



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-318309-23

### Development

Amending Part 8 application to approved Part 8 (Ref: 2870-15) Royal Canal Greenway Phase 4.

### Location

Between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15.

### Planning Authority

Dublin City Council North

### Applicant(s)

Jacqui McElhinney and Francis Mackey

### Type of Application

Environmental Impact Assessment (EIA) Screening Determination under Article 120 (3) (b) of the Planning and Development Regulations 2001, as amended.

### Date of Site Inspection

9<sup>th</sup> February 2024, 8<sup>th</sup> April 2026

### Inspector

David Ryan

## 1.0 Introduction

- 1.1. This Environmental Impact Assessment Screening Determination has been prepared in response to Commission Direction CD-020150-25, ABP-318309-23 dated 7<sup>th</sup> July 2025, and its purpose to decide as to whether the development subject of the application should be subject to Environmental Impact Assessment which would then require the submission of an Environmental Impact Assessment Report. The Commission Direction has requested an updated report from the Inspectorate, to include input from An Coimisiun Pleanála's in-house Environmental Scientist.
- 1.2. As the case file has been subject to 3 no. Commission Directions to date, and that this current report represents the third Inspectors Report in relation to the file, I consider it appropriate to set out the timeline and background for this current report.

### First Inspector Report

- 1.3. An initial Inspector report was carried out dated 26<sup>th</sup> February 2024. This report in its recommendation considered that the proposed development would be likely to have significant effects on the environment.

### First Board Direction and Second Inspector Report

- 1.4. In the First Board Direction BD-016183-24, ABP-318309-23, made on 01<sup>st</sup> May 2024, the Board requested an updated report from Inspectorate, to include input from An Bord Pleanála's Environmental Scientist, providing an EIA screening assessment structured on the 'Environmental Impact Assessment of Projects – Guidance on Screening' European Commission 2017 and 'Part C – Screening Checklist' contained therein. The Board also requested the EIA screening assessment engage with all sections of the planning authority's Environmental Impact Assessment Screening – September 2023 to include Appendix A of this document and the applicant's submission.
- 1.5. The Second Inspector Report dated 24<sup>th</sup> January 2025, in its assessment took into account the Environmental Scientists Addendum EIA Screening Assessment ABP-318309-23, BD-016183-24, dated 10<sup>th</sup> September 2024. The Second Inspector Report carried out interprets the request of the Board Direction made on 01/05/2024, with my assessment being carried out in line with European Commission 2017 guidance documentation. The approach taken in the second Inspector Report is in

response to the Board Direction and it takes into account the EIA Screening Assessment report of the Environmental Scientist. The second Inspector Report is a follow up report on foot of the Board Direction, following my initial report dated 26<sup>th</sup> February 2024, and it is not an Addendum Report. What has been requested by the Board is reflected in this second report, with the assessment carried out in line with 'Environmental Impact Assessment of Projects – Guidance on Screening' European Commission 2017 and 'Part C – Screening Checklist' contained therein.

- 1.6. The Second Inspector report includes for an assessment of project type/class of development under Schedule 5 of the Planning and Development Regulations (PDR) 2001, as amended, relevant to the proposed development, and under the Roads Act 1993 (as amended), which is then followed by an assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR. These assessments take into account the European Commission 2017 guidance documentation. The report then includes for an assessment of the proposed development under the criteria set out in Schedule 7 of the PDR. This part of the report includes an assessment of the project taking into account the EIA Screening Checklist as outlined in Part C of European Commission 2017 guidance documentation, with the EIA Screening checklist exercise informing the assessment of criteria in Schedule 7. The Screening Checklist also takes into account Part C the Checklist of Criteria for Evaluating the Significance of Environmental Impacts. These 2 no. checklists are included in the second Inspector Report as Appendix 1 and 2. The assessment of criteria and Screening Checklist also take into account the report of the Environmental Scientist (dated 10<sup>th</sup> September 2024) which accompanies the second Inspector Report. The Environmental Scientists report entails a screening exercise which has included a review of the proposed development against the criteria in Annex III and includes an assessment of the project taking into account the EIA Screening Checklist outlined in the European Commissions Guidance on Screening 2017. My second Inspector Report in the assessment of the above also takes into account the European Commissions Guidance documentation. The assessment carried out also engages with all sections of the planning authority's Environmental Impact Assessment Screening – September 2023 including Appendix A of this document and the applicant's submission.

- 1.7. In response to the Board Direction BD-016183-24, ABP-318309-23, made on 01<sup>st</sup> May 2024, a Second Inspector Report was carried out on 24<sup>th</sup> January 2025. The Second Inspector Report in its recommendation considered that the proposed development would be likely to have significant effects on the environment.

Second Board Direction

- 1.8. In a **second** Board Direction BD-019372-25, ABP 318309-23 made on 2<sup>nd</sup> April 2025, the Board decided to defer the case for consideration at a further Board meeting, and decided to request information from the local authority (DCC) in relation to canal sediment, and bats. In relation to canal sediment, the Local Authority was requested to submit further information in relation to the canal sediment it is proposed to remove. In relation to bats, the local authority was requested to submit further information in relation to potential effects on bats.
- 1.9. Correspondence seeking a request for this information was sought on 9<sup>th</sup> April 2025. A response to the request for further information was received from the local authority on 4<sup>th</sup> June 2025. This includes for details on canal sediment and bats.

Third Commission Direction and Third Inspector Report

- 1.10. In a Commission Direction CD-020150-25, ABP 318309-23 made on 7<sup>th</sup> July 2025, the Commission decided to defer the case for consideration at a further meeting. The Commission also decided that the response received from DCC should be circulated to the applicants, in the interests of justice. The Commission further decided that on receipt of any response from applicants/after the 3 week time period lapsed, the case be returned to Inspectorate for an updated report, to include input from ACP's in-house Environmental Scientist. A submission was received from FP Logue Solicitors on behalf of the applicants following the circulation of the DCC response, dated 28<sup>th</sup> July 2025, the details of which are outlined in this report.
- 1.11. Following the third Commission Direction, this current and latest Inspector Report now represents the third Inspector Report for the case file. This third Inspector Report is a follow up report on foot of the Commission Direction, following my initial report dated 26<sup>th</sup> February 2024, and second Inspector Report dated 24<sup>th</sup> January 2025, and it is not an Addendum Report. What has been requested by the Commission is reflected in this third Inspector Report. This third Inspector Report takes into account the Environmental Scientists report dated 12<sup>th</sup> March 2026

(appended separately as Appendix 4). This third Inspector Report also takes into account the technical report of O'Donnell Environmental Biodiversity and Sustainability Consultants, dated 10th December 2025 (appended separately as Appendix 5), which was sought by the Inspectorate, ACP, in response to the details of the further information submission made by DCC dated 4<sup>th</sup> June 2025, and the applicant's submission dated 28<sup>th</sup> July 2025. The consultant report includes for a review of the application and provides specialist input in relation to bats, the details of which are outlined in this Third Inspector report.

- 1.12. This current Third Inspector Report in its assessment also takes into account my initial Inspector Report dated 26<sup>th</sup> February 2024, my second Inspector report dated 24<sup>th</sup> January 2025, the application documentation including the submission dated 28<sup>th</sup> July 2025, the local authority documentation submitted including the response to the request for further information received on 4<sup>th</sup> June 2025, and the Environmental Scientists Addendum EIA Screening Assessment ABP-318309-23, BD-016183-24, dated 10<sup>th</sup> September 2024 (appended separately as Appendix 3).
- 1.13. The purpose of this report is to recommend to the Commission on whether it should issue a direction to Dublin City Council that the proposed development, comprising a proposed amending Part 8 application of approved Part 8 (Ref 2870/15) Royal Canal Greenway Phase 4 between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15 proposing to widen the existing towpath by realigning the northern bank of the canal at three locations to overcome the need for third party land acquisition, along with associated works and associated ancillary services, should be subject to Environmental Impact Assessment (EIA), which would require the preparation and submission of an Environmental Impact Assessment Report (EIAR).
- 1.14. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations 2001 (as amended), Jacqui McElhinney and Francis Mackey have requested the Board make a screening determination as to whether the proposed development would be likely to have significant effects on the environment. A separate application for an Appropriate Assessment (AA) Screening Determination was sought in ABP-318303-23, in which the Board decided a Natura Impact Statement was required on 1<sup>st</sup> May 2024.

- 1.15. The proposed development comprises a local authority project, under the provisions of Part XI of the Planning and Development Act, as amended, and does not comprise a direct application to the Board.
- 1.16. Dublin City Council has submitted information relating to the various criteria listed in Schedule 7A of the Planning and Development Regulations 2001 (as amended) and an EIA Screening Report prepared on behalf of the Council for the proposed development. Dublin City Council in the submitted documentation outline a screening determination was made and approved on 19<sup>th</sup> July 2023. The public notice submitted dated 21<sup>st</sup> September 2023 outlines an EIA Screening has been undertaken and concludes that there is no real likelihood of significant effects on the environment and a determination has been made that an EIA is not required. The applicants contend the proposed development would likely have significant effects on the environment.

## 2.0 Site Location and Description

- 2.1. The site includes three locations along the northern bank of the Royal Canal between Cross Guns Bridge, Phibsborough Dublin 7 and Ashtown, Dublin 15.
- 2.2. **Section 1** located to the west of Lock 6, includes for a site distance of approx.600m and entails an existing towpath of 3.4 m in width, which extends along a length of an existing stone wall and tapers back to follow the existing embankment approx. 70m west of the Coke Oven Cottages. This section of the Greenway is shared with vehicles and users, providing access to cyclists, pedestrians, residents of Coke Oven Cottages, users of allotment gardens near Lock 7, Waterways Ireland and Iarnród Éireann maintenance vehicles and Cabra Kayak Club. The existing wall has one indent to allow for safe passing of vehicles and pedestrians/cyclists. The path has varying widths outside the Coke Oven Cottages (3.2m – 3.7m) and it narrows to the west beyond the cottages to 2.7m in width.
- 2.3. **Section 2** West of Broombridge includes a site distance of approx.345m where the towpath measuring 1.8m-2m wide is above the level of adjoining industrial sites.

- 2.4. **Section 3** West of Lock 8 includes a site distance of approx.85m where the towpath measures 2.8m wide and is above the level of adjoining Campbells Garage commercial and residential premises.
- 2.5. Habitats within the immediate vicinity of the scheme include canal, buildings and artificial surfaces, amenity grassland, flowerbeds and borders, stonewalls and other stonework, hedgerow, treelines and improved agricultural grassland.
- 2.6. The site is located within the proposed Natural Heritage Area Royal Canal which discharges into the River Liffey which in turn flows into Dublin Bay. Dublin Bay supports a number of sites designated for nature conservation, including North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North-West Irish Sea cSPA.
- 2.7. The site is surrounded by developed land, including industrial, residential, commercial, transportation and St. Pauls Cemetery. Site Section 1 is located to the south of and adjacent to the Railway Order for Metrolink (ABP-314724-22) and to the east of the Railway Order for DART+ (ABP-316119-23). A decision to make railway order for Metrolink was made 30<sup>th</sup> September 2025. A decision to make railway order for DART+ was made on 13<sup>th</sup> November 2024. North of Site Section 3 includes a permitted Strategic Housing Development (ABP 306167-19) which is complete.

### 3.0 **Proposed Development**

- 3.1. The proposed development is seeking to provide a premium quality cycle and pedestrian facility with environmental enhancements to encourage and promote cycling and walking in the Dublin Region. As part of the Royal Canal Greenway Phase 4 (between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15 and which is 4.2km in length), a proposed amending Part 8 application to the approved Part 8 (Ref.2870/15) is sought to undertake the following:
- to widen the existing towpath by realigning the northern bank of the canal at the following three locations to overcome the need for third party land acquisition, along with associated works and associated ancillary services:
  - West of Lock 6 for approximately 600 metres, realigning by up to 2.15 metres;

- West of Broombridge for approximately 345 metres, realigning by up to 1.4 metres; and
- West of Lock 8 for approximately 85 metres, realigning by up to 1.75 metres
- As part of the works it is proposed to include ducting and associated chambers to ESB standard along the proposed Royal Canal Greenway project. Any future installation and energisation of high voltage cables will be a separate matter for the ESB subject to its own planning processes (as applicable).

3.2. The proposed greenway path will reach up to 4.8m wide at locations, with a 5.5m wide shared route/service vehicle parking area outside Coke Oven Cottages. Verges will be located to landside and canal side. The path subject of the proposal will total a distance of 1.03 km.

3.3. The canal channel is to be dredged where the realignment is proposed to take place. The project has the support of Waterways Ireland as owners of the facility, with the stipulation that a 10m (at the surface) and 5m (at the canal base) wide navigable channel is maintained within the canal, to facilitate two 4m wide barges to pass with sufficient clearance.

3.4. The reconstruction of the northern canal embankment to facilitate the towpath widening will occur prior to towpath construction. Methods of construction include the following:

- Surplus silt material will be dredged from canal down to original lining (puddle clay in most instances) using tracked machines. This will most likely be done by dewatering the canal and dredging in the dry particularly where there is a potential or known risk of dredging contaminated materials
- Dewatering shall be achieved through the construction of temporary watertight dams or by opening the locks at the downstream end where possible. Where the dewatered section is not bounded by a downstream lock (for example where a bund is established) the canal will need to be dewatered by pumping.
- Fill in northern side of canal with boulders and crushed stone to create the new embankment structure;

- Canal towpath construction methods will include site clearance, removal of existing planting and sod, excavation of existing pavement and base layers and adjacent topsoil areas, install ducting, construction of ducting and associated chambers to ESB standard, deposit and compact fill layers, laying of kerbs, install lighting and CCTV, reinstate sod/planting.

3.5. The proposed includes for environmental enhancements, such as native planting, with site plans detailing public seating at locations along the route.

