



An
Bord
Pleanála

Addendum

EIA Screening Assessment

ABP-318309-23, BD-016183-24

To: David Ryan.

From: Emmet Smyth.

**Re: Royal Canal Greenway Phase 4 between Cross Guns Bridge
Phibsborough and Ashtown, Dublin 15.**

Date: 10th September 2024.

Introduction:

This Environmental Impact Assessment Screening report has been prepared in response to Board Direction (Reference BD-016183-24) (ABP-318309-23) and its purpose to make recommendation as to whether the following development should be subject to Environmental Impact Assessment which would then require the submission of an Environmental Impact Assessment Report. The Board has requested that the screening assessment is structured on 'The Environmental Impact of Projects- Guidance on Screening' European Commission 2017 and Part C- screening checklist contained therein.

The EIA screening Assessment will also address all sections of the Planning Authority's Environmental Impact Screening – September 2023 to include Appendix A of this document and the applicant (Jacqui McElhenney & Francis Mackey) submission.

Proposed Development:

Phase 4 of the Royal Canal Greenway between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15 comprises c.4.2km of cycle and pedestrian route. This proposal entails the amendment of an approved Part 8 application (reference 2870/15) seeking the following.

The widening of the existing towpath by realigning the Northern bank of the canal at the following three locations to remove the need for 3rd Party land acquisition along with associated works and ancillary services.

- West of Lock 6 for approximately 600 metres realigning by a maximum of 2.15 metres.
- West of Broombridge for approximately 345 metres realigning by a maximum of 1.4 metres.
- West of Lock 8 for approximately 85 metres realigning by a maximum of 1.75 metres.
- Inclusive in the works it is proposed to include ducting and associated chambers to ESB standard along the proposed Royal canal Greenway project.

The proposal for the greenway path will be up to 4.8m in width and this will extend to 5.5 metres at the Coke oven cottages. This proposed path will be 1.03km in length. Works will include the dredging of the canal along the realignment route.

The following construction methods are to be utilised during the proposed construction.

- Surplus silt will be dredged from the canal down to the original lining using track machines. It is reported that this will most likely be done by dewatering the canal and dredging in the dry in particular where there is potential or known risk of dredging contaminated materials.
- Dewatering is to be carried out by the construction of temporary watertight dams or by opening the locks at the downstream end where possible and in areas where a dewatered section is not bound by a downstream lock the canal will need to be dewatered by pumping.
- The towpath construction will require site clearance, removal of existing plant and sod material, the excavation of the existing pavement and base layers including the topsoil. The construction and installation of ducting to ESB standards, deposit and compact fill layers, kerb laying, lighting CCTV and reinstate sod and plant.

Legislative Context:

In brief projects which require EIA are listed in Annex I and Annex II of the EIA Directive. Projects listed in Annex I of the EIA Directive have mandatory EIA requirements. Each Member State decides on a case-by-case basis whether Annex II projects require an EIA. Thresholds have been set for Annex II projects in Irish legislation. Projects which do not meet the threshold may still require an EIA if the project is likely to have significant effects on the environment referred to as sub-threshold projects.

The Annex I and Annex II projects have been transposed into Schedule 5 (Parts 1 and 2) of the Planning and Development Regulations 2001, as amended. Environmental Impact Assessment Directive (EIA Directive) means 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.

The Planning and Development Act 2000, as amended.

Section 172(1) of the Act states that an EIA shall be carried out in respect of certain applications for consent for a proposed development. This includes applications for 'sub threshold' developments that is classes described under Part 2 of the 5th Schedule, but do not exceed the relevant threshold in addition the competent authority determines whether the development would be likely to have significant effects on the environment.

Section 172(1A) specifies that the above is relevant to developments that may be carried out by Local Authorities under Part X.

The Planning and Development Regulations 2001, as amended.

Article 120(3)(b) states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the board for a screening determination as to whether a development proposed to be carried out by a Local Authority would be likely to have significant effects on the environment.

Article 120(3)(c) indicates that such applications for screening determination shall state the reasons for forming the view that the development would be likely to have significant effects on the environment and shall indicate the class in schedule 5 within which the development is considered to fall.

