



An  
Bord  
Pleanála

# Inspector's Report ABP-303499-19

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<b>Development</b>	Grand Canal Greenway – Hazelhatch to 12 <sup>th</sup> Lock.
<b>Location</b>	Townlands of Hazelhatch, Loughtown Lower, Balscott, Stacamney Cottage, Mullauns, Brownstown, Coolscuddan, Gollierstown and Ballymakaily, County Dublin and County Kildare.
<b>Planning Authority</b>	South Dublin County Council
<b>Developer</b>	South Dublin County Council
<b>Applicant</b>	Dr Declan Doogue
<b>Type of Application</b>	EIA Screening Determination
<b>Date of Site Inspection</b>	1 <sup>st</sup> March 2019
<b>Inspector</b>	Karla Mc Bride

## **1.0 Introduction**

The purpose of this report is to advise the Board on whether it should issue a direction to South Dublin County Council that the proposed development of a section of the Grand Canal Greenway between Hazelhatch and the 12<sup>th</sup> Lock should be subject to Environmental Impact Assessment (EIA). The request for a direction has been made by Dr Declan Doogue under Art. 120(3) (a) of the Planning and Development Regulations 2001 (as amended).

## **2.0 Site Location and description**

The site, which comprises a c.4.5km section of the Grand Canal, is mainly located within South County Dublin although a small section is located within County Kildare. The existing path extends along the N side of the canal between the 12<sup>th</sup> Lock at Adamstown and Hazelhatch Bridge at Celbridge. It traverses a rural landscape and there are several features of archaeological, geological, built heritage and ecological interest along the route.

The SW section, around Hazelhatch Bridge which is a protected structure, is occupied by canal boats and there are several houses and a public house in the vicinity. The NE section at the 12<sup>th</sup> Lock along the R120 is framed by several structures in various states of repair. The c.4.6km intervening section comprises the existing unsurfaced towpath along the N side of the canal which is bound to the N by mature trees, hedges, ponds and wetlands, and to the S by canal bank vegetation, with the canal and a similar array of habitats beyond. A small number of streams traverse the route and the remains of a mill building are located in the mid-W section. Gollierstown Bridge, which is a Protected Structure, is located in the mid-E section along with a series of ponds which were originally quarried to provide stone for canal construction.

The site and environs are not covered by any European site designations although the Grand Canal is a proposed NHA and there are several protected plant and animal species in the vicinity. The Grand Canal forms part of the NTA Greater Dublin Cycle Network Plan and similar Greenway works have either been completed or are nearing completion along the canal to the E.

### 3.0 Proposed Development

The **proposed development** would comprise a c.4.6km long shared walking and cycling Greenway along the N side of the existing towpath comprising:

- A new c.2.5m to 3.5m wide path (depending on site features).
- New surface of quarry dust or asphalt tarmac.
- Access controls along the route (pedestrian & cycle friendly gates).
- Underground utilities & services (ducting for power, telecom etc.).
- Associated site works & integrated landscape plans.

The **Part 8** Preliminary Design Report and Drawings contained:

- Design details, environmental constraints & route options
- Environmental Impact Assessment Screening (& Determination)
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Archaeological & Cultural Heritage
- Strategic Flood Risk Assessment

### 4.0 Request for Direction

#### 4.1 Applicants request

Dr Declan Doogue concerns are summarised below:

**Procedural:**

- Should be considered under S.120 (3) (c) of the P&D Act & the proposal falls within several new classes (Art. 82 of S.I. 296/2018).
- Should be addressed under S.132 C-L of the P&D Regs and other sections relating to the adequacy of environmental reporting in relation to rare, threatened and protected species of flora & fauna.
- The Flora (Protection) Order 2015, the original Wildlife Act 1976 and Schedules 6 & 7 (EIS) of the P&D Acts also apply.
- Unclear whether proposal falls under Planning or Roads Acts.

### **Part 8 Report surveys & assessment:**

- Inappropriate time to undertake flora & fauna surveys (mid-winter), inadequate consideration of accumulated knowledge & significant information lacunae in relation to rare & protected species.
- Enforceable environmental penalties required when damage occurs
- This ecologically integrated system, which retains remnants of native flora & fauna and is connected to the wetlands of the Central Plains, should not have been assessed as separate elements.
- Part 8 Report addressed potential impacts on European sites but not on sensitive flora, fauna & habitats along the canal, and many species of national & regional significance were not considered.
- Report concluded that there was no need for an EIA as there would be no impact on any European sites, even though it also concluded that some species of flora & fauna could be affected.