**Accompanying Documents include:**

- Correspondence from FPLOGUE Solicitors on behalf of applicants dated 18<sup>th</sup> October 2023
- Cover letter from Dublin City Council dated 20<sup>th</sup> November 2023 with attached copy of newspaper notice, Waterways Ireland letter of consent, Amending Part 8 Report
- Ecological Impact Assessment
- Environmental Impact Assessment Screening (Appendix A: EIA Screening Checklist, Appendix B: Assessment of Cumulative Impacts, Appendix C: Archaeological, Architectural and Industrial Heritage Assessment, Appendix D: Architectural Heritage Impact Assessment)
- Appropriate Assessment Screening Report
- Otter Derogation Licence and Otter Survey
- Photomontages
- Drawings and text description of drawings

## 4.0 Planning History

2870/15 – Proposed Royal Canal Greenway, Sheriff Street Upper, Dublin 1 to Ashtown, Dublin 15, consisting of three phases, Phase 2 to 4 inclusive, approved by DCC 07<sup>th</sup> Dec 2015. Phase 1 running from Guild Street to Sheriff Street Upper is

already constructed. Phase 2: Sheriff Street Upper, Dublin 1 to North Strand Road, Dublin 1. Phase 3: North Strand Road, Dublin 1 to Phibsborough Road, Dublin 7. Phase 4: Phibsborough Road, Dublin 7 to Ashtown, Dublin 15 - The proposed works shall comprise the construction of c. 4.3 km of cycle and pedestrian route from Phibsborough Road, Dublin 7 - Cross Guns Bridge to Ashtown, Dublin 15 along the northern towpath. The works traverse past Broome Bridge (Protected Structure) and H.S. Reilly's Bridge (Protected Structure). A Toucan (pedestrian and cycle) crossing is proposed at Broombridge Road/ Broome Bridge. In addition, for all 3 Phases of the Scheme the proposed works shall include: the provision of new public lighting, CCTV, gateways to prevent inappropriate motor vehicle access and other ancillary services along the entire route.

- 4.1. There are a number of recent planning applications made in the vicinity of the site, which relate to transport, residential, commercial and other developments. This includes the permitted ABP 306167-19 Strategic Housing Development which included 435 apartments at Ratoath Road and Hamilton View, Pelletstown, Dublin 11 which is complete, and the permitted ABP 307656-20 Strategic Housing Development which included 725 apartments at Pelletstown, Ashtown, Dublin 15, located to the west of the site, which is under construction. Part of the site is adjacent to the Railway Order for Metrolink (ABP-314724-22) and the Railway Order for DART+ (ABP-316119-23). A decision to make railway order for Metrolink was made 30<sup>th</sup> September 2025. A decision to make railway order for DART+ was made on 13<sup>th</sup> November 2024.

## 5.0 Legislative and Policy Context

### 5.1. Roads Act 1993, as amended:

- 5.1.1. The development the subject of this EIA Direction request comprises a walking and cycling facility. The proposed development at **Section 1** from Lock 6 along the length of the existing wall will be realigned to permit 2 cars to pass at slow speed and space for pedestrian and cycle users. Outside the Coke Oven Cottages realignment will provide a shared route/service vehicle parking area.
- 5.1.2. **Section 68(1) of the Roads Act** references a cycleway and 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”. As outlined part of scheme will entail a walking and cycling facility with a shared route for cars.

5.1.3. **Section 50(1)(a) of the Roads Act, 1993 (as amended)**, lists road developments in respect of which there is a mandatory requirement to carry out Environmental Impact Assessment (EIA) as follows-

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

With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that: “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 500m or more in length in an urban area;
- b) the construction of a new bridge or tunnel which would be 100m or more in length.”

5.1.4. Under **Section 50(1)(b)**, if An Bord Pleanála considers that any road development proposed (other than development to which Section 50(1)(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.

5.1.5. Under **Section 50(1)(d)**, a road authority is required to decide whether or not a proposed development 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, where it would be located on a European Site, a nature reserve, land designated as a refuge for fauna or land designated a natural heritage area.

5.1.6. **Section 50(1A)** states 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 section 50(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,

the Board shall require the road authority to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

## **5.2. Planning and Development Act 2000, as amended**

- 5.2.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the PDR, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.
- 5.2.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

## **5.3. Planning and Development Regulations 2001, as amended**

- 5.3.1. **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.
- 5.3.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of 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.
- 5.3.3. **Schedule 5** sets out the classes of development where EIA is required.
  - Part 1: Sets out the development classes which are subject to mandatory EIA.

- Part 2: Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

5.3.4. **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 three headings:

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

5.3.5. **Schedule 7A** relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. Schedule 7A information relates to the following:

1. A description of the proposed development, including in particular—
  - (a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and
  - (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
2. A description of the aspects of the environment likely to be significantly affected by the proposed development.
3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—
  - (a) the expected residues and emissions and the production of waste, where relevant, and
  - (b) the use of natural resources, in particular soil, land, water and biodiversity.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

#### **5.4. City Development Plan**

- 5.4.1. The Dublin City Development Plan 2022-2028 is the relevant plan. The canal is zoned Z11 Waterways Protection with objective 'To protect and improve canal, coastal and river amenities'. The lands adjacent to the canal are zoned Z9 Amenity/Open Space Lands/Green Network with objective 'To preserve, provide and improve recreational amenity, open space and ecosystem services'. The canal is designated as a conservation area in the CDP.

#### **5.5. Natural Heritage Designations**

- 5.5.1. The site is located within the proposed Natural Heritage Area Royal Canal (site code 002103).
- 5.5.2. The site is located upstream of Dublin Bay and European Sites North Dublin Bay SAC (site code 000206), South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North-West Irish Sea cSPA (site code 004236).

### **6.0 Request for EIA Determination, and Further Information Request**

#### **6.1. Applicants Request**

- 6.1.1. Jacqui McElhinney and Francis Mackey have made an application under the provisions of Article 120 (3) (b) requesting the Board to make an EIA Screening Determination. The application was prepared by FPLogue Solicitors. The applicant's submission is summarised as follows:

- Materials published by DCC are incomplete to make lawful screening determination. If further information sought by Board request opportunity to make further comments.
- Applicant have made referral for AA screening determination pursuant to Regulation 250(3)(b) PDR2001 and this determination should precede EIA screening since if the project is screened in for AA an EIAR is mandatory (I note ABP Ref. 318303-23 which has been discharged).

#### **Preliminary Observation**

- DCC has withheld details of otter, otter drawing locations in appendices of Ecological Impact Assessment Report. No legal basis for selective publication of file, report should be published and otter Derogation Licence refers to these and are not in public domain.
- DCC has not published screening determination which is required by EIA Directive, and right to refer AA Screening to Board is prejudiced. Board prejudiced by not having access to information.

### **Class within Schedule 5**

- Proposed development involves “realignment” of more than 1,000 meters of Royal Canal at three locations to widen towpath. Canal to be narrowed. Purpose of proposed scheme is to construct cycleway, which under Irish law is classified as a “Road”.
- Project within at least two categories of project requiring EIA Screening: a. Construction of Roads (Projects not included in Annex I) (Para 10(e) of Annex II of the EIA Directive); and b. Inland waterway construction not included in Part 1 of Schedule 5 PDR2001 which would extend over a length exceeding 2km (paragraph 10(f)(i) of Part 2 of Schedule 5).

### **Reasons for forming the view that the development would be likely to have significant effects on the environment**

- Competent authority must examine project having regard to selection criteria listed in Annex III to Directive 2011/92 (Schedule 7 PDR2001).
- Preliminary examination must accord with EIA Screening procedure which requires submission of Schedule 7A information by developer and competent authority to apply EIA screening process.
- From above, following observations made.

#### PAH and other contamination

- Applicants residents of Coke Oven Cottages note lack of chemical analysis of the proposed sediment to be excavated (§2.6.3.6 of the EIA Screening Report). Information provided by DCC appears to overlook Waterways Ireland report (Royal Canal Level 6 Sediment Sampling Methodology and Results

April/May/July 2013) indicating high levels of PAH (polycyclic aromatic hydrocarbons), arising from creosote contamination of the canal bed.

Creosote is highly toxic, classified as a Grade 1B carcinogen by the European Union. PAH is on the priority list of chemicals under the Water Framework Directive.

- DCC commissioned some limited sediment sampling including either side of Coke Oven Cottages, no results are presented. Appears Council proposing to defer assessment of contamination post-consent and impossible to compare sampling results with those of Waterways Ireland or get impression on nature and degree of contamination and attendant risks to the environment.
- Proposal to assess contamination post consent is unlawful and breach of the EIA Directive which requires likely significant effects on the environment to be identified in advance of development consent.
- Identified mitigation is not specific (nor can it be since contamination not characterised) and cannot objectively eliminate the risk of a likely significant effect on the environment from hazardous materials in canal bed sediment. In light of issues Board must conclude there are likely significant effects on the environment and that an EIAR is required.

#### Water Framework Directive (WFD)

- EU law requires EIA Screening report to contain data necessary to assess effects of a project on waterbody status in light of criteria and requirements in Article 4(1) of the WFD (by analogy with Case C-535/18 IL).
- Documentation must detail for public impact project will have on status of water bodies to verify compliance with obligations in Article 4 of WFD. Data must show whether project is liable to result in deterioration of body of water.
- Incomplete file does not enable effective public participation in decision-making process and satisfy requirements in Article 6 of EIA Directive. Documents are devoid of meaningful technical analysis of water quality despite proposal to extract potentially hazardous materials, to drain parts of canal and infill more than 1,000 meters of canal bank.

- EIA Screening report incorrectly states Royal Canal WFD waterbody status is currently “under review” which is not a status under WFD. Appears authors do not understand difference between status and risk under WFD. “Review” is characteristic of risk rather than status. According to EPA data, the status of the Royal Canal is “good” but the WFD Risk is “under review”.
- EIA Screening report does not identify reason why Royal Canal is identified as “Review” and this is a basic input into an EIA Screening.
- EIA Screening report does not discuss quality elements of waterbody status and are required for assessment. Competent authority must be confident, to a standard of scientific certainty that project will not cause status of any quality element to fall and cause a deterioration of waterbody.
- EIA Screening report indicates detailed assessment of contamination will be done post-consent, and construction methodology will be developed post consent by agreement between DCC, IFI, WI. Impermissible to rely on post-consent assessment and mitigation for EIA Screening determination. As screening report identifies no likely significant effect on water quality, it has incorrectly relied on incomplete information and on an irrelevant factor and/or undefined and uncharacterised mitigation measures.
- Project proposes changes to hydromorphology of canal. No characterisation of the hydromorphological status of canal, no assessment of impact of project on hydromorphology which is lacuna in information.
- For reasons set out likely significant effects on water quality cannot be excluded

#### Otter

- Concern with omission of otter information and project includes activities which have effects otherwise prohibited by Article 12 of Habitats Directive but for the derogation. Clear that there are certain effects on otter which are significant in light of strict protection afforded to otter under EU law.
- Because of this identified certain significant effect an EIAR is required. EIA procedure introduces safeguards to protect environment including examination of alternatives and monitoring which are not otherwise required

and is consistent with judgments in *Namur Est* (Case 463/20) and *Hellfire Massey Residents Association* (Case C-166/22).

### Bats

- EIA Screening report acknowledges bats recorded in area and may be impacted by habitat loss and disturbance. Artificial lighting of construction area presents risk to bats. The report states studies are currently in progress to examine impact of lighting on bat behaviour on Royal Canal and that lighting design has yet to be developed. While physical components for lighting will be installed during construction it will not be operational until a suitable regime is agreed with NPWS and DCC. It is submitted firstly there is no assessment or consideration of effect of habitat loss and disturbance impacts during construction phase which introduces a lacuna into the EIA Screening which is required to consider all potential environmental effects from the project. Secondly the way lighting design is left over to post consent agreement is incompatible with EU Law which requires prior assessment and prior determination as to whether derogation from Art.12 of Habitats Directive will be required.
- It is outlined there is an identified risk that activities prohibited by Article 12 of the Habitats Directive are possible both during construction and operation. Follows from case-law of Court of Justice that, in this case the execution of the project is subject to requirement for assessment and development consent in Article 2(1) of Directive 2011/92 involving developer applying and obtaining derogation from protection measures prescribed in provisions of national law transposing Articles 12 and 13 of Directive 92/43, and where Ireland confers power to grant derogation, that potential derogation must necessarily be adopted before development consent is given.
- In relation to EIA Screening, full lighting design has to be specified and assessed at this stage.
- During construction mitigation proposed is to reduce the use of artificial lighting to the “extent and timeframe necessary”, presumably not aimed at the necessity of species protection but the necessity of carrying out the work. This

approach does not eliminate the risk of likely significant effects on the environment.

#### pNHA

- EIA screening report contains no assessment/surveying of features, flora/fauna associated with pNHA, no discussion of likely significant effects although contemplated since report says mitigation measures will need to be developed (§2.3.2). Incorrectly describes project as “replacing and upgrading of existing towpath and ecological enhancements”. Likely significant effects on pNHA cannot be ruled out and EIAR required.
- Concludes why an EIAR is required.

## **6.2. Schedule 7A Information (EIA)**

- 6.2.1. 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 make any submissions or observations they may have in relation to the matter.
- 6.2.2. The planning authority’s response to the Board’s request for Schedule 7A information was submitted with a letter dated 20<sup>th</sup> November 2023. This includes for an Environmental Impact Assessment Screening Report.
- 6.2.3. DCC outline the EIA Screening Report which is appended, determined that the proposed development does not exceed thresholds that trigger mandatory requirement for EIA and that the proposed development is deemed sub-threshold development. This sub threshold assessment was undertaken in accordance with Schedule 7 of P&DR 2001, as amended.
- 6.2.4. DCC outline a screening determination was made and included in Pre-Part 8 Planners Report, dated 18<sup>th</sup> July 2023, and was approved by A/Senior Planner 19<sup>th</sup> July 2023 and Deputy City Planner 19<sup>th</sup> July 2023 and is appended.
- 6.2.5. DCC will not be concluding Chief Executive Report, prior to ABP making determination.

### **6.3. Screening for Appropriate Assessment**

- 6.3.1. The AA screening report submitted provides a description of the proposed development, its receiving environment and identifies European Sites within a zone of influence. The AA screening report concluded that the project is not likely to have significant effects on any European site, in view of best scientific knowledge and the Conservation Objectives of the sites concerned.
- 6.3.2. I note that the development was subject of a separate request for AA Screening under Art.250 (ABP. Ref. 318303-23). The Board decided a Natura Impact Statement was required on 1<sup>st</sup> May 2024.

### **6.4. Further information Request, and Response of Local Authority**

- 6.4.1. In a Board Direction BD-019372-25, ABP 318309-23 made on 2<sup>nd</sup> April 2025, the Board decided to request information from the local authority (DCC) in relation to canal sediment, and bats. In relation to canal sediment, the Local Authority was requested to submit further information in relation to the canal sediment it is proposed to remove. The authority were requested to clarify the extent and level of contamination within the canal sediment (in that regard the Board notes the submission from the applicant received by ABP on the 18/10/23 including, inter alia, the document titled 'Royal Canal Level 6 Sediment Sampling Methodology and Results April/May/July 2013 – Waterways Ireland 2013'), mitigation measures to be employed during the removal of sediment and proposals for its final disposal. It was outlined this information is required to assist the Board in determining whether there is a real likelihood of significant effects on the environment from the removal and disposal of the canal sediment, in particular, in relation to water quality, biodiversity, ecology, human health, and designated European Sites downstream from the works.
- 6.4.2. In relation to bats, the local authority was requested to submit further information in relation to potential effects on bats, specifically, potential effects arising from possible habitat loss and habitat fragmentation from proposed works at both construction and operational stages, and potential for disturbance and barrier effects

at both construction and operational stages arising from artificial lighting. The authority was requested to submit information in relation to the above, including information on the extent and location of hedgerow/treeline loss, and on the design, nature and extent of artificial lighting for both construction and operational stages. It was outlined any mitigation measures proposed, if applicable, should be included in the response. It was outlined this information is required to assist the Board in determining whether there is a real likelihood of significant effects on the environment, in particular, in relation to bats.