Schedule 5 sets out the classes of development where EIA is required and is subdivided as follows:

- **Part 1** sets out the classes of development where EIA is mandatory.
- **Part 2** sets out the classes of development subject to EIA where they exceed a certain threshold or whereby, they may give rise to significant effects on the environment.

Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment under 3 heading which are as follows;

- Characteristics of the proposed development
- Location of the proposed development
- Type and characteristics of potential effects.

Schedule 7A pertains to information to be provided by the applicant or the developer for the screening of sub-threshold development for the purposes of EIA.

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.
 - 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 that the information available on such effects of the proposed development on the environment resulting from-
 - a) The expected residues, emissions and the production of waste where relevant, and
 - b) The use of natural resources in particular soil, land, water and biodiversity.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in schedule 7.

The Roads Act 1993, as amended:

Section 50(1)(a)

A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:

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

The Roads Regulations, 1994.

Article 8

Describes the types of proposed road as follows for the purposes of the above referenced section as follows:

The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be-

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

The Roads Act 1993, as amended:

Section 50(1)(b)

If An Bord Pleanála considers that any road development proposed (other than development to which *paragraph (a)* applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

Section 50(1)(d)

where a proposed development (other than development to which *paragraph (a)* above refers, consisting of the construction of a proposed public road or the improvement of an existing public road would be located on a European site, a Nature Reserve, a refuge for Flora and fauna or a Natural Heritage Area. The appropriate authority proposing the development shall decide whether or not the proposed development would be likely to have significant effects on the environment.

Section 50(1A) (a)

Unless An Bord Pleanála is satisfied that a road development that is proposed consisting of the construction of a proposed public road or the improvement of an existing public road (other than development to which *subsection (1)(a)* applies):

- (i) would not be likely to have significant effects on the environment, or
- (ii) would be likely to have significant effects on the environment,

An Bord Pleanála shall require the road authority, or as the case may be the Authority, proposing the road development to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

The Roads Act 1993, as amended:

Section 68(1) references a cycleway as a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians and either or both people driving powered personal transporters and pedestrians.

Environmental Impact Assessment Screening.

The methodology used in this screening exercise is as follows:

- 1). Review the development as proposed against the criteria as outlined in Annex III of the EIA Directive (2011/92/EU) as amended by 2014/52/EU. These are categorised under three headings as follows: Characteristics of Project, Locations of Project & the type and characteristics of the potential impact.
- 2). Further assessment of the project against the EIA Screening Checklist as outlined in the European Commission's guidance on Screening, 2017.

Annex III assessment.

1. Characteristics of Projects:

(a) the size and design of the project:

The proposed project will take 12 months to be phased over 2 years. The path subject of this proposal is to widen the existing towpath by realigning the northern bank of the canal at 3 locations of a combined distance of 1.03km.

(b) cumulation with other existing and/or approved projects:

The site is presently utilised by pedestrians, cyclists and vehicles. The subject site is surrounded by developed lands consisting of Commercial, industrial, residential and burial. The proposed project involves the widening of the towpath at 3 locations of a combined distance of 1.03km, and this project will require the dredging of the canal. Regarding this aspect of the project in my opinion it will not act in-combination with other projects but could act in its own right to cause significant impacts on the environment due to the proposed sediment removal and the lack of detail pertaining to the extent and the level of contamination within the sediments and mitigation measures that would be required.

(c) the use of the natural resources, in particular land, soil, water and biodiversity:

The proposed development will utilise hardcore stone and boulders in the construction of the northern canal embankment. Prior to dewatering of the canal channel electrofishing will be carried out prior to the dewatering process. Water in the canal to be removed for the purpose of dredging in the dry, to remove accumulated sediments. The dredging process will remove aquatic vegetation which will reestablish itself over time. Existing riparian plant and sod material to be removed and reinstated post construction.

(d) The production of waste:

The generation of waste materials will be from excavation of the dredge material from the base of the canal. The removal of the towpath base layers and pavement in addition to topsoil material. The removal and clearance of debris and scrub along the path. Wastewaters and contaminated sediments generated by pumping and dredging of the sections of canal being worked on will be produced. The EIA screening report

outlines a proposed route for disposal which is to be established post consent and dependent on the level of contamination which have not been detailed in the screening report. The applicant's submission was accompanied by a report conducted by Waterways Ireland in 2013 highlighting significant hydrocarbon contamination within the canal bed sediments. Analysis shown in this report would categorise a large portion of these silts to be hazardous waste based on the elevated hydrocarbon contamination.