### **Further consideration required:**

- *Vertigo moulinsiana*: present in canal margins, dependent on emergent vegetation & damp conditions; management of margins a concern; ecological survey required; query confidentiality of report.
- *Myxas glutinosa*: internationally endangered species present nearby but no on-site surveys conducted.
- *Bats*: 8 x bat species likely to be affected by the (ultimate) provision of lighting along their flight & feeding paths, query provision of ducting if no lighting is proposed.
- *Groenlandia densa*: current conservation status not addressed.
- *Scrophularia umbrosa*: significance of this nationally-rare & endangered plant species not addressed.
- *Smooth newt*: current conservation status not addressed.
- *White-clayed crayfish*: close focus pre- and post-survey required.
- *Rare grassland habitats*: system of ponds & shallow pools and lime rich soils support distinctive suites of damp grassland species.

**Data acquisition:**

- Query interpretation of data sources.
- Current absence of previously recorded species (*Carex riparia* & *Lithospermum officinale*).
- Discrepancies & omissions noted in various reports.

**Proposed actions:**

- Prepared to advise ABP in a technical comparison of reports.

## **4.2 Schedule 7A Information**

Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the Regulations and to confirm the current status of the Part 8 application.

## **4.3 Planning authority response (1)**

The planning authority's response to the Board's request for Schedule 7A and Part 8 information is summarised below:

**Schedule 7A information:**

**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, demolition works:**

- Addressed in EIA Screening Report of the Part 8 Report and summarised in section 3.0 above.
- Project & site description, no demolition works, construction methodology & sequencing, and mitigation measures.

**(b) A description of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.**

- Addressed in EIA Screening Report of the Part 8 Report.
- Project description & description of receiving environment.
- Identification of sensitive habitats and species (flora & fauna).

**2. A description of the aspects of the environment likely to be significantly affected by the proposed development:**

- Addressed in EIA Screening Report of Part 8 Report.
- Considered human beings, flora & fauna, soil & geology, water, air & climate, landscape, cultural heritage, material assets and interactions.
- Assessed potential impacts with respect to Schedule 7a criteria (characteristics of project, location of project & characteristic of potential impact) and the factors specified in Article 3(1) in relation to potential impacts (magnitude & spatial extent; nature; transboundary; intensity & complexity; probability; expected onset, duration, frequency & reversibility; and cumulation.
- The effects of the proposed development are considered not to be of likely significance, due to the minor development footprint, the characteristics & sensitivities of the receiving environment, and the design & mitigation measures.
- The existence and reuse of the towpath reduces any additional land take, the works are minor in nature and confined to resurfacing and removal of overhanging vegetation, but no tree removal.
- The environmental management practices will provide adequate safeguards.
- Concluded that EIA is not required.

**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,**

- Addressed in EIA Screening Report of Part 8 Report.
- Minimal production of waste and polluting materials during construction.
- Unused excavated soil will be disposed of at a waste disposal facility, excavation depths & volumes will be minimised and material reused; construction waste will be kept to a minimum and recycled.

**(b) The use of natural resources, in particular soil, land, water and biodiversity.**

- Addressed in EIA Screening Report of Part 8 Report.
- Mainly natural materials to surface towpath, minimal soil removal & minor use of water to clean machinery.
- Water seepage exists between the canal and the adjoining quarries at Gollierstown and backfilling will be undertaken in accordance with design measures that aim to reinstate the existing towpath substrate around the cable duct; the existing substrate will be reinstated to maintain seepage pathways between the canal and the ponds to the N where *Vertigo moulinsiana* was recorded.
- GW will follow the existing established towpath along the N bank of the canal, and the footprint will only be marginally increased with a minimal effect on land take & biodiversity.

**Part 8 application:**

- The public consultation process concluded on 4<sup>th</sup> February 2019.

**Overall conclusion:**

- The environmental effects will generally be localised, minor in nature and occur principally during the construction phase.