6.4.3. A response to the request for further information dated 9<sup>th</sup> April 2025 was received from the local authority on 4<sup>th</sup> June 2025. This includes for details on:

- canal sediment, including sediment removal and extent of contamination; avoidance and mitigation measures.
- Potential effects on bats arising from habitat loss and fragmentation during the construction and operational phases, and potential effects on bats arising from artificial lighting during the construction and operational stages. Mitigation measures for construction and operational phases are set out.

Appendices submitted include:

- Appendix A Surveys undertaken to inform the assessment of impacts on bats;
- Appendix B 2023 Lighting Trial Report;
- Appendix C Habitat Loss Locations;
- Appendix D Landscape Design.

## **6.5. Applicants Submission on Response to Further Information**

6.5.1. In the Commission Direction CD-020150-25, ABP 318309-23 made on 7<sup>th</sup> July 2025, the Commission decided that the response received from DCC should be circulated to the applicants, in the interests of justice. Correspondence was submitted from FPLOGUE Solicitors on behalf of applicants dated 28<sup>th</sup> July 2025, in response to the further information received. The applicant's submission is summarised as follows:

### EIA Screening – Standard of Assessment

- It follows from Article 2(1) of Directive 2011/92 that an EIA must be carried out when there is a probability or a risk that the project in question will have significant effects on the environment. Taking into account the precautionary principle, and interpretation of Directive 2011/92, it is considered that such a risk exists if it cannot be excluded on the basis of objective evidence that the project is likely to have significant effects on the environment.
- Competent authority cannot conclude that there is a risk that the project will have significant effects on the environment on the ground that the information provided by the developer is incomplete without having first asked the developer to provide additional information
- However, where, despite the information submitted by a third party, the competent authority is able to rule out, on the basis of objective evidence, the possibility that the project in question is likely to have significant effects on the environment, that authority may decide that an EIA is not necessary, without being required to ask the developer to provide it with additional information.
- A project is considered to be likely to have significant effects on the environment where, by reason of its nature, there is a risk that it will cause a substantial or irreversible change in environmental factors, such as fauna and flora, soil or water, irrespective of its size.
- The wording of Article 2(1) of Directive 2011/92 is in essence similar to that of Article 6(3) of Directive 92/43.
- The condition laid down in Article 6(3) of Directive 92/43 means that, in the event of doubt as to the absence of significant effects, such an assessment must be carried out. However, Article 6(3) of Directive 92/43 must be interpreted as meaning that, where a competent authority decides to authorise a plan or project likely to have a significant effect on a site protected under that directive without requiring an appropriate assessment within the meaning of that provision, that authority must state to the requisite standard the reasons why it was able, prior to the granting of such authorisation, to achieve certainty, notwithstanding any opinions to the contrary and any reasonable doubts expressed therein, that there was no reasonable scientific doubt as to the possibility that that project would significantly affect that site

In our clients' view the Commission, although having sought further information from the Developer, still does not have sufficient objective information which would allow it to rule out the possibility of significant effects on the environment and therefore must make a determination that EIA is required.

#### Project already screened in for AA

- Commission has already determined under ABP-318303-23 that the project is likely to have a significant effect on various European sites. On that basis alone the Commission must determine that the project requires EIA.
- EIA Screening and AA Screening are both derived from Article 6(1)(b) of the Aarhus Convention, with AA Screening looking at particular environmental effects regulated under the Habitats Directive. Means that where a project is screened in for AA it must also be screened in for EIA.

#### Creosote Contamination

- Council asked to clarify the extent and level of contamination within the canal sediment, in that regard the Board notes the submission document titled "Royal Canal Level 6 Sediment Sampling Methodology and Results April 1 May 1 July 2013 - Waterways Ireland 2013)"
- Council response simply repeats what is set out in the original Part VIII application without providing the further information sought. Response makes no reference to the Waterways Ireland 2013 report which provides a very detailed survey of the contaminated sediment in the vicinity of Coke Oven Cottages. This report includes detailed analysis of the location, composition and characteristics of the sediment together with laboratory certified testing results. None of this has been submitted by the Council in response to the Commission's request.
- Council's information relies on a single sample point RC2 in vicinity of Coke Oven Cottages (RC3 is upstream and therefore less likely to be contaminated with creosote which emanated from the south bank of the canal directly opposite Coke Oven Cottages).

- Waterways Ireland methodology was far more thorough, it first identified the peak location for contamination and then did a more detailed survey taking 36 samples over a 175m stretch of the canal in the vicinity of Coke Oven Cottages (see Map 1 of the report). Two surveys are not comparable and the fact Council says nothing about the Waterways Ireland survey, despite being asked to do so is notable. Council has produced nothing that would contradict that survey.
- Impossible to compare the Council's information with the Waterways Ireland report because the further information submitted indicates dredging to a depth of 100mm above existing cill level, however this makes it impossible to make a comparison with the Waterways Ireland report which is measured against Malin OD.
- Given the Council's estimation of the volume of contaminated material it wishes to excavate is based on the Aquafact survey and very limited sampling points, it is not reliable, particularly where the more detailed Waterways Ireland survey was available to the Council and provides more accurate data to allow critical parameters to be derived.
- Given the extent of the mitigation proposed likely significant effects cannot be ruled out. The fact that such detailed mitigation is required indicates that an EIAR should be submitted and all of the other procedural safeguards deployed such as scoping, public and statutory consultation, consideration of alternatives, monitoring. It is also important that the EIA procedure be carried out by Commission as an independent body, with concerns there is a conflict of interest with Council being both competent authority and developer.
- Rather than mitigation the Council has provided a construction management plan rather than a proposal for mitigation measures
- None of the mitigation is aimed at protecting human health. The sediment is highly polluted with creosote, confirmed by the Waterways Ireland report and to a lesser extent by the Council's report. Waterways Ireland report shows examples of this sediment and records that the peak sample has dark brown liquid concentration throughout the core sample and a strong odour and

exhibits a large amount of staining. Presumably odour is creosote which contain volatile toxic chemicals.

- No information had been provided about the risk to human health from solid, liquid or gaseous emissions of volatile chemicals from dredging, which the Waterways report confirms are present. Concerning for our clients who live in Coke Oven Cottages and their neighbours.
- No consultation to ascertain whether people may be harmed generally or whether they have any sensitivities.
- Medical and mobility issues for those at Coke Oven Cottage outlined, and there is a risk to these people which has not been identified/addressed. May be others who would be significantly harmed by emissions from the project but there is no information on likely significant effects on the health and safety of the residents Cottages and wider area. The risk to human health is a likely significant effect on the environment.
- Nothing in the response that explains what would happen if the works are not completed within the September to March timeframe and what environmental effects would be likely to arise were the works to run behind schedule. There is a high risk of this because of the lack of detailed characterisation evident in the information submitted by the Council.

#### Bats

- It is clear from the extensive material provided in relation to bats that likely significant effects on bat fauna cannot be ruled out. In particular the report submitted recommends that a lighting system be designed to ensure as minimum as possible of an impact on local bat populations. This shows first that there are important elements of the project that haven't been designed in relation to bats and even when designed are not seen to eliminate effects on bats, but merely to minimise the impact.
- On this basis likely significant effects on bats cannot be ruled out

#### Conclusion

- According to the Waltham Abbey judgment a competent authority must give a developer the opportunity to respond to information provided by members of

the public, but once the developer has been given that opportunity no further obligation arises.

- Further information submitted does not objectively eliminate doubts over likely significant effects on the environment, and in any event the Commission has already determined that such effects are likely, at least in relation to European Sites.
- The Commission therefore should determine that EIA is required.

## **6.6. Consultant Report**

- 6.6.1. A technical report was completed by O'Donnell Environmental Biodiversity and Sustainability Consultants, dated 10th December 2025, which was sought by Inspectorate, ACP in response to the details of the further information submission made by DCC dated 4<sup>th</sup> June 2025, and the applicant's submission dated 28<sup>th</sup> July 2025, which related to biodiversity and bats.
- 6.6.2. The consultant report includes for a review of the application and provides specialist input and support in relation to bats, to assist in the assessment of the application, details of which are addressed under the following headings:
- Relevant Standards & Survey Effort
  - Assessment of Potential Effects
  - AA Screening
  - Conclusion

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. The proposed development proposes to widen the existing towpath by realigning the northern bank of the canal at the three locations, with the canal channel to be dredged where the realignment is taking place. Ducting and associated chambers to ESB standard, and public lighting are also proposed. The extent of works are

described in Section 3.0 of this report, with a project description outlined in Section 2.5 of the Environmental Impact Assessment Screening 2023.

7.1.2. The following matters are considered relevant in the assessment of whether the submission of an EIAR is required:

- Assessment of project type/class of development under Schedule 5 of the Planning and Development Regulations (PDR) 2001, as amended, relevant to the proposed development, and under the Roads Act 1993 (as amended). This part of the assessment process takes into account Part B – Practical Guidance on Screening 1 Step 1 *When is Screening Required?* outlined in the Environmental Impact Assessment of Projects – Guidance on Screening' European Commission 2017. In this first step it is determined whether the project is listed either in Annex II to the EIA Directive or in any equivalent Member State list. In this case it is necessary to refer to the national legislation and Schedule 5 Part 2 of the Planning and Development Regulations (PDR) 2001, as amended.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR. This part of the assessment process takes into account Part B – Practical Guidance on Screening 2 Step 2 – Thresholds and Criteria, and Step 2a *Is the project on an inclusion (Positive) list requiring EIA?* and Step 2b *Is the project on an exclusion (Negative) list exempting it from EIA?* In this case it is necessary to refer to the national legislation and relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development under the criteria set out in Schedule 7 of the PDR, which includes for the characteristics of proposed development, location of proposed development, and types and characteristics of potential impacts. These reflect the criteria set out in Annex III of the EIA Directive (2011/92/EU) as amended by 2014/52/EU, which are categorised under the three headings as follows: Characteristics of projects, Location of projects, Type and characteristics of the potential impact.
- There also includes an assessment of the project taking into account the EIA Screening Checklist as outlined in Part C of the 'Environmental Impact Assessment of Projects – Guidance on Screening' European Commission 2017. The EIA Screening checklist exercise informs the assessment of criteria in Schedule 7. The Screening Checklist also takes into account Part C the Checklist of Criteria for

Evaluating the Significance of Environmental Impacts. The assessment of criteria and Screening Checklist also take into account the report of the Environmental Scientist dated 10<sup>th</sup> September 2024, which in its screening exercise has included a review of the proposed development against the criteria in Annex III and includes an assessment of the project taking into account the EIA Screening Checklist outlined in the European Commissions Guidance on Screening 2017.

- The assessment of the above takes into account the European Commissions Guidance on Screening 2017, including Part B 3 Step 3 Case-By-Case Examination, 3.1 Step A – *Project information required for case-by-case examination*, which includes for information requirements set out in Annex IIA, and has had regard to other relevant assessments pursuant to EU legislation, and also the tailored project approach. The assessment also takes into account 3.3 Step 3C – *Is the project likely to have significant impacts on the environment*, with consideration given to relevant Annex III criteria. Furthermore, the assessment takes into account 3.2 Step 3B by way of consultations.

7.1.3. An assessment of the proposal against the above criteria is carried out in the sections that follow.

7.1.4. This current and latest Inspector report (Third Inspector Report) takes into account the local authority documentation submitted including the response to the request for further information received on 4<sup>th</sup> June 2025, the application documentation including the submission dated 28<sup>th</sup> July 2025, my initial Inspector Report dated 26<sup>th</sup> February 2024, my second Inspector report dated 24<sup>th</sup> January 2025, the Environmental Scientists Addendum EIA Screening Assessment ABP-318309-23, BD-016183-24 dated 10<sup>th</sup> September 2024, the Environmental Scientists report dated 12<sup>th</sup> March 2026, and the technical report of O'Donnell Environmental Biodiversity and Sustainability Consultants, dated 10<sup>th</sup> December 2025.

**NOTE:** Appendix 1 – The Screening Checklist, and Appendix 2 - Checklist of Criteria for Evaluating the Significance of Environmental Impacts, which are included in this report, are the Checklists set out in my Second Inspector Report, dated 24<sup>th</sup> January 2025.

## 7.2. Relevant Project Type / Class of Development

- 7.2.1. The Planning Authority in its EIA Screening Report outlines the project is informed by Schedule 5 in the P&D Regulations 2001 as amended, in relation to being a sub threshold development, while it is submitted the proposed development does not require a mandatory EIA under the P&D Regulations 2001 as amended, or the Roads Act 1993.
- 7.2.2. I consider that the proposed development (amending Part 8 to approved Part 8 Royal Canal Greenway) is listed as a type of infrastructure project under Part 2 of Schedule 5 of the P&D Regulations 2001 as amended, and also under the Roads Act 1993 (as amended). The proposal comprises a premium quality cycle and pedestrian facility within the Royal Canal corridor within an urban area, on zoned lands, governed by Dublin City Development Plan 2022-2028. The proposal also comprises public seating, public lighting, landscaping, canal dredging, ducting and chambers. While the site area is not outlined, the site (greenway and canal) including for a total distance of c.1.03km is estimated to be c. 1.3 – 1.4 ha in area.
- 7.2.3. I consider that the classes of development which would be potentially applicable to the proposed development are the following as outlined in Part 2 of Schedule 5 of the P&DR 2001, as amended:
- Class.10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Class 15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 7.2.4. **Section 68(1) of the Roads Act** references a cycleway and 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 consider that the proposed greenway would constitute a ‘cycleway’, as defined in the Roads Act. The Roads Act outlines ‘public road’ means “a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority”. It is considered

that part of the proposed greenway includes a 'public road', as defined in the Roads Act.

- 7.2.5. Section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III of the EIA Directive. EIA Screening is therefore required.