(e) pollution and nuisances:

The primary pollutants where pollution potential exists, and that can be generated from the construction process are noise, vibration, dust, water pollution from fuel spillage or sedimentation and the handling of contaminated sediments. However, the majority of these potential pollutants can be alleviated via control measures in a Construction Environmental Management Plan and as such not likely to have significant effects on the environment. However, the level of contamination in the dredge material sediments has not been addressed in the screening report and therefore it is not possible to assess the potential for significant impact based on the information to hand.

(f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change:

The threat or likelihood of accidents or disasters relevant to the subject development can be alleviated via control measures and appropriate construction methods in a Construction Environmental Management Plan and as such not likely to have significant effects on the environment. The risks of accidents or incidents as a direct consequence attributable to climate change are unlikely given that the proposed development will take 12 months of construction across 24 months to complete.

(g) the risks to human health (e.g. Due to water contamination or air pollution):

It is proposed to alleviate this risk posed by the contaminated sediments by dewatering the portion of the canal being worked on prior dredging in the dry for sediment removal. The Environmental Impact Assessment screening report references the presence of contaminated sediments in the canal the construction methods potentially could lead to an impact on water quality by the disturbance of contaminated sediments. The application lacks detail with regard to the extent and the degree of contamination. The applicant references an assessment of the contamination within the canal sediment

carried out by Waterways Ireland in 2013, that outlined a significant level of hydrocarbon contamination in the form of Poly-Aromatic Hydrocarbons and Creosote in the canal sediments in the project area. The potential for a threat to human health regrading other aspects of the project can be alleviated via control measures and appropriate construction methods in a Construction Environmental Management Plan and as such the likelihood of a risk to human health would be negligible, however the risk to surface waters cannot be eliminated given the lack of detail pertaining to the contamination and proposed mitigation measures that would be required.

2. Location of Projects:

(a) the existing and proposed land use:

The existing development is located within a primarily urban area. Presently the canal walkway is used by both cyclists and pedestrians. The proposed development is for an amendment of the already consented greenway at this location. Based on the information provided I am of the opinion that the development subject of this application will not lead to any significant adverse effects on the existing land use.

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground:

The area subject of this development is located within an area designated as pNHA and as such are afforded limited protection under 3 key headings the most relevant one is as follows 'recognition of the ecological value of pNHAs by Planning and Licensing Authorities'. Given the nature of the project there will be habitat loss to accommodate the widening of the canal at 3 points accounting for 2,500m² of permanently lost habitat. I am of the opinion that the mitigation measures proposed will ensure that this aspect of the project will not impair natural resources, abundance, regenerative capacity and quality.

However, *there exists significant potential for significant impact from the project to the pNHA's water and fauna given the reference to significant contamination of hydrocarbons within the sediment. This could severely impact the regenerative capacity of the pNHA at the locations where contamination has been identified. This risk cannot be eliminated given the lack of detail pertaining to the extent and degree of the contamination and proposed mitigation measures that would be required. In*

addition, this could impair the ability of the canal waterway to achieve the obligations under the Water Framework Directive

(c) The absorption capacity of the natural environment with particular regard to the following:

(i) wetlands, riparian areas, river mouths: *The proposed site is located within the pNHA Royal Canal and its riparian area. The pNHA has a hydrological connectivity to the river Liffey downstream of the project site. Best Practice and mitigation measures are cited as protections to the riparian area and the canal waters. Riparian areas are to be reinstated with replacement vegetation using native species with the vegetation recovering over time. However, the potential impact from the removal of the contaminated sediments and the lack of detail regarding same it is difficult to eliminate the potential for significant impact on the regenerative capacity of these areas.*

(ii) Coastal zones and the marine environment:

There is a hydrological connectivity to coastal zone and the marine environment via the canal which drains to the river Liffey c. 8km downstream at North Wall. No works are proposed within the Marine environment or within coastal zones.

(iii) mountain and forest areas:

Not applicable with regard to this project.