#### 4.4 Planning authority response (2)

The specific response to Dr Doogue's submission is summarised below:

##### **General response:**

- EclA report assesses the potential impacts to the canal & habitats.
- Data was sourced from NBDC website, all species records were reviewed and all rare/threatened/protected species were reported.
- Designed to avoid the loss of and physical disturbance to habitats.
- 1m buffer strip retained along the canal to S of path to protect marginal emergent vegetation.
- N boundary will correspond to existing towpath boundary, no habitat loss, physical disturbance or encroachment into sensitive habitats.
- The temporary boundary fence along the boundary of the existing towpath will protect sensitive habitats from construction activities.
- An Ecological Clerk of Works will monitor the construction phase.

##### **Further consideration response:**

- *Vertigo moulinsiana*: located within an area that is freely accessible to the public in close proximity to the existing towpath (EiIA report is confidential to protect this species from unwanted attention).
- *Scrophularia umbrosa*: incorrect record which should read as *S. auriculata* which was recorded in the wet woodland to the N.
- *Myxas glutinosa*: no record of occurrence within the site area, but c.4km downstream along the canal.
- *Groenlandia densa*: no record of occurrence within the site area during the surveys but present in 2015 survey.
- *Carex riparia*: no record of occurrence within the site area but recorded to the N of the proposed development.
- *Lithospermum officinale*: no record of occurrence within the site area but recorded to adjacent to the proposed development (N & S) and both areas will be fenced off during construction.

##### **Conclusion:**

- The EclA contains detailed measures for the construction phase to minimise or eliminate significant effects on the natural environment.



## 5.0 Planning Policy

The site is located within an area of Open Space which is mainly covered by the South County Dublin Development Plan 2016 to 2022, and partly covered by the Kildare County Dublin Development Plan 2017 to 2013.

**Natural Heritage:** pNHA along Grand Canal.

**Built Heritage:** Several Protected Structures at Hazelhatch & the 12<sup>th</sup> Lock, and one at Gollierstown Bridge.

**Specific objectives:** NTA Greater Dublin Cycle Network Plan along canal.

## 6.0 Planning History

None specific to the site. Sections of Grand Canal (E) have been the subject of Part 8 greenway works.

## **7.0 Assessment**

### **7.1 Requirement for EIA**

- 7.1.1 The proposed development is not listed as infrastructure development under Part 1 or Part 11 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended)
- 7.1.2 Section 50(1)(a) (iv) of the Roads Act, 1993 (as amended), lists road developments for which there is a mandatory requirement to carry out environmental impact assessment for any prescribed type of proposed road development consisting of the construction or improvement of a public road.
- 7.1.3 Article 8 (a) of the Roads Regulations, 1994 (S.I. 119 of 1994) states that the prescribed types of proposed road development shall include the construction of a new road of four or more lanes, or the realignment or widening of an existing road to provide four or more lanes, where such roads would be 8km or more in length in a rural area, or 500m or more in length in an urban area.
- 7.1.4. Section 68(1) of the Roads Act, 1993 (as amended) states that a “cycleway” means a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians’. (I am satisfied that “cycleway” and “Greenway” are the same). The proposed Greenway, being less than four or more lanes and not more than 8km or 500m length (for rural or urban areas respectively), does not, therefore, require mandatory EIA.
- 7.1.5 However, section 50(1)(c) of the Roads Act, 1993, requires that where a road authority considers that any proposed road development, while being below the relevant threshold for which an EIS would be mandatory, would be likely to have significant effects on the environment, it shall inform the Board in writing and, where the Board concurs, it shall give a direction to the road authority to prepare an EIS in respect of such development.
- 7.1.6 The proposed development would therefore be sub-threshold for the purposes of EIA under the Roads Act (as amended).

