style-type: none"> <i>- 25 per cent, or</i> <i>- an amount equal to 50 per cent of the appropriate</i> 	As the changes covered by the proposal will not result in the development being of a listed class, criterion (i) is not met. Therefore, project type 13(a) is not applicable.	No

⁵ Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU

Project class / threshold	Comment	Is EIA required on this basis?
<i>threshold, whichever is the greater</i>		

The above review against the potentially relevant classes shows that the proposed development does not correspond to any project type listed in Part 2 of Schedule 5.

5 Sub-threshold development

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

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

Annex III of the EIA Directive (2011/92/EU as amended) as transposed into Schedule 7 of the Planning and Development Regulations 2001 as amended - sets out criteria for review of sub-threshold projects to determine if they should be subject to EIA. These criteria include characteristics, location and potential impacts. As the proposal does not correspond to any type set out in Part 2 of Schedule 5, it is not a sub-threshold development.

6 Preliminary Examination

Article 120(a)(1) of the Planning and Development Regulations 2001, as amended, requires that -

- (a) *Where a local authority proposes to carry out a sub-threshold 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.*

As the proposed development is not a sub-threshold development, the requirement to carry out a preliminary examination does not apply.

7 Conclusions

The proposed Laurel Lodge Park Playground, Castleknock, Dublin 15 does not correspond to any project type that is subject to EIA requirements. It is not a sub-threshold development and no preliminary examination or further stages of EIA screening are required to be followed for it. It does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required for it.

This conclusion is based on an objective review of the characteristics of the proposed development against the requirements of the relevant legislation and has had due regard to the relevant guidance.

Appendix I - Competency of Authors

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

Paul is the lead author of the current EPA Guidelines⁶ and accompanying Advice Notes⁷ on EIARs. He has been involved in all previous editions of these statutory guidelines. He also provides a range of other EIA related consultancy services to the EPA. Paul is regularly engaged by various planning authorities and other consent authorities to provide specialised EIA advice.

Clodagh Ryan, Environmental Assistant has a BSc in Environmental Management, Dublin Institute of Technology, 2021. Clodagh liaises with various government agencies and local authorities in order to assimilate the environmental baseline information that is used in EIAs and AAs and assists in the preparation of the various EIA and AA related documentation.

⁶ *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2022

⁷ *Advice notes on current practice in the preparation of Environmental Impact Assessment Reports*, EPA, 2003