(iv) nature reserves and parks:

The closest nature reserve to the project area is the North Bull Island nature reserve which is located at its closest point approximately 6km away or linked via hydrological connection approximately 8.3km distance, via the canal channel and the river Liffey. The canal itself is a pNHA and as such is due for designation due to the significance of wildlife and habitats.

(v) areas classified or protected under national legislation (Natura 2000 sites):

The site is not part of any Special Area of Conservation or Special Protection Areas however is hydrologically linked upstream of the following European sites, North Dublin Bay SAC (site Code 000206), South Dublin Bay SAC (site code 000210), South Dublin Bay & River Tolka Estuary SPA (Site code 004024), North Bull Island SPA (site Code 004006) and North-West Irish Sea cSPA (site code 004236). The canal itself is

a pNHA, and as such is due for designation due to the significance of wildlife and habitats. The proposed works for the removal of contaminated sediments and dewatering and a lack of detail pertaining to the degree and extent of contamination within the sediments to be removed have not been provided and as such these works have the potential to mobilise contaminants within the waterbody, impacting on water quality and with the potential significant impact of habitat and species downstream cannot be ruled out.

(vi) areas in which the environmental quality standards laid down in legislation have already been exceeded:

The canal is classified as being of 'good status' with the status under review. The EIA screening report references a sampling programme to assess for a variety of parameters, with contamination being indicated the precise details of same where not included in the report. The applicant's submission included a sediment sampling programme indicating significant hydrocarbon contamination, such as Poly-aromatic Hydrocarbons and creosote. The screening report states that there will be no negative impacts on the water. It is not possible to exclude significant impacts on waters given the works proposed and the lack details regarding the degree and extent of the sediment contamination within the canal bed. In addition, the significant impact on Water quality status within the waterbody cannot be ruled out either.

(vii) densely populated areas:

The location of the site is an urban area with residential, commercial, industrial and transport developments in and around the project area. Impacts such as Air, Noise, & Traffic are likely to impact the populated area are likely to be short term and confined to the construction period.

(viii) landscapes of historical, cultural or archaeological significance:

The development site encompasses part of the Dublin City Industrial Heritage record, the development will entail permanent change to the width of the towpath and the canal itself at 3 identified areas. There will be no significant impact from the development on Landscape, historical, cultural or archaeological significance and any impact is deemed to be low.

3. Type and Characteristics of the potential impact:

(a) the magnitude and special impact (e.g. geographical area and size of the population likely to be affected):

The likely area to be affected by the development will be largely confined to the footprint of the project. However, given the proposed measures to remove the contaminated silts and the lack of detail pertaining to the degree and extent of the contamination the potential for downstream significant impacts cannot be ruled out with regard to European sites located downstream of the project area. This would include species, vegetation/habitat and waters quality.

(b) The nature of the impact:

The development will result in habitat loss as a result of the vegetation removal to accommodate the widening of the towpath. This will be temporary with the vegetation expected to recover. There is the potential for significant water pollution during the works to excavate the contaminated sediments from the canal bed. The mobilisation of hydrocarbons (PAH, and Creosote from the canal bed) in waters could lead to significant water pollution downstream of the works. This kind of pollution would have the potential to impact on species, habitat and waters. The inability of vegetation to recover, thereby impacting the ability of species to utilise the habitats along the canal corridor and the potential to impact on the qualifying interests of the European sites located downstream.

(c) the transboundary nature of the impact: *Not applicable in this regard project distance to County Boundary or national boundaries not an issue for this project either hydrologically or otherwise.*

(d) the intensity and complexity of the impact:

The intensity of the impact would be most prevalent during the stage where the sediments contaminated with PAH and Creosote were being excavated from the canal bed. The intensity and complexity of the potential impact cannot be accurately assessed where there exists a significant lack of information regarding the degree and the extent of the contamination within the sediment.

(e) the probability of the impact:

The likelihood of an impact from the works is considered to be probable. There will be the expected impacts such as Air, Noise and traffic. However, the EIA screening report has failed to address the full extent, nature and degree of the contamination within the canal bed sediments with mitigation being proposed post consent.

(f) the expected onset, duration, frequency, reversibility of the impact:

Impacts from the construction phase will be short term with the likelihood of significant impacts not being ruled out as a result of the proposed works. It is difficult to accurately reflect on the duration, frequency and the reversibility of the impact given the limited information regarding the full extent, nature and degree of the contamination within the canal bed sediments.