### **7.3. Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.**

- 7.3.1. The threshold cited under Class 10(b)(iv) in the Regulations is 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'. The proposed development would be accommodated on an estimated site of c.1.3 - 1.4 hectares. The proposal includes for physical intervention in the urban landscape. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA.
- 7.3.2. The referrer outlines the project comes within the categories of project for which EIA Screening is required under Construction of Roads (Projects not included in Annex I) (Para 10(e) of Annex II of the EIA Directive). As outlined in 7.2.5, it is considered that under Section 50 of the Roads Act, an EIA Screening is required.
- 7.3.3. The referrer outlines the project comes within category of project for which EIA Screening is required in Class 10. (f) (i) Part 2 Schedule 5. I note the class and threshold cited under Class 10. (f) (i) is 'Inland waterway construction not included in Part 1 of this Schedule which would extend over a length exceeding 2 kilometres'. Part 1 Class 8 (a) relates to 'Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes'. While the proposed development would involve the realignment of the northern bank of the canal for a distance of 1.03km and construction works to and within the canal, I consider that the proposed development does not fall into the category of a project involving inland waterway construction for inland waterway traffic. Therefore, I consider the proposed development would not fall within this Class listed in Part 2.

7.3.4. As the proposed development is considered to be a public cycleway, public road, it is considered that Class 10 (dd) of the P&DR 2001 as amended (All private roads which would exceed 2000 metres in length) is not applicable

7.3.5. An assessment as to whether the proposed development should be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001 (as amended) is set out below.

#### **7.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended)**

7.4.1. Schedule 7 of the Planning and Development Regulations 2001 (as amended) lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

- Characteristics of proposed development.
- Location of proposed development.
- Types and characteristics of potential impacts.

7.4.2. Each of these criteria is assessed below. The assessment of criteria has taken into account the 'Environmental Impact Assessment of Projects – Guidance on Screening' European Commission 2017 and Part C – Screening Checklist contained therein, the Environmental Scientist report dated 10<sup>th</sup> September 2024, the Planning Authority EIA Screening dated September 2023, and the applicant's submission. The assessment of criteria has also taken into account the Local Authority response to the further information request, the applicants submission in relation to same, the Environmental Scientist report dated 12<sup>th</sup> March 2026, and the report of O'Donnell Environmental dated 10<sup>th</sup> December 2025. Reference to the screening exercise undertaken in relation to the EC 2017 Screening Checklist is made throughout the criteria assessment.

#### **7.5. Characteristics of the Proposed Development**

##### Size and design of proposed development

7.5.1. The proposed development is seeking to provide a premium quality cycle and pedestrian facility with environmental enhancements to encourage and promote

cycling and walking. The proposed development is described at Section 3.0 of this report. While the stated site area is not set out it would involve an estimated area of c.1.3 – 1.4 ha. The proposal includes the following main elements: to widen the existing towpath by realigning the northern bank of the canal by up to 1.4m - 2.15m at three locations for a distance of 1.03km (EIA Screening Report states widening at Coke Oven Cottages will be up to 2.6m); the path will be 4.8m wide at locations, with a 5.5m wide shared route/service vehicle parking area at one location, verges will be located to landside and canal side; paths will include asphalt layer laid to finish; ducting and associated chambers to ESB standard; public lighting; canal dredging. The reconstruction of the northern canal embankment to facilitate the towpath widening will occur prior to towpath construction.

7.5.2. It is noted that the full extent of the design of the proposed development has not been set out. The Planning Authority EIA screening report outlines that the final public lighting regime will be informed by trial results and bat surveys to be undertaken in Summer 2023.

7.5.3. The scale and size of the development is significantly below the threshold for mandatory EIA as set out in the Roads Act and significantly below the threshold set out in Part 2 of Schedule 5 of the PDR for Class 10(b)(iv). Article 8 of the Roads Regulations states that: “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 500m or more in length in an urban area;

Class.10 (b) (iv) Part 2 of Schedule 5 of the P&DR 2001 relates to 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.

#### Potential for Cumulative Impacts with Other Projects

7.5.4. The proposed development site comprises three locations along the northern bank of the Royal Canal. The site is surrounded by developed land, including industrial,

residential, commercial, transportation infrastructure and a cemetery. The site is already used by pedestrians, cyclists and vehicles.

- 7.5.5. The nature and scale of the proposed development will involve the widening of the existing towpath by up to 1.4 - 2.15m at three locations totalling a distance of 1.03km and will include for canal dredging. The proposed scheme is an amending Part 8 application to approved Part 8 Royal Canal Greenway Phase 4 (which is 4.2km in length). It is noted the approved Part 8 includes public lighting within 3 phases. It is further noted the EIA Screening 2023 submitted outlines no significant effects are predicted to arise from the combination of the proposal with any projects, including the Royal Canal Cycleway Phase 3 project, or DART+WEST. The O'Donnell Environmental Consultant Report (which is further addressed under section *Use of Natural Resources*) outlines a general assessment of cumulative effects on the environment as a whole was considered in the EIA Screening Report, and it is noted that the absence of the consideration of the sections of the Royal Canal Greenway Cycle and Pedestrian Route Phase 4 which are permitted but not yet constructed, particularly in relation to artificial lighting at night, weakens the assessment of cumulative effects. In relation to significant impact, as set out in Question 10 of my Screening Checklist (Appendix 1), there is doubt in relation to the full significance of the effects of the proposed scheme on bats. Having regard to the nature and scale of the development, the site context, and the existing approved Part 8 scheme, it is considered there is a potential for cumulative impacts to arise, which relates to impacts on species and biodiversity. The proposed development and its lighting scheme together with the approved lighting scheme has a potential for bat species to be negatively impacted by way of habitat fragmentation and barrier effects. In relation to the dredging of the canal, the Environmental Scientist (ES) report (10<sup>th</sup> September 2024) outlines this 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 lack of detail pertaining to the extent and level of contamination within the sediments and mitigation measures that would be required. Dredging of canal sediment is further addressed under section *Production of Waste, Pollution*.

Nature of any demolition works

- 7.5.6. Demolition works are not identified. The proposed development will include for the excavation of existing towpath pavement and base layers and adjacent topsoil areas.

Use of Natural Resources, Production of Waste, Pollution and Nuisances

**NOTE:** This section includes for details of my previous Inspector Reports assessments made in relation of the Use of Natural Resources, Production of Waste, Pollution and Nuisances, and includes an updated assessment of the proposal taking into account the Local Authority further information response. The updated assessment also takes into account the Environmental Scientist Report dated 12<sup>th</sup> March 2026, and the O'Donnell Environmental (ODE) Consultant Report.

- 7.5.7. Potential for production for waste will arise in relation to the excavation of existing towpath pavement and base layers and adjacent topsoil areas, canal dredging. The PA EIA screening report 2023 outlines how small amounts of natural material, construction and general waste will be generated during construction works. To inform the project design sediment sampling was undertaken within the canal in 2020 for waste acceptance criteria, chemical heavy metals and pesticides. Contaminated sediment was indicated at locations along the canal. The EIA screening report 2023 in *Table 3.2 'Assessment of characteristics and likely significance of Impacts on EIA environmental receptors'* for Land and Soil, outlines the disposal avenue for contaminated material excavated will be determined in accordance with the actual level of contamination and Waste Acceptance Criteria following a comprehensive laboratory analysis of the material that will take place prior to construction. It is outlined all hazardous sediment waste and non-hazardous waste will be removed off-site to EPA licensed facilities and will accord with relevant environment guidance and an approved Construction Environmental Management Plan. I noted in my previous Inspector Reports the actual level of contamination is not outlined in the EIA Screening Report. Furthermore, the Royal Canal Level 6 Sediment Sampling Methodology and Results April/May/July 2013 (Waterways Ireland 2013) accompanying the applicants submission indicates the canal bed is contaminated with PAH (polyaromatic hydrocarbons) and creosote contaminated material in the canal adjacent Coke Oven cottages. The ES report (10<sup>th</sup> September 2024) outlined analysis shown in this 2013 report would categorise a large portion of these silts to be hazardous waste based on the elevated hydrocarbon contamination. In relation to significant impact from solid wastes, as set out in Question 4 of my

Screening Checklist (Appendix 1), the submitted PA EIA screening 2023 outlines the quantity of solid waste produced will be small, and a significant impact will not likely result. However, in Q.4 the ES outlines the solid waste produced that is of concern is the referenced PAH contaminated sediment material to be removed from the canal bed and the level of contamination has not been provided in the EIA Screening report. The ES (10<sup>th</sup> September 2024) outlined in the absence of said information it is not possible to rule out the likelihood of significant impact. While surface water runoff and sources of contamination are sought to be dealt with by way of an Environmental Operating Plan and CEMP to be developed prior to construction, from the above it was considered there is uncertainty in relation to the existing physical characteristics of the contaminated sediment to be disturbed, dredged, excavated and removed from the canal. I considered that to enable an assessment of likelihood of the project to have significant effects on the environment, the physical characteristics of proposed development and the production of wastes are required to be identified, as per the requirements set out in Annex IIA, and these and any application of mitigation measures to address same where relevant, cannot be left over to an assessment at post consent stage. On the basis of the above, it was considered in my previous Inspector Reports that insufficient details had been provided on waste generation and the presence of contaminated sediment within the watercourse and I was not satisfied that significant adverse impacts on the environment and water by way of waste production or pollution would not arise.

- 7.5.8. While the proposed development has the potential to give rise to pollution and nuisance at the construction stage by way of noise, dust and traffic generation with the potential to impact on the amenities of neighbouring dwellings, I consider these potential impacts would be of short duration (total construction phase of 12 months over period of 24 months) and these environmental emissions would be controlled by way of a standard Construction Environmental Management Plan (CEMP). I therefore consider these impacts would be unlikely to have a significant effect on the environment. However, Question 7 of my Screening Checklist gives consideration to project risks of contamination by way of releases of pollutants to ground or to surface waters. This outlines while the PA outlines a significant impact will not likely result, the sediments at the base of the canal are contaminated with hydrocarbons and creosote near the Coke Oven Cottages and this has not been detailed. The current

applicant refers to an assessment carried out by Waterways Ireland, 2013 which identified significant levels of contamination with the sediments, and in the absence of detail on the levels of contamination with the canal sediments, it was not possible to eliminate the potential for significant impact, as outlined by the ES (10<sup>th</sup> September 2024). The ES report (10<sup>th</sup> September 2024) outlined the level of contamination in the dredge material sediments had not been addressed in the EIA Screening Report 2023 and therefore it was not possible to assess the potential for significant impact based on the information to hand.

*Further Information Request in relation to canal sediment (9<sup>th</sup> April 2025)*

- 7.5.9. To address issues raised in my previous Inspector Reports and ES report (10<sup>th</sup> September 2024), the Commission requested further information, with the local authority requested to clarify the extent and level of contamination within the canal sediment, and mitigation measures to be employed during the removal of sediment and proposals for its final disposal.

*DCC Response to Further Information*

- 7.5.10. In its further information response, DCC outlines Waterways Ireland requested dredging of the canal be undertaken to coincide with the proposed instream works citing overdue maintenance dredging. It is outlined the extent and level of contamination within the Canal between Phibsborough to Ashtown was informed by sediment testing undertaken by Aquafact in February 2020, with a total of 10 sediment samples taken from the Canal, of which 7 of these samples correspond with the proposed locations of the proposed dredging works. The corresponding sediment sample locations relative to the extent of dredging is listed in Table 1. Figure 1 details the extent of proposed canal dredging works. It is outlined it is proposed to only dredge the extent of the canal in which the reconfiguration of the northern bank is proposed, comprising the following:

*Table 1. Location and Extent of Dredging and Sediment Sampling*

| Location                     | Length | Station            |
|------------------------------|--------|--------------------|
| Lock 6 to Coke Oven Cottages | 600m   | RC1, RC2           |
| West of Broombridge          | 345m   | RC4, RC5, RC6, RC7 |
| West of Lock 8               | 85m    | RC8                |

7.5.11. Details submitted outline material will be removed to a depth of 100mm above existing cill level (cill level being the upstream level of the downstream dock chamber), and based on this information, and the bathymetric survey, the total volume of material to be excavated has been calculated to be approximately 6,050m<sup>3</sup>. It is outlined Table 2 presents the results of the sediment chemical testing undertaken by Aquafact and whether or not each chemical testing parameter was exceeded or not at the various sample locations (Stations). The sediment samples analysed indicated that stations RC1, RC2 and RC3 were the heaviest contaminated while stations RC5 and RC8 were the least contaminated. I note RC1-RC3 record exceedances against the parameter PAH (including creosote) and RC8 details the sample would exceed the Waste Acceptable Criteria. I further note the ES report (12<sup>th</sup> March 2026) outlines DDC's submission includes a sediment sampling programme indicating significant hydrocarbon contamination (see also section 7.5.14). Details submitted outline RC1 and RC2 are opposite Shandon Gardens, while RC3 is approx. 500m west of RC2 - outside the proposed dredging area. It is outlined the locations of RC1 and RC2 corresponds to the location of the now disused Coke Ovens, which would have used creosote when they were operational. The assessment of the sediment sampling relative to the total volume of dredged material indicates that the full 600m at Lock 6 to Coke Oven Cottages and the 85m at Lock 8 is potentially contaminated, while only a local section of the dredged material west of Broombridge is likely to be classified as contaminated. It is outlined this corresponds to a total quantity of approximately 70% of the overall volume to be excavated, of 4,235m<sup>3</sup>.

7.5.12. The applicants submission in their response to the further information received, highlights concern on the reliability of the Aquafact survey, with no reference made

to the Waterways Ireland 2013 report, and details dredging to a depth of 100mm above existing cill level makes it impossible to enable a comparison with the Waterways Ireland report.

- 7.5.13. In relation to sediment removal and extent of contamination, the Environmental Scientist (ES) in their Report 12<sup>th</sup> March 2026 outlines the question to be answered is has the applicant clarified the extent and level of the contamination in the Canal sediments. The ES outlines Table 1 has omitted RC3 sediment sampling location, so it is not clear where this sediment sample was taken, and queries if it was on the section between Lock 6 to the Coke Oven Cottages or west of Broombridge and states this error/omission does not lend itself to a clear representation of the locations of the sediment samples.
- 7.5.14. The ES (12<sup>th</sup> March 2026) outlines the canal is classified as being of 'good status' with the risk status under review, and the report submitted under further information still references a sampling programme that assessed for a variety of parameters, with contamination being indicated. The ES outlines the precise details of same were not included in the report submitted under further information. The ES outlines DCC's submission included a sediment sampling programme indicating significant hydrocarbon contamination, such as Poly-aromatic Hydrocarbons and creosote, reference table 2.
- 7.5.15. The ES outlines Table 2 provides an indicative summary of the types of contamination found in the sediments at each of the sampling locations RC1 to RC 8 but does not demonstrate the level of contamination within the sediment samples. Furthermore, it is the ES opinion that regarding the extent of the contamination of the canal sediments this has not been clearly demonstrated by DCC. Two sediment samples have been taken over a section of 600 metres of canal, and this would appear to be based on two sediment samples according to table 1 of Section 1.1 of the further information submitted. The ES outlines this has led DCC to state that this full section is 'potentially contaminated,' the same is the case for the 85m length of the canal West of Lock 8. The ES outlines in addition to this DCC further states that only a local section of the canal West of Broombridge is 'likely to be contaminated.' Consequently, it is the ES opinion that DCC has not given any further clarity to the

levels or any accuracy as to the extent of the contamination within the canal sediments. The ES outlines DCC has clearly shown how the volumes of the sediments to be removed has been established.