## **7.2 EIA Screening Criteria**

7.2.1 In accordance with Article 109 (4) (a) the Board shall, in making its screening determination as to whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to -

- The criteria set out in Schedule 7,
- The information submitted pursuant to Schedule 7A,
- Any further information submitted,
- The results from other assessments (e.g. SEA), and
- The location of the project in a sensitive site (e.g. pNHA),

## **7.3 Schedule 7 Assessment**

The proposed development will be assessed against the Schedule 7 criteria, having regard to the information submitted pursuant to Schedule 7A (contained in the Part 8 Preliminary Design Report) and the location of the site in a sensitive location, under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Characteristics of potential impacts

### **7.3.1 Characteristics of Proposed Development**

#### **Size and Design of Proposed Development:**

The proposed development would comprise an upgrade of the existing canal towpath to provide a combined footpath and cycleway along with associated site works, including service crossings and underground ducting. The path would be c.4.6km long and between c.2.5m to 3.5m, and it would have a tarmacadam or quarry dust surface. The size and design of the development would not justify the need for an environmental impact assessment.

**Cumulation with Other Projects:**

There are no other permitted or proposed developments in the surrounding area that would have a significant cumulative impact when considered in conjunction with the proposed development. The other sections of the Grand Canal Greenway to the E are nearing completion and they are separated from the development by the 12<sup>th</sup> Lock and R120. Any potential cumulative impacts would not justify the need for an environmental impact assessment.

**Use of Natural Resources / Waste / Pollution / Nuisances / Accident Risk and Impact on Human Health:**

The nature, use and scale of development is such that it would not result in a significant use of natural resources. Any waste, pollution or nuisance generated by the development would be balanced against the proposed amenity use of the project and its limited scale. Similarly, the nature and scale of the development is not such that it would lead to a likely creation of an accident risk or have an adverse impact on human health. Construction activities would be undertaken subject to best construction practices. Any potential impacts on natural resources would not justify the need for an environmental impact assessment.

**Conclusion:** Having regard to the nature, scale and location of the proposed development along an existing canal towpath, it is unlikely that the characteristics of the proposed development are such that there would be significant adverse impacts on the environment.

**7.3.2 Location of Proposed Development****Existing and Approved Land Use:**

The proposed development, which would upgrade the existing canal towpath, would not result in a change of use and there would no significant adverse impacts in terms of land use. Any potential impacts on land use would not justify the need for an environmental impact assessment.

### **Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources:**

The site in its current form comprises the original towpath along the N side of the Grand Canal which is a natural resource in the sense that it contains a variety of habitats for flora and fauna. The site is not identified as a European site and it is not connected to any European sites. However, it is designated as a proposed Natural Heritage Area and this particular section between Hazelhatch and the 12<sup>th</sup> Lock has been identified as an Ecologically Sensitive Area. The surrounding area contains several rare, threatened and protected species of aquatic and terrestrial flora and fauna, none of which have been recorded within the footprint of the proposed works.

It is noted that the proposed footpath and cycleway would be located along the existing towpath and that the lands to the N and S of the path would be fenced off during the construction works. The proposed development would not require the felling of any trees and hedgerows, or any significant clearance of natural vegetation. The proposed underground ducting would be installed in such a way to ensure the continued seepage of canal water to the Gollierstown Ponds and surrounding wetlands, which would in turn ensure the protection of existing moisture dependent habitats, flora and fauna.

**Conclusion:** Having regard to the nature, scale and location of the proposed development along an existing canal towpath, it is unlikely that significant natural resources would be used in its development and there would be minimal ongoing use of natural resources from the proposed use of the site for improved amenity purposes. Overall there would no significant adverse impacts in terms of the relative abundance, availability, quality and regenerative capacity of natural resources.

### **The Absorption Capacity of the Natural Environment:**

The site is undeveloped and it is located within a rural area that is surrounded by a variety of aquatic and terrestrial habitats including the canal, ponds, wetlands, marshlands, woodlands, hedgerows and grassland, with agricultural fields beyond. The proposed combined footpath and cycleway would replace

the existing canal towpath, the nature of the proposed amenity use would be consistent with surrounding land uses, and the scale and design of the proposed project would be compatible with the existing environs of the site.

In terms of **natural heritage**, there are no features of significance in terms of designated European sites, Ramsar sites, Biospheres or Nature Reserves that could be impacted by the proposed development. However, the site forms part of a proposed Natural Heritage Area and this particular section between Hazelhatch and the 12<sup>th</sup> Lock has been identified as an Ecologically Sensitive Area. There are indications that the surrounding lands, ponds and watercourses provide habitats for some rare, threatened and protected species of aquatic and terrestrial flora and fauna, and the presence of larger mammals including otter and badger have been recorded in the vicinity.