Screening Checklist:

Questions to be considered.	Yes/No? Briefly describe	Is this likely to result in a significant impact? Yes/No? -Why?
Brief Project Description: Phase 4 of the Royal Canal Greenway between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15 comprises c.4.2km of cycle and pedestrian route. This proposal entails the amendment of an approved Part 8 application (reference 2870/15) seeking the following. The widening of the existing towpath by realigning the Northern bank of the canal at the following three locations to remove the need for 3 rd Party land acquisition along with associated works and ancillary services. • West of Lock 6 for approximately 600 metres realigning by a maximum of 2.15 metres. • West of Broombridge for approximately 345 metres realigning by a maximum of 1.4 metres. • West of Lock 8 for approximately 85 metres realigning by a maximum of 1.75 metres. • Inclusive in the works it is proposed to include ducting and associated chambers to ESB standard along the proposed Royal canal Greenway project.		
1. Will Construction, operation, decommissioning or demolition works of the project involve actions that will cause physical changes in the locality	Yes. The project will incorporate the widening of the existing towpath thereby physical changes in the local topography and the width of	Yes. The construction works will be temporary. However, the towpath widening will result in a permanent alteration to the hydro morphology of the waterway.

<i>(topography, land use, changes in waterbodies, etc.)</i>	the waterbody. No changes to the existing land use proposed.	
2. Will construction or the operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or are in short supply?	Yes. Natural resources such as hard-core stone, in-situ puddle clay material and bituminous material.	No. The volume of material required for the towpath widening at the 3 locations is relatively small.
3. Will the Project involve the use, storage, transport, handling or production of substances or materials which could be harmful to human health, to the environment or raise concerns about actual or perceived risks to human health?	Yes. The project will involve the use, storage and handling, of materials that could impact on the Environment and/or human health, such as fuels, bitumen and concrete. The project will involve the removal of contaminated sediments.	Yes. Given the limit of the materials that will be required and the implementation of best practice techniques and guidance there will be no significant impact. However the potential for significant impact from the removal of contaminated sediments cannot be ruled given the absence of detail in the screening report.
4. Will the Project produce solid wastes during construction or operation or decommissioning?	Yes. The project will produce solid wastes during construction. The excavation material, soils and existing pathway concrete. In addition, the canal dredging portion of the project will produce the production of dredge material.	Yes. The solid waste produced that is of concern is the referenced PAH contaminated sediment material to be removed from the canal bed. The level of contamination has not been provided in the EIA screening report. In the absence of said information it is not possible to rule out the likelihood of significant impact.
5. Will the Project release pollutants or any hazardous, toxic or noxious substances to air or lead to exceeding Ambient Air Quality standards in Directives 2008/50/EC and 2004/107/EC)?	Yes. Regarding the construction phase air/dust emissions will be produced. The excavation of the contaminated canal sediments.	Yes. The EIA Screening has not submitted details regarding the level of contamination. The applicant submitted a sampling programme by Waterways Ireland detailing levels of contamination from hydrocarbons and Creosote at various locations within the project area. In the absence of details relating to the level of contamination of the

		sediment and the removal of same, it is not possible to ascertain the potential for significant impact on waters as a result of the disturbance and removal of the sediments.
6. Will the Project cause noise and vibration or the releasing of light, heat energy or electromagnetic radiation?	Yes. The construction phase of the project will produce dust, noise and vibration (traffic).	No. Dust noise and vibration will be transient in nature and only during the construction period and as such will not have a significant effect on the environment
7. Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes. The building of the bank to widen the towpath will lead to the introduction of natural materials with suspended matter. Additionally, the removal of the dredge material at the base of the canal may lead to the release of hydrocarbon and/or creosote to waters.	Yes. The sediments at the base of the canal are contaminated with hydrocarbons and creosote near the Coke oven cottages. The original application makes reference to this but does not detail this. The applicant refers to an assessment carried out by Waterways Ireland, 2013 which identified significant levels of contamination within the sediments. In the absence of such detail, it is not possible to eliminate the potential for significant impact.
8. Will there be any risk of accidents during construction or operation of the Project that could affect human health or the environment?	Yes. During the construction phase there will be the risk of accidents, due to spillages etc which have the potential to impact groundwaters and or surface waters.	Yes. The works will be carried out in accordance with good practice and techniques and the Construction Environmental Management Plan. Subject to following these the risk to groundwaters and or surface waters can be controlled. However the disturbance of contaminated silts has the potential to impact on the environment. Given the lack of detail the potential for impact cannot be excluded.
9. Will the Project result in environmentally related social	Yes.	No.