*Table 2 Exceedance at the 10 sampling stations*

| Station | Metals      | PCBs and Pesticides | Hydrocarbons | PAH (including creosote) | Waste Acceptance criteria |
|---------|-------------|---------------------|--------------|--------------------------|---------------------------|
| RC1     | None        | None                | None         | Exceedance               | None                      |
| RC2     | Yes – Zn    | None                | None         | Exceedance               | None                      |
| RC3     | Yes -Cu, Zn | None                | None         | Exceedance               | None                      |
| RC4     | None        | None                | None         | None                     | None                      |
| RC5     | None        | None                | None         | None                     | None                      |
| RC6     | Yes-Zn      | None                | None         | None                     | None                      |
| RC7     | None        | None                | None         | None                     | None                      |
| RC8     | None        | None                | None         | None                     | Exceedance                |
| RC9     | None        | None                | None         | None                     | None                      |
| RC10    | None        | None                | None         | None                     | None                      |

7.5.16. In relation to avoidance and mitigation measures, DCC outline that during the planning of all instream works that agreement with Waterways Ireland and Inland Fisheries Ireland on pollution prevention measures will be required, with the Contractor establishing and implementing an Environmental Operating Plan, to include site-specific method statements for all activities where there is a likely risk of environmental impacts. Avoidance and mitigation measures will include the implementation of best practice and standard mitigation to safeguard against water quality and direct disturbance impacts, being consistent with TII “Guidelines for the Creation, Implementation and Maintenance of an Environmental Operating Plan” and “The Management of Waste from National Road Construction Projects”.

7.5.17. Standard construction practices to prevent spreading contaminated materials include a range of measures including for: the dredging of the canal in the dry using a temporary dam to prevent the migration of any contaminated sediments downstream; electrofishing to be completed prior to dewatering; dam construction process will begin once Waterways Ireland deem dewatering to be completed. It is proposed to remove the silt to the bed of the canal in the vicinity of the dam prior to its construction. An impermeable geo-membrane lining will be laid over the canal bed and up to the banks to act as protection during installation and removal of the dam. A temporary dam will be installed across the canal constructed of uniform impermeable material and by utilising dam bags. A flume will be installed to allow for continued

flow of waters within the canal. The flume will be sealed to the dam by sandbags and puddle clay/similar material. In the event of a flow in excess of the capacity of the installed flume, waters will be contained within the canal. Works will commence once the area within has been left to sufficiently dry out. DCC outline all potentially hazardous sediment waste will be removed off-site to an appropriate licensed facility. Non-hazardous waste exceeding inert Waste Acceptance Criteria (WAC) will be sent to an appropriately licensed non-hazardous landfill for disposal / recovery, with the Contractor being required to agree and approve a Construction Environmental Management Plan (CEMP) with the local authority prior to construction. Excavation works on the canal banks intended for reconfiguration will be carried out in the dry. DCC outline the methodologies used align with Waterway Ireland's methods and is considered standard practice.

7.5.18. The applicant's submission in their response to the further information received raises concerns in relation to the mitigation measures provided, which are not aimed at protecting human health. In relation to avoidance and mitigation measures, the Environmental Scientist (ES) in their Report 12<sup>th</sup> March 2026 outlines the applicant has essentially given a brief overview of the methodologies for this project based on the methods utilised by Waterways Ireland. The ES outlines the primary pollutants that can be generated during the construction phase of the project would be noise, vibration, dust, water pollution from fuel spillage or sedimentation and the removal and handling of contaminated sediments. The ES states the majority of these potential pollutants could be alleviated via control & mitigation measures in a robust Construction Environmental Management Plan or Environmental Operating Plan as referenced and as such alleviate the likelihood of significant effects on the environment. The ES outlined they have not been privy to such a document and reference is made by the applicant to establishing such controls post consent.

7.5.19. In concluding, the ES in Report 12<sup>th</sup> March 2026 believes is not possible to exclude significant impacts on waters given the works proposed and the lack of details regarding the degree and extent of the sediment contamination within the canal bed and the lack of details regarding mitigation and controls to be established post consent. The report submitted under further information in the Environmental Scientists opinion has failed to address the full extent, nature, and degree of the

contamination within the canal bed sediments with mitigation still being proposed post consent. The ES outlines in this regard they are not satisfied that the applicant has adequately addressed the concerns raised by ABP.

7.5.20. In my view, a key issue in assessing the potential for the proposal to give rise to likely significant effects on water quality, relates to the identification of the existing characteristics of the contaminated canal sediment intended to be removed, and its extent, issues which were previously raised in the Environmental Scientist Report (10<sup>th</sup> September 2024) and Inspectors Reports.

7.5.21. With the ES Report dated 12<sup>th</sup> March 2026 outlining that DCC has not given any further clarity to the levels or any accuracy as to the extent of contamination with the canal sediment, I consider there are difficulties in excluding the likelihood of significant effects to arise on water quality. While I would note the location of RC3 is detailed in response to further information as approx. 500m west of RC2, outside the proposed dredging area, I note contamination levels, and the extent of contamination, have not been clearly demonstrated in the details submitted. In addition, I note the further information submitted has not provided any detailed commentary or discussion in relation to the details outlined in the document titled 'Royal Canal Level 6 Sediment Sampling Methodology and Results April/May/July 2013 – Waterways Ireland 2013'), as was noted by the Board in its further information request.

7.5.22. I would acknowledge the range of mitigation and avoidance measures set out for the construction stage, sought to safeguard water quality, with works intended to be carried out in the dry, and I note the ES outlines the majority of potential pollutants could be alleviated via measures in a robust CEMP/EOP as referenced, and as such alleviate the likelihood of significant effects on the environment. However, the ES has also raised concerns in relation to the lack of details regarding mitigation and controls, intended to be established post consent. In the absence of the referenced mitigation management plans, and the deficiency of information submitted on contaminated canal sediment, I consider it has not been demonstrated that significant effects on the environment would not arise. I consider that to enable an assessment of the likelihood of the project to have significant effects on the environment, the physical characteristics of proposed development and the production of wastes are required to

be identified, as per the requirements set out in Annex IIA, and these and any application of mitigation measures to address same where relevant, cannot be left over to an assessment at post consent stage. I consider that any measurement of the effectiveness of proposed mitigation and avoidance measures, and the offsetting nature of same, could only be established by first identifying wastes arising from the proposal. On the basis of the above, I consider that insufficient details have been provided on waste generation and the presence of contaminated sediment within the watercourse and I am not satisfied that significant adverse impacts on the environment and water by way of waste production or pollution would not arise.

7.5.23. Having regard to the foregoing, I would therefore concur with the report of the ES that the further information submitted has failed to address concerns raised. Based on the details submitted and the ES Report 12<sup>th</sup> March 2026, and the Environmental Scientist Report (10<sup>th</sup> September 2024), I consider the potential for the proposal to likely result in a significant impact on water quality still applies, as detailed in Q.4 and Q.7 of my Screening Checklist.

7.5.24. In relation to use of natural resources and biodiversity, the EclA outlines that a total of 2,500 sq m of canal habitat will be permanently lost to accommodate the widening of the existing towpath into the canal and there will be loss of riparian habitat. The EclA outlines there will be 512 m of scrub habitat loss and 140 m of hedgerows and treeline habitat loss. The EIA Screening report outlines there is a potential for loss of nesting bird habitat and habitat degradation. The EIA Screening Report outlines riparian buffers will be reinstated and vegetation is to be replaced with native species, and canal bank vegetation will regrow and recover over time.

7.5.25. The EclA outlines otter activity and that two active holts, three inactive holts, two crouches have been recorded within the study area. The EIA Screening Report outlines that the proposal has the potential to impact on otter through habitat loss, fragmentation and barrier effect, pollution of watercourses or disturbance to resting or breeding places. A derogation licence will be required, with a derogation licence from the Department of Housing, Local Government and Heritage dated 12<sup>th</sup> September 2023 included in documentation submitted. A pre-construction otter survey will be carried out prior to works with excavations covered/escape ramps used during construction. I consider that the proposed development has the potential

to affect otter by way of habitat loss, fragmentation, barrier effects, disturbance and water quality. I note certain information on otter have not been made public, which I consider relates to avoiding disturbance and persecution of otter. It is considered the above approach in relation to otter species and measures undertaken in the project and Part 8 process are standard and would enable impacts on the species to be mitigated.

**NOTE:** The timelines of the application file and derogation licence which has been granted under Regulation 54 are noted. The licence is subject to terms and conditions, including those applicable to work timelines, and were the Commission minded to determine that the proposed development would not be likely to have significant effects on the environment, the issue of obtaining an appropriate and updated derogation would need to be considered.

7.5.26. Bats were recorded within the study area. During construction there is potential for bats to be impacted by habitat loss, disturbance, connectivity, with artificial lighting being used. The EIA screening report outlines lighting will be restricted to the minimum extent and timeframe necessary, and the effects will be slight and short term in nature, with no lighting directly onto the canal. The EclA outlines operational phase impacts include potential habitat fragmentation and barrier effects. The EIA Screening report outlines that for the operational stage, DCC is funding trials to survey the impact of public lighting on bat behaviour on the Royal Canal. Public lighting poles and ducting will be installed as part of the project, however the final lighting regime including timing, colour, lux levels will be informed by trial results and bat surveys to be undertaken in Summer 2023, and preferred lighting regime will be agreed with DCC public lighting in consultation with NPWS prior to commissioning. It is noted that mitigation measures for bats in relation to lighting at operational stage are not outlined and no derogation process being required is outlined for bats at either the construction or operational stages in the EIA Screening Report. The EclA outlines surveys have recorded 4 bat species in the study area and Daubentons Bat is light sensitive and more vulnerable to the introduction of artificial lighting than other species. It was outlined in my previous Inspector Reports, as there is a presence of bats along the canal, that details of the final operational lighting regime has not been outlined, assessed or been subject to bat surveys, with the final scheme being left over to be agreed prior to commissioning, that there is a potential

for bat species to be negatively impacted by way of habitat loss and disturbance at construction stage and habitat fragmentation and barrier effects at operational stage, there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment. While the PA outlined a significant impact will not likely result on areas on or around the location that are used by protected, important or sensitive species of fauna, with habitats not supporting important populations of rare or protected species at the local level or higher as outlined in Q.13 of my Screening Checklist, Questions 1, 2, 6, 10, 12,13 and 25 of my Screening Checklist outlines a significant impact on Bats, Biodiversity and the Environment cannot be ruled out. Likely significant effects on bats which are an Annex IV species, subject to strict protection under the Habitats Directive (92/43/EEC) and as recognised in Article 3 (1) (b) of Directive 2011/92/EU and recital 11 to Directive 2014/52/EU, therefore could not be excluded. Due to the absence of sufficient information to exclude doubt as to the whether the proposed development will have significant effects on the environment, biodiversity and bat species, I considered in previous Inspector Reports that an EIA was justified.

*Further Information Request in relation to bats, and DCC Response to Further Information*

- 7.5.27. To address issues raised in my previous Inspector Reports in relation to the environment, biodiversity and bat species, the Commission requested further information, with the local authority requested to submit further information in relation to potential effects on bats, and any mitigation measures proposed, if applicable. In response, the local authority has outlined details on the potential effects on bats arising from the proposed development, mitigation measures, with supporting appendices submitted.
- 7.5.28. In relation to potential effects on bats arising from habitat loss and fragmentation during the construction phase, the local authority outline the potential effects on bats arising from the proposed development have been informed by surveys over a number of years, with a summary of these surveys and results presented in Appendix A. Mitigation measures outlined to avoid and reduce the potential effects arising from habitat loss during the construction stage includes for: The in-stream elements of the proposal being undertaken between mid-September and mid-March, outside the main active season for bats; realigning and relining of the canal will be

carried out in the dry; existing vegetation, habitat, along the canal being retained and protected except at locations where removal is necessary to facilitate the project; where scrub is removed, it will be replaced and enhanced as detailed in the landscape design.

7.5.29. In relation to the potential effects on bats arising from habitat loss and fragmentation during the operational phase, DCC outline the proposed development will necessitate the permanent loss of canal (c. 2,000m<sup>2</sup>), and 300m of linear habitat, made up of treelines, hedgerows and scrub, with areas where habitat loss will occur presented in Appendix C Habitat Loss Locations. It is outlined it is proposed to widen the towpath by realigning the northern bank of the canal at the following three locations: West of Lock 6 - 1,290m<sup>2</sup>; West of Broombridge - 483m<sup>2</sup>; and West of Lock 8 - 149m<sup>2</sup>. The total linear length of planting proposed is 2,288.2m, and long term there will be a net benefit (net gain in linear habitat of 1,988.2m, plus an additional gain of 368.5m<sup>2</sup> of planted scrub, planting of 105 trees (versus 16 trees lost). It is outlined the removal of 2,000m<sup>2</sup> of canal habitat will not lead to significant habitat loss or fragmentation that would affect bats, considering the total area of canal habitat being lost as an overall proportion of the Royal Canal in the area of the proposal. Mitigation measures include existing habitat, vegetation along the canal being retained and protected, except where vegetation removal is necessary to facilitate the project, and a landscaping plan. Details of proposed planting are set out in Section 2.2, Table 6, and in Appendix D Landscape Design, and includes for planting of trees, hedge mix, thick scrub, shrub hedgerow mix, boundary planting and swale mix.

7.5.30. I note it is outlined that the mitigation measures set out addressing habitat loss and fragmentation during construction and operational phases are taken from the EIA Screening Report, Part 8 Planning Report and EcIA. I further note that while the FI response outlines that the potential effects on bats arising from the proposed development have been informed by surveys over a number of years, details submitted also outline the results of the 2023 lighting trial held were inconclusive. Appendix A includes for details on surveys undertaken to inform the assessment of impacts on bats and survey results. Appendix B includes a 2023 Lighting Trial Report (Bat Eco Services).

7.5.31. In relation to potential effects on bats arising from artificial lighting during the construction stage, it is outlined in-stream elements of the proposal must be undertaken outside the main active season for bats, and therefore there is no risk of artificial lighting affecting bats. Mitigation measures to avoid and reduce the potential effects include: timing of works; between mid-September and mid-March lights will be switched off when the site closes in the evening with sunset hours outlined; Usage of artificial lighting will be limited to the works areas; lighting shall not be directed onto the canal at any point; use of artificial lighting on site will be minimised in terms of the area required to be illuminated and the length of time lighting is switched on; Light spillage will be prevented as far as reasonably practicable.