The Screening for Appropriate Assessment report concluded that the proposed development is not likely to have a significant effect on any European site. The site has also been the subject of an Ecological Impact Assessment screening exercise which included desk top and field surveys along the canal and the surrounding area. This report recorded the presence of several rare and protected species of flora and fauna in the locality, none of which have been recorded within the footprint of the proposed works.

As previously stated, the proposed footpath and cycleway would be located along the existing towpath and the lands to the N and S of the path would be fenced off during the construction works. The proposed development would not require the felling of any existing trees and hedgerows, or any significant clearance of natural vegetation. The proposed underground ducting would be installed in such a way to ensure the continued seepage of canal water to the Gollierstown Ponds and surrounding wetland areas. This would ensure the protection of existing moisture dependent habitats, flora and fauna, including *Vertigo moulinsiana*, other molluscs and various pondweeds. The proposed development would not obstruct the movement of larger mammals such as otters and badgers or significantly interfere with any existing holts or setts.

In relation to bats, the retention of the existing trees and hedgerows would ensure that any potential for roosts in the surrounding wooded areas would be protected, and this along with the absence of lighting would ensure that foraging and commuting bats would not be significantly affected. It is noted that although the submitted Part 8 plans do provide for the installation of public lighting along the route, the development description includes underground ducting to accommodate a range of services which include lighting. The plans also indicate that CCTV masts would be provided at several locations along the c.4.6km route. However, the potential impacts of these elements on their own would not be of a sufficient scale to trigger the need for an environmental impact assessment.

In terms of **built heritage**, the site has an historical connection with the former Gollierstown quarry which originally provided stone for canal construction, Gollierstown Bridge and Hazelhatch Bridge are designated protected structures, there are several other buildings at Hazelhatch and the 12<sup>th</sup> Lock which are also protected structures, and there is a derelict mill building along the route. Therefore, the site may be of archaeological, historical or cultural significance and the development has been the subject of an Archaeological and Cultural Heritage Assessment which included desk top and field surveys.

This report did not find any items of archaeological significance, as any such features would have been impacted by the 18<sup>th</sup> century canal construction works. The site is not located within any identified zone of archaeological significance and there are no Recorded Monuments along the canal or within 100m of it, and the likely impact of the development on archaeology is therefore considered to be negligible to low.

The proposed development would interface with Gollierstown Bridge and Hazelhatch Bridge however the proposed construction methodologies are such that the integrity of these protected structures would not be affected. Having regard to the nature, scale and location of the proposed development, the protected structures at Hazelhatch and the 12<sup>th</sup> Lock would not be adversely affected.

**Conclusion:** Having regard to the nature, scale and location of the proposed development along an existing canal towpath, the absence of sensitive natural heritage features within the footprint of the works, the proposed treatment of built heritage features along the route, and the proposed fencing and construction methodologies, significant adverse impacts are unlikely in terms of the absorption capacity of the natural environment or built heritage.

### 7.3.3 Characteristics of the Potential Impact

**Nature, Magnitude and Extent of the Impact:** Having regard to the foregoing and to the low density of development in the surrounding area, I am satisfied that the extent of the potential impact in terms of geographical area and the size of the population is limited. During construction, there will be some limited impacts on local residents and environments arising from construction traffic, noise and dust. These impacts will be short term and would be mitigated by good construction practices. Having regard to the nature, scale and linear location of the proposed development, the project would have a minor localised visual impact at the canal crossings, and some minor local impacts on traffic, however there would be limited adverse impacts on the wider environment. There would be some localised temporary impacts on ecology and biodiversity, however there would be no significant loss of habitat or species in terms of population numbers.

**Ecology and biodiversity:** The Ecological Impact Assessment concludes that there will be no likely adverse impacts on biodiversity given that there are no sensitive habitats or protected species of flora or fauna within the footprint of the development, and that adjoining areas to the immediate N and S of the development will be protected during the construction phase. Although the site and environs have high potential for bat roosts, along with foraging and commuting opportunities, no trees or hedgerows will be removed and there are no proposals in the Part 8 plans to provide lighting along the route (although lighting is referred to in the project description). Underground ducting will be installed in a manner that ensure the continued seepage of canal water to nearby ponds and wetlands in order to sustain a colony of



*Vertigo moulinsiana* and other moisture dependent animal and plant species, and there would be no barriers to the movement of larger mammals.