<i>changes, for example, in demography, traditional lifestyles, employment?</i>	The project will improve the area for use by the walkers and cyclists.	This will not result in significant impact.
10. Are there any other factors that should be considered such as consequential development which could lead to environmental impacts or the potential for cumulative impacts with other existing or planned activities in the locality?	No. There are no factors that need to be considered.	No. The land use surrounding the site is largely urban residential, commercial and industrial.
11. Is the project located within or close to any areas which are protected under international, EU, or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the Project?	Yes. The subject site is part of the pNHA the Royal Canal. It is in relatively close proximity to the following European sites, North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay & and River Tolka SPA, North Bull Island SPA and North-West Irish Sea candidate SPA.	Yes. There aforementioned European sites are located downstream of the development. The subject site does not include any part of the aforementioned European sites. The potential for impacts exists with regard to the hydrological connectivity of the downstream sites and the contaminated canal sediments that are to be removed.
12. Are there any other areas on or around the location that are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, that could be affected by the Project?	Yes. The subject development is to be carried out in and adjacent to the waterbody of the Royal canal.	Yes The absence of data with regard to the extent of sediment contamination with particular regard PAH's and Creosote and the proposed removal of the sediment from the canal bed and the potential for mobilisation of such contaminants it is not possible to eliminate the potential for significant impact from the project.
13. Are there any areas on or around the location that are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the Project?	Yes. The habitats such as hedgerow, tall herbs, Calcareous grassland, reed fringe, open water, scrub and woodland within the Royal canal corridor which is a pNHA and suitable for use by a variety of animal species.	Yes. Mostly impactful during the construction phase, soil and plant removal will result in habitat removal and reinstatement. There will be some habitat loss as a consequence of the proposed widening of the towpath. The site synopsis

		references the rare and legally protected (Under the Flora Protection Order, 1987) Opposite Leaved Pondweed present between Locks 4 and 5 in addition to <i>Tolypella Intricata</i> (Listed in Red Data Book as being vulnerable. It is not possible to exclude the potential for significant impact on such species and habitat given the absence of detail regarding the contaminated sediments and the proposed removal of same.
14. Are there any inland, coastal, marine or underground waters (or features of the marine environment) on or around the location that could be affected by the Project?	Yes. The waters in the canal body are hydrologically connected to the river Liffey and the marine environment. In addition, areas of high aquifer vulnerability, groundwaters could be impacted by the project.	Yes. The sediments at the base of the canal are contaminated with hydrocarbons and creosote near the Coke oven cottages. The original application makes reference to this but does not detail this. The applicant refers to an assessment carried out by Waterways Ireland, 2013 which identified significant levels of contamination within the sediments. In the absence of such detail, it is not possible to eliminate the potential for significant impact.
15. Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the Project?	No. There are no areas or features of high landscape that will be affected by the project.	No. The works proposed will not lead to significant impacts on areas of high value landscape.
16. Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the Project?	Yes. The impact of access to recreational facilities or others will be increased by the upgrade of pedestrian and cycling routes	No. The duration of the project will mean short term reduction in access during the construction period.

	along the canal route and the connection to existing routes.	
17. Are there any transport routes on or around the location that are susceptible to congestion, or which cause environmental problems, which could be affected by the Project?	Yes. The transport routes in and around the project are liable to congestion. It would be likely the project will impact to a limited degree during the 12-month construction period spread over the period of 24 months.	No. The relative short duration of the project will mean essentially some additional traffic for the duration of the project.
18. Is the Project in a location in which it is likely to be highly visible to many people?	Yes. The subject area traverses through an urban area and will be visible to many residents and passersby alike.	No. The visual impact of the development will be obvious during the construction phase over a period of 24 months.
19. Are there any areas or features of historic or cultural importance on or around the location that could be affected by the Project?	Yes. The royal canal corridor is classified as a Conservation area. There are 6 No. monuments within 500m of the development. The towpath itself is listed in the Dublin City Historical record.	No. The subject development will impact directly on the canal towpath during the construction phase and impacts will be largely confined to this period with no significant effects envisaged.
20. Is the Project located in a previously undeveloped area where there will be loss of greenfield land?	No. The development is the widening of portions of the existing towpath and upgrading of the remaining portions of the towpath between Cross Guns Bridge and Ashtown.	No. No significant effects.
21. Are there existing land uses within or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying that could be affected by the Project?	Yes. The project is along the Royal Canal corridor, including upgrade of the towpath and widening of the towpath at 3 locations.	No. All works will take place within the corridor of the Royal Canal. The nature of the amendment to the already permitted scheme is to remove the need for the acquisition of private lands. No significant impact is envisaged.