7.5.32. In relation to potential effects on bats arising from artificial lighting during the operational stage, it is outlined that public lighting will be installed as part of the project, and the final lighting regime including timing, colour and lux levels, will be informed by the results of a lighting trials using dimmable LED luminaires and concurrent surveys of bat activity. It is stated one such lighting trial was undertaken in Summer 2023, and a second trial is to be undertaken in Summer 2025. It is outlined the results of the 2023 lighting trial were inconclusive, since the lamp fittings used did not restrict lightspill onto the canal. It is outlined DCC plans to undertake a second lighting trial to ascertain whether the anticipated lighting regime has an effect on bat activity on the canal and the lighting regime will be agreed with DCC public lighting in consultation with NPWS prior to being commissioned. It is outlined until the absence of significant impacts on bats can be demonstrated, the lights will not be commissioned.

7.5.33. Mitigation measures to avoid and reduce the potential effects arising from artificial lighting during the operational phase, include:

- As of March 2023, DCC is funding research into bat behaviour and artificial lighting on the Royal Canal. Public lighting poles and ducting will be installed as part of the Project; however the final lighting regime including timing, colour and lux levels, will be informed by the results of the research. The preferred lighting regime will be agreed with DCC public lighting in consultation with the NPWS prior to being commissioned.

- DCC can confirm that the lighting regime design, which will be established following lighting trials, will operate within the following parameters: The public lighting will be mounted on 5m poles; The lights will be LED with a sharp cut off; The lights will be a maximum of 2700 Kelvin (warm white). It is outlined these parameters comply with Guidance Note 08/23: Bats and Artificial Lighting At Night (BCT &ILP, 2023).

7.5.34. The FI response also details precedent schemes elsewhere in Dublin, where lighting operates on a sensor basis only.

*Report of O'Donnell Environmental Biodiversity and Sustainability Consultants (10<sup>th</sup> December 2025)*

7.5.35. A technical report was sought by ACP in response to the details of the further information submission made by DCC, and the applicant's submission dated 28<sup>th</sup> July 2025. O'Donnell Environmental (ODE), licensed by NPWS to work with bats, has carried out a review for the amending Part 8 application to approved Part 8 in relation to bats, summarised under the outlined following headings. Inspector comments are outlined in relation to the ODE report, and the details submitted by DCC, where relevant.

ODE - Relevant Standards & Survey Effort

7.5.36. The ODE report outlines no new survey data was presented as part of the FI Response, with the assessment of effects based on data gathered in 2021 and 2022. In relation to bat surveys, the EcIA refers to the relevant survey standards as being NRA (2006)<sup>1</sup> and Collins (2016)<sup>2</sup>. It is outlined the qualifications/experience of the author of the FI response relevant to the assessment of effects on bats are not provided.

---

<sup>1</sup>NRA (2006). Guidelines for the Treatment of Bats during the Construction of National Road Schemes. National Roads Authority, Dublin 3,  
<sup>2</sup> Collins, J. (Ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London).

- 7.5.37. The ODE report outlines that bats have correctly been identified within the EclA as a 'Key Ecological Receptor'. In relation to the EclA methodology undertaken to identifying potential bat roosts, it is outlined the extent to which features have been considered is not clear, and this is further discussed in Section 7.5.42. The ODE report outlines in relation to foraging and commuting habitat, following Collins (2016), the study area and its environs should be considered to be at least of 'moderate' suitability habitat for bats, and for the survey area, the surveys and drawings provided appear to show that suitable spatial coverage was achieved.
- 7.5.38. ODE outlines comparison of the static manned survey locations with publicly available lighting data shows the static locations may all be in areas illuminated by public lighting and therefore may not represent unilluminated area of canal in terms of bat activity, particularly in relation to Daubenton's Bat. It is outlined the recording locations do not provide suitable coverage of the area where canal habitat is proposed to be lost, no particular bat foraging or commuting areas are identified, and in terms of the spatial distribution of bat activity, the EclA and FI Response note only that bats, inc. Daubenton's Bat, were recorded feeding over the canal and along hedgerows and treelines. ODE state the lack of specific data on the spatial distribution of bat activity along the canal, compounded by an absence of baseline lighting data, would limit the opportunity to design-in dark landscape crossing points and dark foraging habitats.
- 7.5.39. ODE considers that the survey methodology and effort applied is not compliant with Collins (2016), outlining deficits appear to be present in terms of: the absence of a comprehensive characterisation of bat activity and its spatial distribution; and the absence of any information on the suitability of structures within the 'study area' to host roosting bats. The absence of passive survey data means there is a deficit of baseline data, and the lifespan of ecological data may have been exceeded given application timelines.
- 7.5.40. Given the details outlined in the ODE report, I acknowledge that there are gaps in the survey methodology work undertaken in the EclA, and it is considered that the raising of these matters is appropriate. However, I note this extent of detail is not required in this type of application (an EIA Screening Determination). Having regard

to the nature of the application, it is considered that the above information gaps as cited in the ODE report would not prevent an assessment on as to whether the proposal would give rise to likely significant impacts on bats, biodiversity. This assessment is given consideration in the following sections.

ODE - Assessment of Potential Effects (Includes an assessment of Disturbance to Roosting Bats, Disturbance to Foraging or Commuting Bats Due to Habitat Loss or Fragmentation, Disturbance Due to Lighting, Cumulative effects)

- 7.5.41. In relation to the Assessment of Potential Effects, ODE outline the legislative protection requirements, state an appropriate description of the proposal is generally provided, noting a discrepancy in the total area of canal habitat to be permanently lost (a figure of approx. 2000m<sup>2</sup> is provided in FI Response, the EclA states a figure of 2500m<sup>2</sup>), outline the proposed lighting solution is not fully defined, and that an appropriate study area and zone of influence are defined in the EclA, noting the details submitted in relation to roosts.

Disturbance to Roosting Bats

- 7.5.42. The ODE report outlines the potential for roosting to occur in trees within the immediate works area appears to have been properly considered but the extent to which the suitability of trees and structures within the wider 'study area' has been considered, if any, is not clear. It is noted that the 'study area' includes a large number of structures, and trees, and it is possible that some of these host roosting bats. ODE state Bat Eco Services (2024) states that that the author "had previously recorded a soprano pipistrelle roost in a building along the Royal Canal adjacent to the study area". ODE outline the likely in-direct effects on this roost, or any others that may exist in the zone of influence of the proposed works, have not been identified or considered in the FI Response or EclA.
- 7.5.43. From the details outlined in the ODE report and local authority documentation, I note it is unclear as to whether the study area, and areas adjacent host roosting bats. In the event of the application being further considered, clarification should be outlined on this point by DCC. In the event that these areas host roosting bats, to facilitate the

proposed works, the issue of obtaining a Regulation 54 derogation would need to be considered by DCC. Were the Commission minded to determine that the proposed development would not be likely to have significant effects on the environment, consideration of these matters and the potential requirement for a Regulation 54 derogation would need to be addressed.

*Disturbance to Foraging or Commuting Bats Due to Habitat Loss or Fragmentation*

- 7.5.44. ODE outlines during construction and operation, habitat loss will occur due to a reduction in canal surface area, illumination of adjoining habitat and temporary loss of linear commuting and foraging features. It is outlined the requirement for canal realignment works to be carried out mid-September to mid-March will mitigate (but not eliminate) the loss of foraging habitat during the winter months. It is outlined a landscape design ('Landscape General Arrangement' drawings dated 19/11/2023) is presented as part of the FI Response and while short-term effects on foraging and commuting bats are acknowledged in the application, detailed landscaping measures are proposed, with the EclA stating that in the longer term the proposal will result in a nett benefit in terms of linear habitat, scrub habitat and trees.
- 7.5.45. The ODE report outlines that the FI Response states that the permanent loss of canal surface area (foraging habitat for Daubenton's Bat in particular) will not be significant given the overall proportion of the Royal Canal in the area of the proposed development. The ODE report states this is not reliable as i) there is no certainty presented within the application that Artificial Light At Night (ALAN) would not result in the disturbance of remaining foraging habitat within the current study area, and ii) the proportion of other areas of Royal Canal already affected by lighting is not considered within the application, and a brief examination of DCC public lighting data<sup>3</sup> suggests that unilluminated areas west and east of the study area are scarce.
- 7.5.46. I note the extent of the proposed mitigation measures set out in the FI response, which seeks to avoid and reduce the potential effects arising from habitat loss and fragmentation on bats, during the construction and operational stages, including for

---

<sup>3</sup> (<https://data.gov.ie/dataset/street-lighting-dublin-city> - accessed 24th November 2025 )

the timing of works, protection of habitats and proposed planting which would including for an overall net gain in linear habitat. However, ODE highlights a potential for effects to arise on habitats by way of the permanent loss of canal surface area and ALAN. In addition, I note the physical characteristics of the proposal, entailing a full lighting design regime has not been outlined. Given the proposals siting where there is a presence of bat species, in an unlit area, and due to the absence of sufficient information detailed in relation to the proposal, I consider that there is doubt as to the whether the proposed development will have significant effects on the environment, biodiversity and bat species, by way of disturbance to bat foraging habitat. As highlighted, Questions 2, 6, 12, 13 and 25 of my Screening Checklist outlines a significant impact on Bats, Biodiversity and the Environment cannot be ruled out. An assessment of lighting arising from the proposal is addressed in the following paragraphs.

#### *Disturbance Due to Lighting*

7.5.47. ODE state as outlined within the EclA, bats forage along the entire length of canal which is proposed for works and the area is currently not subject to public lighting, with ODE noting light-pollution from adjoining land-uses is highlighted within the Bat Eco Services report (2024).

7.5.48. The project description within the EIA Screening states that the project will include “bat friendly public lighting” - however ODE state this term is a misnomer, and outline ALAN negatively affects bats and even small amounts (as low as 0.1 Lux) can reduce bat activity and/or alter the behaviour of bats, especially later emerging species such as Daubenton’s Bat. ODE outlines effects of ALAN on bats are well discussed in ‘Bat Eco Services’ (2024) which accompanies the FI Response, and ALAN has been shown to be particularly harmful to bats along river corridors (ILP & BCT, 2023<sup>4</sup>). The ODE report outlines in consultation carried out on behalf of DCC in 2021 and 2023, NPWS highlighted that the impact of lighting on Daubenton’s Bat is a key concern.

---

<sup>4</sup> (Institute of Lighting Professional & Bat Conservation Trust (2023). Bats and artificial lighting at night. Guidance Note GN08/23. BCT, London & Institution of Lighting Professionals (ILP), Warwickshire.)

7.5.49. In relation to construction phase lighting, ODE outlines lighting related mitigation is provided but measures are vague and do not provide certainty as to its effect (“...artificial lighting will be limited to the works area. Light spill outside this area will be prevented, as much as possible”). The report outlines construction phase lighting is proposed between 07:00 and 18:00 as required, unless otherwise “signed off by Dublin City Council”. The FI Response indicates that timing is an effective avoidance measure as bats would not be active at these times and states that sunset in Dublin is 20:30 in Mid-March and 20:00 in late October. The ODE report outlines this is incorrect - sunset in Dublin is approximately 18:06 on 25th October and 17:04 on 26th October after the clocks go back, with regular bat activity often continuing well into November as days get shorter still and so this proposed avoidance measure is defective. The ODE report states no screening or other measures to reduce the effects of ALAN are proposed during the construction phase, and the proposed construction phase lighting would likely adversely affect bat activity.

7.5.50. Having regard to proposals siting where there is a presence of bat species and an absence of public lighting, the details submitted by DCC including the mitigation measures set out for construction phase lighting, including the proposed timing of works, measures to manage light spill, and the ODE’s report detailing of the defective and vague nature of such mitigation, I consider that the proposed construction phase lighting would likely give rise to adverse effects on bats. As highlighted, Questions 2, 6, 12, 13 and 25 of my Screening Checklist outlines a significant impact on Bats, Biodiversity and the Environment cannot be ruled out.

7.5.51. A key issue in the determination of the application, as highlighted in my previous Inspector Reports, is the potential for significant effects to arise by way of permanent operational lighting. ODE outline while the importance of avoiding ecological effects is highlighted in the EclA, no alternative operational phase solutions which do not involve ALAN are presented. ODE outline DCC propose that dimmable LED lighting will be installed on 5m poles but will not be commissioned until the final lighting regime (specifically timing, colour and lux levels) are decided post-consent in discussion between ‘DCC public lighting’ and NPWS; informed by results of the ongoing lighting trial. ODE outline they have not seen evidence that NPWS have agreed to post-consent discussion, and NPWS have commented in a similar

situation that there is “no statutory basis to involve the Department post consent to discuss mitigation measures” and that such matters “should be resolved prior to consent being granted” (Ref. ABP-317447-23).

7.5.52. ODE outline the 2023 Lighting Trial Report (Bat Eco Services, 2024) describes how LED lighting was installed on three 5m poles, and 2700 Kelvin (warm white) luminaires were used although associated lux level was not defined and the lighting used was not directional. ODE state the 2023 report presents a very comprehensive desk-study of all available information (including ILP & BCT (2023)) and ultimately appears to simply confirm what is already known, i.e. that ALAN negatively affects bats. Illuminance resulted in a significant (46%) reduction in bat registrations overall, and a highly significant reduction in Daubenton’s Bat registrations in particular (75%).

7.5.53. ODE note that key recommendations arising from the 2023 Lighting Trial Report (Bat Eco Services, 2024) have not been reflected in the current proposal i.e. the planting of tall vegetation at intervals, treelines/hedgerows along the tow path and further reducing the blue component of proposed lighting to a maximum of 2200 Kelvin.

7.5.54. The ODE report outlines basic operational phase lighting mitigation is presented by DCC, and emphasis is placed on further measures which will be designed based on further study and discussion with NPWS, and the EclA and EIA Screening reports both appear to disregard the potential for operational-stage effects on bats due to ALAN, presumably on the basis that a lighting solution will be found which simultaneously meets the requirements of DCC public lighting and avoids any significant negative effect on bats. ODE state it is clear that such a solution (if it exists) would not eliminate the occurrence of an impact on bats but would at best mitigate the effect. The placement and height of lighting poles have been determined, and this limits the opportunity to reduce effects in any post-consent design process. ODE outline the assessment of effects due to operational stage lighting is significantly hindered by the absence of a final lighting design and illuminance contours are not provided as is recommended within ILP & BCT (2023) guidance.