**Land & soils, water quality, air & climate, noise & vibration and material assets:** Having regard to the nature and scale of the proposed development, the impact on land and soils is likely to be negligible and it will not give rise to a significant risk to water quality, subject to adherence to best construction practices. The project has been the subject of a Strategic Flood Risk Assessment which concluded that it is not likely to give rise to a significant flood risk. In relation to air and climate, and noise and vibration, there is potential for impacts during the construction phase however given the nature and scale of the proposed development, it is considered that subject to the use of good construction practices, environmental impacts under these headings will not be significant. Given these limited impacts, and the design and layout of the proposed development, the low density of development in the surrounding area, and the relationship to surrounding properties and lands, it is not considered that the proposed development would have a significant negative impact in terms of material assets.

**Landscape and visual amenity:** Having regard to the nature, scale and location of the proposed development within the footprint of an existing canal towpath, the proposed development would have an overall neutral effect on landscape quality and visual amenity.

**Cultural heritage:** As previously outlined in this report, the relationship of the proposed development to the protected structures at Hazelhatch Bridge and Gollierstown Bridge is such that any potential adverse impacts on the integrity of these structures would be mitigated by the proposed construction methodologies and adherence to best construction practices, and the potential for significant impacts is therefore low. It is likely that any archaeological features in the vicinity of the development were previously impacted by the 18<sup>th</sup> Century canal construction works and the potential for significant impacts is therefore negligible.

**Potential interactions:** There is some limited potential for interactions between environmental factors, mainly between water and ecology, air and climate and noise and vibration. Subject to best practice methodologies during the construction phase significant interactions are not considered likely or such as would give rise to likely significant additional environmental impacts.

**Probability, Intensity and Complexity of Impacts:** Having regard to the nature, scale and location of the proposed development along an existing canal towpath, it is likely that the existing habitats will not be substantially lost or modified.

**Duration, Frequency and Reversibility:** Having regard to the nature, scale and location of the proposed development along an existing canal towpath, it is predicted that the impacts will be short term and that the works will be readily reversible.

**Transfrontier Nature of the Impact:** No trans frontier impacts would arise as result of the proposed development.

#### **7.4 Results of other assessments**

The proposed development, which would be located within an area that is covered by the South Dublin County Development Plan 2016-2022 and the Kildare County Development Plan 2017-2023, would be in accordance with the results of the strategic environmental assessments of these plans undertaken in accordance with the requirements of the SEA Directive.

#### **7.5 Conclusion**

Having regard to the nature, scale and location of the proposed development along an existing canal towpath, and to all of the foregoing, the characteristics of the potential impacts would not be likely to have significant effects on the environment and would not justify the need for an environmental impact assessment.

## 8.0 RECOMMENDATION

Having regard to my assessment above, I consider that the proposed development of this section of the Grand Canal Greenway and all associated site development works would not be likely to have significant effects on the environment. I, therefore, recommend that the Board does not direct the local authority to prepare an environmental impact assessment report in respect of the development based on the reasons and considerations set out below.

### Reasons and Considerations

Having regard to:

- (a) the Roads Act 1993 (as amended) and the Roads Act 2007,
- (b) the location of the site on lands that are zoned for Open Space use in the South Dublin County Development Plan, 2016-2022 and the Kildare County Development Plan 2017-2023, and the results of the strategic environmental assessments of these plans undertaken in accordance with the requirements of the SEA Directive,
- (c) the nature, scale and location of the proposed development in a rural area and along an existing canal towpath,
- (d) the proposed retention of existing trees, hedgerows and vegetation along the canal,
- (e) the design and construction methodology response to the natural heritage along the canal,
- (f) the design and construction methodology response to the protected structures along the canal,
- (g) the absence of a connection to any designated European Sites,
- (h) the submissions made including that of South Dublin County Council and to the Part 8 Preliminary Design Report submitted,
- (i) the guidance set out the '*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*' issued by the Department of the Environment, Heritage and Local Government,

- (j) to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (k) to the report and recommendation of the Inspector,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

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Karla Mc Bride  
Senior Planning Inspector  
27<sup>th</sup> March 2019