22. Are there any plans for future land uses within or around the location that could be affected by the Project?	No. There are no planned land uses in and around the project areas or its environs.	No.
23. Are there areas within or around the location which are densely populated or built-up, that could be affected by the Project?	Yes. The area of the project is densely populated area of Dublin City.	No. The works will be carried out in accordance with good practice and techniques and the Construction Environmental Management Plan, and such control measures will mitigate against the impacts on the area.
24. Are there any areas within or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the Project?	Yes. The project site is close to a number of described sensitive land uses such as Glasnevin Cemetery, Crescent Park and Ashtown pitches, Phibsborough Canoe Polo Club and a resident's gym (Royal Canal Park)	No. Given the separation between these sensitive land uses and the proposed control measures as outlines in the CEMP and good practice the project will not result in significant effects.
25. Are there any areas within or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, that could be affected by the Project?	Yes. The project area is contained within the Royal Canal Corridor which is a proposed National Heritage Area and as such is deemed of significance with regard to habitats and or wildlife.	Yes. The project will involve the removal of plant species and reinstatement of same post construction and the widening of the towpath will lead to loss of some habitat. However, given the lack of detail pertaining to the level of contamination within the canal sediment and the removal of same the risk of significant effect cannot be ruled out.
26. Are there any areas within or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, that could be affected by the Project?	Yes. The sediment at the base of the canal is recorded as being polluted significantly by a study carried out by Waterways Ireland, 2013, that showed significant PAH (hydrocarbon) pollution and creosote in	Yes. The absence of data with regard to the extent of sediment contamination with particular regard PAH's and Creosote and the proposed removal of the sediment from the canal bed and the potential for mobilisation of such

	sediments around the Coke oven Cottages.	contaminants it is not possible to eliminate the potential for significant impact from the project. The Royal Canal Waterbody status under the Water Framework Directive is of Good Status and this status is deemed to be at risk. The removal of these contaminated sediments certainly has the potential to impact on the present status of the waterbody.
27. Is the Project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the Project to present environmental problems?	No.	No.
Summary of features of Project and its location indicating the need for EIA: The application refers to Hydrocarbon contamination within the canal sediment but does not address the extent or the level of contamination. In addition, the application also states that the disposal route will be determined prior to the commencement of the development and will be dependent on the level of contamination and the Waste Acceptance criteria. The applicant refers to a sediment sampling programme carried out by Waterways Ireland in 2013 which indicates extensive hydrocarbon contamination to the degree that 23 of 36 samples from this study exceeded the hazardous waste limit for creosote contaminated material (1000mg/kg). The potential for significant impact cannot be ruled out in the absence of information regarding the extent and level of contamination of the sediments at the base of the canal and the mitigation measures that would be required to ensure the removal of any impact. In addition, it is not possible to assess the potential impact on Water quality in the absence of such information. Given the absence of this information it is not possible to rule out the requirement for an environmental Impact Assessment.		

Conclusion:

The likely significant effects are based on a 'likelihood' or 'possibility' of significant effects on the environment occurring and the precautionary principle is where risk is identified and where the most reliable information leaves doubt as to the absence of a significant effect, then this principle must be applied. In this case the information leaves doubt as to the significance of the effect and in this regard the development would require the submission of an Environmental Impact Assessment report.

I confirm that this report represents my professional scientific assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

A handwritten signature in cursive script, reading "Emmet Smyth", is written over a horizontal line.

Emmet Smyth, Scientist-Inspectorate.