- 7.5.55. ODE outline the EclA (Table 6.3) states that in the absence of mitigation “The potential for habitat fragmentation and barrier effects during the operational phase due to artificial lighting is considered to constitute a Permanent Significant Negative Impact at the local level”, and that this finding is considered reasonable. The report outlines no reliable mitigation measures are presented which would reduce lighting-related operational-stage effects, and in the EclA the residual effect of lighting in the operational phase appears to be discussed in combination with habitat loss and is described as being “Minor negative impacts on [bats] within the site as a result of habitat loss” however for the outlined reasons, this residual effect conclusion in relation to lighting is not considered reasonable or sound. It is further outlined the statement on the assessment of effects submitted within the FI Response does not follow any relevant guidelines.
- 7.5.56. In its conclusion, the ODE report outlines ALAN negatively affects bats, and in relation to lighting impacts on key habitat features (such as the canal) BCT & ILP (2023) states that “an absence of artificial illumination and glare acting upon both the feature and an appropriately sized buffer zone is most often the only acceptable solution”. The report outlines it does not believe that DCC has provided sufficient information to inform a reasonable and sound assessment of potential effects on bats as a result of the proposed development, and having reviewed all relevant aspects of the current application, it does not believe it is reasonable or sound to conclude that the likelihood of significant adverse effects on bats can be ruled out.
- 7.5.57. The applicant’s submission on the further information response outlines elements of the project haven’t been designed in relation to bats. In my view, a key consideration in terms of determining as to whether the proposed development would/would not be likely to have significant effects on the environment, relates to the proposed operational lighting design regimes potential impact on bats, biodiversity. I note the FI Response outlines that the lighting regime design, which will be established following lighting trials, will operate within stated parameters, with trials undertaken in 2023, with a second trial to be undertaken in Summer 2025. DCC outline the preferred lighting regime will be agreed in consultation with the NPWS. Critically, and as highlighted by ODE, the local authority has not presented a final lighting design solution which will not impact on bats, and I note there is an absence of survey

information presented to rule out likely significant effects arising from operational lighting. The proposed site is located in an unlit area in the canal, and with no reliable mitigation measures presented which would reduce lighting-related operational-stage effects, as highlighted by ODE, I consider the proposal has a potential to give rise to permanent likely significant effects on the spatial distribution of bats. Questions 1, 2, 6, 12, 13 and 25 of my Screening Checklist outlines a significant impact on Bats, Biodiversity and the Environment cannot be ruled out.

7.5.58. A key part of the local authority's proposed lighting strategy is reliant on consultation with the NPWS. Aside from NPWS highlighting that the impact of lighting on Daubenton's Bat is a key concern, there is no evidence of discussions with NPWS, or for their involvement in a post determination process. In addition, I note ODE outline the partial lighting design limits the opportunity to reduce effects in any post-consent design process. I further note, while a final lighting design solution has not been set out, and there is an absence of survey information in relation to same, having regard to the nature of the application, a procedural mechanism to address potential lighting design options at the post determination stage does not exist.

7.5.59. In relation to lighting parameters, as highted by ODE, key recommendations arising from the *2023 Lighting Trial Report (Bat Eco Services, 2024)* have not been reflected in the current proposal. I note parameters set out by DCC include for lights being LED with a sharp cut off, and lights will be a maximum of 2700 Kelvin (warm white). I note the details outlined in *Appendix B 2023 Lighting Trial Report (Bat Eco Services, 2024)*, forming part of the FI Response, which outlines the LED lighting used in the study was 2,700 Kelvins, the maximum colour recommended for bat habitats by the BCT (2023). The Bat Eco Services report outlines to reduce the impact of proposed lighting, DCC should consider reducing the Kelvin level to 2,200 Kelvins, which is a more "Yellow" white light. I note the DCC FI Response lighting parameters do not align with their own consultant's recommendation for a reduced Kelvin level. In addition, I consider there are difficulties in the applicability of any parameters, in the absence of a final lighting design solution and survey information in relation to same.

7.5.60. In conclusion on bats, biodiversity, having regard to the foregoing, the details submitted by the local authority, the ODE report and findings, the absence of the

physical characteristics of the whole proposed development including a final lighting design regime, and survey information in relation to same, that no reliable mitigation measures have been presented which would reduce lighting-related operational-stage effects, and that the proposed construction phase lighting would likely give rise to adverse effects on bats, I consider that the proposed development has a potential to give rise to likely significant effects on bats, biodiversity, and the environment, and that such effects cannot be ruled out.

- 7.5.61. Construction requirements will be imposed during works to prevent pollutants and sediment discharging to the watercourse, which could otherwise continue downstream into Dublin Bay and its associated Natura Sites and potentially negatively affect water quality. As dredging has the potential to disturb sediment and impact water quality, water levels are to be lowered by way of dewatering to prevent disturbed silt being transported downstream to European designated sites.
- 7.5.62. An AA screening report has been prepared, which concludes that the project is not likely to have significant effects on any European sites, in view of best scientific knowledge and the Conservation Objectives of the sites concerned. I note that the development was subject of a separate request for AA Screening under Art.250 (ABP. Ref. 318303-23), in which the Board decided a Natura Impact Statement was required on 1<sup>st</sup> May 2024.
- 7.5.63. The ODE report outlines no SAC sites which list bats amongst their qualifying interests were screened into the AA Screening assessment (2023), which concludes that no significant adverse effects on any bat species listed in Annex II of EU Habitats Directive are likely to occur as a result of the proposal. ODE outline based on current scientific information, this conclusion is considered to be reasonable.

Risk of Major Accidents and/or disasters including those caused by climate change.

- 7.5.64. Having regard to the nature, scale and characteristics of the proposed development, it is considered it would not lead to the risk of a major accident.

Risk to Human Health

- 7.5.65. The proposed development site is used for water based recreational purposes, cycling, walking. The EIA Screening Report outlines during construction, routine practice and procedures to prevent impacts relating to noise, dust, visual and traffic

will be applied, and no likely significant negative effects are predicted at construction or operation stage. It is outlined in the EIA Screening Report that the canal site includes hazardous sediment waste and that during construction works there is potential for water quality impacts by way of increased levels of suspended soils. The report outlines how construction requirements will be implemented by the contractor to prevent pollutants and sediments discharging to the Royal Canal, which will require the water levels being lowered to prevent any disturbed silt being transported downstream. Details outline how the contractor shall implement an Environmental Operating Plan consistent with TII construction guidelines. While Questions 3 and 8 of my Screening Checklist relating to potential harm and risk to human health and the environment acknowledged the implementation of best practice guidance at construction stage as outlined in the EIA Screening report 2023 which includes for a Construction Environmental Management Plan, the potential for significant impact from the disturbance and removal of contaminated sediments could not be ruled out in previous Inspector Reports given the absence of detail in the EIA screening 2023. In relation to risks to the environment, the initial ES report dated 10<sup>th</sup> September 2024 outlined there is a lack of detail with regard to the extent and degree of contamination, and 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 ES report dated 10<sup>th</sup> September 2024 outlined the risk to surface waters could not be eliminated given the lack of detail pertaining to the contamination and proposed mitigation measures that would be required.

7.5.66. Based on the further information response details submitted by DCC, the Environmental Scientist Report 12<sup>th</sup> March 2026, the Environmental Scientist Report 10<sup>th</sup> September 2024, and sections 7.5.7 – 7.5.23 of this assessment report which relates to sediment contamination within the canal and mitigation outlined for the removal of same, I consider that the potential for a significant impact on the environment still applies, as detailed in Q.3 and Q.8 of my Screening Checklist.

7.5.67. Conclusion - I consider the proposed development would likely result in a significant use of natural resources by way of biodiversity. I am also not satisfied that significant adverse impacts would not arise in relation to the production of wastes, water

pollution and resulting impacts on species, habitats, European Sites, and biodiversity.

## **7.6. Location of Proposed Development**

### Existing and approved land use

- 7.6.1. The proposed development comprises improvements to an existing public amenity in an urban location, with the principle of a greenway accepted and permitted at this location in Reg.Ref.2870/15. The proposed development as an amendment to the permitted scheme is considered to be compatible with the existing use of the land as a navigational channel, transport corridor and for amenity/recreational purposes, in accordance with the zoning objectives 'Waterways Protection' (Z11) and 'Amenity/Open Space Lands/Green Network' (Z9). The canal is designated as a conservation area in the CDP. I am satisfied that no significant adverse impacts in relation to land use are likely to arise.

### Abundance, availability, quality and regenerative capacity of natural resources

- 7.6.2. The site entails the Royal Canal pNHA. Habitat will be lost/damaged within the footprint of the proposed scheme with a total of 2,000-2,500 sq m permanently lost to accommodate the widening of the existing towpath (documents submitted detail 2000m<sup>2</sup>, and 2500m<sup>2</sup>). The EcIA outlines there will be 512 m of scrub habitat loss and 140 m of hedgerows and treeline habitat loss. The applicant contends that the EIA screening report does not contain an assessment of features, flora or fauna associated with the pNHA with no discussion of likely significant effects with the report outlining how mitigation measures will need to be developed. I note the information provided in the EIA Screening report which outlines appropriate mitigation measures will be in place to ensure the proposed development does not impact on the relative abundance, quality and regenerative capacity of the pNHA. However, it is considered that there is a potential for significant environmental effects on the pNHA habitat by way of pollution, owing to the uncertainty in relation to the physical characteristics of the contaminated sediment to be removed from the waterbody. My Screening Checklist questions 11 and 26 in the Second Inspector Report outlined the potential for a significant impact on the pNHA and canal waterbody could not be ruled out, which relates to contaminated sediments in the

canal. The initial ES report (dated 10<sup>th</sup> September 2024) outlined the contamination of hydrocarbons within the sediment could severely impact the regenerative capacity of the pNHA at locations where contamination has been identified, and this risk cannot be eliminated given the lack of detail pertaining to the extent and degree of contamination and proposed mitigation measures that would be required.

Furthermore, the ES (10<sup>th</sup> September 2024) outlined this could impair the ability of the canal waterway to achieve the obligations under the Water Framework Directive. In relation to further information submitted, the Environmental Scientist Report 12<sup>th</sup> March 2026 outlined DCC has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. It is outlined contamination levels, and the extent of contamination, have not been clearly demonstrated in the details submitted, with concerns also raised in relation to the application of mitigation measures at the post consent stage. On the basis of these issues, which are addressed in detail in sections 7.5.7 – 7.5.23 of this assessment report, I consider the potential for a significant impact on the pNHA and canal waterbody, as outlined in My Screening Checklist questions 11 and 26 cannot be ruled out. In addition, as outlined in My Screening Checklist question 13 in the Second Inspector Report, the site synopsis for the pNHA references the rare and legally protected (Under the Flora Protection Order, 1987) Opposite Leaved Pondweed present between Locks 4 and 5, in addition to Tolypella Intricata which is also in the Royal Canal and is listed in the Red Data Book as being vulnerable, and 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. Having regard to the above and details outlined in sections 7.5.7 – 7.5.23 of this assessment report, the potential for significant impact as outlined in question 13 still applies.

In my previous Inspector Reports, it was outlined the fragmentation of hedgerow/treeline habitat and the introduction of artificial lighting into the area also has the potential to impact on the regenerative capacity of biodiversity by way of bat species. While a likely significant impact on fauna is ruled out in the PA Screening Checklist 2023, my Screening Checklist questions 13, 25 outlined the potential for a significant impact on bats could not be ruled out. The applicant outlines lighting design requires prior assessment and determination, and I noted the proposed

operational lighting design/regime has not been outlined, assessed or been subject to bat surveys. Following the local authority response to further information, a detailed assessment of the proposals potential to give rise to significant effects on bats, biodiversity has been carried out in sections 7.5.26 – 7.5.60 of this report. Having regard to this assessment and findings, I consider Screening Checklist questions 13, 25 and the potential significant impacts outlined within still apply.

- 7.6.3. Natural resources in the area include the Royal Canal which is hydrologically connected to Dublin Bay, which includes designated SPAs and SACs. As highlighted, there is the potential for impacts to arise on water quality at the construction phase of the project, owing to the uncertainty in relation to the existing physical characteristics of the contaminated sediment to be removed from the canal. I note that the development was subject of a separate request for AA Screening under Art.250 (ABP. Ref. 318303-23), in which the Board decided a Natura Impact Statement was required on 1<sup>st</sup> May 2024.

Absorption capacity of the natural environment

- 7.6.4. The absorption capacity of the environment refers to the ability of the proposed development to be accommodated with particular reference to a number of natural environment types as identified in Annex III of the EIA Directive as follows:
- 7.6.5. **Wetland, riparian areas, river mouths** – the subject site includes the Royal Canal pNHA and its riparian areas, which will be affected by the project. The EIA screening report 2023 outlines how impacts to the canals water quality and riparian fringe will be mitigated through best practice and implementation of standard mitigation. The EIA Screening Report 2023 outlines how riparian buffers will be reinstated and vegetation is to be replaced with native species, and canal bank vegetation will regrow and recover over time. While the EIA Screening 2023 outlines the natural environment has capacity to absorb the proposed development, having regard to the uncertainty in relation to the physical characteristics of the contaminated sediment onsite which is to be removed, I was not satisfied that the natural environment/riparian areas would have a capacity to absorb the proposed scheme, and a significant impact on the waterbody could not be ruled out, as identified in Questions 11, 12 of my Screening Checklist dated 24<sup>th</sup> January 2025. The ES report dated 10<sup>th</sup> September 2024 outlined it was difficult to eliminate the potential for

significant impact on the regenerative capacity of these areas given the potential impact from the removal of the contaminated sediments and lack of detail regarding same. Having regard to the further information submitted, the Environmental Scientist Report 12<sup>th</sup> March 2026, and details outlined in sections 7.5.7 – 7.5.23 of this assessment report, I consider the potential for a significant impact on the waterbody, as outlined in My Screening Checklist questions 11 and 12, cannot be ruled out.

- 7.6.6. **Coastal zones and the marine environment** – The Royal Canal flows to the River Liffey which flows into Dublin Bay. No works are proposed to be undertaken within the coastal zone or marine environment.
- 7.6.7. **Mountain and forest areas** – the site is not located within or adjacent to a mountain/forest.
- 7.6.8. **Nature reserves and parks** – The nearest nature reserve is the North Bull Island nature reserve located c.5.9km from the site, c.8.3km via hydrological connection.
- 7.6.9. **Areas Classified or Protected under National Legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC** – The subject site entails a pNHA Royal Canal and lies upstream of a Nature Reserve. The site is located upstream of 5 European Sites in Dublin Bay which are within a distance of 8.4km of the site and include North Dublin Bay SAC (site code 000206), South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North-West Irish Sea cSPA (site code 004236).
- 7.6.10. The subject site does not include any part of the above SACs/SPAs. There is however the potential for impacts to arise on downstream conservation sites at construction stage due to a surface water pathway and the proximity of the European Sites to the site in terms of habitat degradation and impairment and impact on species, due to impacts on water quality by way of the release of pollutants/contaminants to waterbodies and the disturbance of contaminated sediment in canal.
- 7.6.11. The Board will note that a Screening for Appropriate Assessment report has been prepared by the local authority for the project. I note that the development was subject of a separate request for AA Screening under Art.250 (ABP. Ref. 318303-

23), in which the Board decided a Natura Impact Statement was required on 1<sup>st</sup> May 2024. There is uncertainty in relation to the physical characteristics of the contaminated sediment to be removed from the site, including the degree and extent of contamination. Mitigation measures in terms of construction methodologies for the purposes of protecting biodiversity have also been identified in the EIA Screening Report and AA Screening Report. I note these mitigation measures (construction of watertight dams in canal to enable dewatering process and lower water levels) are required for the protection of European sites. The Natura 2000 Sites conservation objectives seeks to maintain or restore the favourable conservation condition of the QI. Question 11 of my Screening Checklist dated 24<sup>th</sup> January 2025 outlined a significant impact on European Sites could not be ruled out, with the ES report dated 10<sup>th</sup> September 2024 outlining 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. The checklist also identified the potential for effects on the pNHA by way of the contaminated canal sediments to be removed. As outlined in sections 7.5.7 – 7.5.23 of this report, as previously highlighted, the further information submitted by DCC has not addressed issues raised in relation to sediment contamination. On the basis of the above, details submitted and the ES reports, I consider that the proposed development is likely to have a significant effect on European Sites in terms of its qualifying interests, which include habitats and species. I therefore consider that the natural environment does not have the capacity to absorb the proposed development without generating significant effects on **Natura 2000 areas**, and that the significant impact as outlined in Question 11 of my Screening Checklist still applies.

7.6.12. In addition, given the aforementioned issues, I am not satisfied that the pNHA would have the capacity to absorb the proposed scheme without generating significant effects on the pNHA.

7.6.13. **Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure** – The EIA screening report 2023 outlines sediment sampling was undertaken within the canal in 2020 for waste acceptance criteria, chemical heavy metals and pesticides. While it was noted in the second Inspector Report contaminated sediment was indicated at locations along the

canal, the precise details of same were not outlined. It was also noted the actual level of contamination was not outlined in the EIA Screening Report. Furthermore, the Royal Canal Level 6 Sediment Sampling Methodology and Results April/May/July 2013 (Waterways Ireland 2013) accompanying the applicants submission indicates that the canal bed is contaminated with PAH (polyaromatic hydrocarbons) and creosote contaminated material in the canal. As outlined, the Environmental Scientist Report 12<sup>th</sup> March 2026 outlined DCC in its further information response has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. It is outlined contamination levels, and the extent of contamination, have not been clearly demonstrated in the details submitted, with concerns also raised in relation to the application of mitigation measures at the post consent stage. On the basis of these issues, which are addressed in detail in sections 7.5.7 – 7.5.23 of this assessment report, it is considered there is uncertainty in relation to the existing physical characteristics of the contaminated sediment to be disturbed, dredged, excavated and removed from the canal, and there is the potential for a significant impact on the waterbody to arise.

- 7.6.14. In terms of the WFD, the referrer has highlighted the existing WFD status of the waterbody as “good” with WFD Risk “under review”. The EIA screening report outlines the WFD waterbody status is currently under review and states no likely significant negative effects are predicted on water, with construction requirements being implemented and include for prevention control measures and de-watering canal proposals. I note the EPA website outlines that the current WFD cycle status 2019-2024 of the canal waterbody is ‘Good’ and WFD risk is at ‘review’, and this is an update on detail in Question 26 of my Screening Checklist. Question 26 of my Screening Checklist relates to there being 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? While the PA Screening Checklist 2023 rules out a significant impact arising, my Screening Checklist outlines a significant impact cannot be ruled out, with the Royal Canal Waterbody status under the Water Framework Directive being of Good Status. As noted, the waterbody risk status is currently at review. The checklist outlines the removal of the contaminated sediments has the potential to impact on the present

status of the waterbody. The ES report 10<sup>th</sup> September 2024 outlines the EIA screening report states that there will be no negative impacts on water. The ES report 10<sup>th</sup> September 2024 outlined it is not possible to exclude significant impacts on waters given the works proposed and the lack of details regarding the degree and extent of the sediment contamination within the canal bed, and in addition, the significant impact on water quality status within the waterbody cannot be ruled out. The ES Report 12<sup>th</sup> March 2026 further outlined the further information response has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. Given the uncertainty in relation to the physical characteristics of the contaminated sediment to be disturbed, excavated and removed from the site, there is the potential for a significant impact to arise on water quality within a waterbody of 'good' status.

7.6.15. While the EIA Screening Report 2023 outlines an Environmental Operating Plan is to be agreed between DCC, IFI and WI, and the further information response outlines the approach to mitigation and avoidance measures, it is noted that no detailed analysis of existing water quality of the waterbody or hydromorphology assessment of the scheme is outlined. Question 1 of my Screening Checklist outlines a significant impact on the waterbody cannot be ruled out, with towpath widening resulting in a permanent alteration to the hydro morphology of the waterway, and canal dredging of contaminated sediment also proposed. Having regard to the above, I am not satisfied that the existing water environment with a WFD status of 'Good' has a capacity to absorb unidentified contamination from the proposed development without generating significant effects on the waterbody.

7.6.16. **Densely Populated Areas** – The site is located within an urban area within Dublin City with a mix of residential, commercial, industrial and transportation developments located along its route. While the construction stage would result in impacts by way of noise, traffic and inconvenience to the population and existing users of the facility, the proposal would benefit the area and impacts would be short term.

**Landscapes and Sites of Historical, Cultural or Archaeological Significance –**

7.6.17. The site is located within the Royal Canal Conservation Area as outlined in the CDP 2022-2028. The scheme will not impact directly on any recorded protected structures. There are six recorded archaeological monuments within 500m of the

proposed greenway and the scheme will not impact on any of these monuments and none are visible from the proposed route. The proposed development will impact directly on the Royal Canal towpath (which is on the Dublin City Industrial Heritage Record) and within the canal channel where realignment is proposed. As the late eighteenth century fabric of the canal towpath has been upgraded at various times in the past and now comprises a tarmac roadway the EIA Screening Report outlines the impact is slight long-term effect. Mitigation measures are set out for the installation of the ESB underground cable joint-bay chambers. There are no protected views along the route. With regard to the above, the likely impact of the development on the landscape, archaeology and heritage is therefore considered to be low. Questions 11 and 19 of my Screening Checklist outlines no potential significant impacts on cultural heritage are anticipated.

- 7.6.18. **Conclusion** – On the basis of the information submitted and my site inspection, I consider that the proposed development has the potential to impact on the regenerative capacity of biodiversity, and that the natural environment does not have the capacity to absorb the proposed development without generating significant effects on the environment, and does give rise to the requirement for EIA.

## 7.7. Types and Characteristics of Potential Impacts

### Nature, Magnitude and Extent of the Impact

- 7.7.1. The extent of the impact in terms of **population and human health** will be limited to the geographical area of scheme running for a distance of over c.1km and the population within the immediate vicinity of this area. There will be limited impacts on local residents due to noise, dust, traffic. This will be of short duration and can be mitigated by good construction and best practice methodologies. However, my Screening checklist outlines the risk to the environment cannot be eliminated given the lack of detail pertaining to sediment contamination in the canal. The proposed development may accommodate increased users during the operational phase. Given the nature of the development and availability of public transport in the area, significant impacts on the local population are unlikely. There is no potential for major disasters / accidents to result from the development.

- 7.7.2. In relation to **cultural heritage**, with the canal towpath being upgraded at various times in the past and now comprises a tarmac roadway, the impact on the Conservation Area is considered to be low. The scheme will not impact directly on any recorded protected structures. It will not impact on any archaeological monuments with none visible from the proposed route. No potential significant impacts on cultural heritage are therefore anticipated, as identified in my Screening Checklist Questions 11, 19.
- 7.7.3. In relation to **landscape**, there are no protected views along the route. While the removal of treelines and hedgerow will have a visual impact, planting is proposed and impacts are not considered to be significant. No potential significant impacts on landscape are therefore anticipated, as identified in my Screening Checklist Question 15.
- 7.7.4. In terms of **biodiversity**, there will be loss and disruption of habitat arising from the proposed development and there is the potential for disturbance/displacement of species using the site. While it is considered that the measures taken in relation to otter, including for derogation are standard and acceptable, there is however doubt in relation to the full significance of the effects of the scheme on bats which are present along the canal. In my previous Inspector Reports, it was outlined that the proposed development had the potential to negatively impact bats by way of habitat loss, disturbance, habitat fragmentation and barrier effects. Questions 1, 2, 6, 10, 12, 13 and 25 of my Screening Checklist dated 24<sup>th</sup> January 2025 outlined a significant impact on Bats, Biodiversity and the Environment could not be ruled out. Likely significant effects on bats which are a protected Annex IV species therefore could not be excluded. Following the local authority response to further information, a detailed assessment of the proposals potential to give rise to significant effects on bats, biodiversity, the environment, has been carried out. Following this assessment and its findings, set out in Sections 7.5.26 – 7.5.60 of this report, I consider that Screening Checklist questions 1, 2, 6, 10, 12, 13 and 25 and the potential significant impacts outlined within still apply. On the basis of the information submitted and assessment carried out, I also consider the proposal has a potential to give rise to permanent likely significant effects on the spatial distribution of bats. I am therefore not satisfied that there is sufficient information to enable a conclusion that significant

adverse effects on biodiversity and the environment arising from the proposed development are unlikely.

- 7.7.5. The proposal will have a potential to impact on 5 designated European Sites in Dublin Bay. This relates to the removal of contaminated sediment and the lack of details pertaining to the degree and extent of contamination, and the potential for significant impacts on water quality, sites and qualifying interests cannot be ruled out. Question 11 of my Screening Checklist outlines a significant impact on European Sites cannot be ruled out. Significant effects on the environment and the designated European Sites arising from the proposed development therefore cannot be excluded.
- 7.7.6. The ES report dated 10<sup>th</sup> September 2024 outlines the mobilisation of hydrocarbon in waters arising from works could lead to significant water pollution downstream of the works, which has the potential to impacts on species, habitats and waters. The ES report dated 10<sup>th</sup> September 2024 outlines the inability of vegetation to recover thereby impacts the ability of species to utilise the habitats along the canal corridor and has the potential to impact on the qualifying interests of the European Sites downstream.
- 7.7.7. In terms of **water, land and soil**, it is considered there is uncertainty in relation to the existing physical characteristics of the contaminated sediment to be disturbed, dredged, excavated and removed from the canal. I considered in my Inspector Report dated 24<sup>th</sup> January 2025 to enable an assessment of likelihood of the project to have significant effects on the environment, the physical characteristics of proposed development are required to be identified. While the PA Screening Checklist outlines the proposed development will be constructed in accordance with best practice guidelines which will ensure no release of contaminants into adjacent lands or waterbodies, and that a significant impact will not likely result, Questions 1, 3, 4, 7, 8, 11, 12, 13, 14, 25, 26 of my Screening Checklist dated 24<sup>th</sup> January 2025 outlined a significant impact on the environment could not be ruled out. As outlined, the ES Report 12<sup>th</sup> March 2026 detailed the further information response from DCC has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. With an absence of detail in relation to existing sediment contamination, there are also concerns in relation to the

application of mitigation measures at the post consent stage. On the basis of the above, insufficient details have been provided on waste generation and the presence of contaminated sediment within a watercourse and I am not satisfied that significant adverse impacts in relation water pollution and the environment would not arise. I consider that Screening Checklist questions 1, 3, 4, 7, 8, 11, 12, 13, 14, 25, 26 and the potential significant impacts outlined within still apply.

- 7.7.8. It is outlined instream works will take place outside of the boating navigation window (mid-March to October). With regard to the nature and scale of the proposed development and the existing landuse, it is considered that the proposed development would have a significant positive impact on material assets, by improving connectivity for users along the Royal Canal.
- 7.7.9. Having regard to the nature and scale of the proposed development and works, construction duration and the operational end use, I am satisfied that the proposed development would not give rise to any significant negative impacts in terms of **air and climate**.
- 7.7.10. There is a potential for interactions to arise between the various environmental factors, including water and biodiversity, water and soil and land. As highlighted significant interactions cannot be ruled out such that they would not give rise to significant additional environment impacts. I note that measures proposed in the EIA Screening Report are related to the protection of European Sites (lowering of water levels by construction of dams). Measures, including for the construction of dams for the construction stage are also outlined in DCC's further information response.

Probability, Intensity and Complexity of Impacts

- 7.7.11. The proposed development will result in habitat loss and disruption and has the potential to result in disturbance to species. There is a potential for habitat fragmentation and barrier effects on species during the operational stage. The ES report dated 10<sup>th</sup> September 2024 outlines the likelihood of an impact from the works is considered to be probable, with expected impacts such as air, noise and traffic. The ES report dated 10<sup>th</sup> September 2024 outlines the EIS screening report 2023 has failed to address the full extent, nature and degree of contamination within the canal bed sediments with mitigation being proposed post consent. The ES Report

12<sup>th</sup> March 2026 outlines the further information submitted has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. I consider there is the potential for water pollution to arise within a waterbody and likely significant effects on the environment arising from the proposed development cannot be excluded.

- 7.7.12. With an insufficiency of information in relation to the proposals design, including the absence of survey information in relation to its potential effects, the intensity and complexity of potential impacts cannot be accurately assessed. The ES report 10<sup>th</sup> September 2024 outlines the intensity of impact would be most prevalent during the stage where the sediments contaminated with PAH and Creosote were being excavated from the canal bed, and that 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. Having regard to the scale and nature of the development where there is a presence of protected species, a presence of contaminated sediment within the canal waterbody of 'good' status which is to be excavated and where the actual level of contamination, or its extent, have not been identified, and where there is a presence of a pathway to European Sites, I consider that the nature of the environmental impacts is complex and intense.

Expected Onset, Duration, Frequency and Reversibility of the Impact

- 7.7.13. The ES report 10<sup>th</sup> September 2024 outlines 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. The ES report 10<sup>th</sup> September 2024 outlines 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 contamination within the canal bed sediments. The ES Report 12<sup>th</sup> March 2026 outlines the further information submitted has not given any further clarity to the levels or any accuracy as to the extent of the contamination within the canal sediments. The proposal has the potential to result in impacts on species at the construction and operational stages. Having regard to the nature of the proposed development, I consider it is expected that impacts arising from operational phase would be on-going and long term. These would be reversible if elements of the constructed scheme were removed.

### Transboundary Nature of Impact

7.7.14. There will be no transboundary impacts associated with the proposed development.

### Cumulation of Impacts

7.7.15. The site is zoned Waterways Protection with lands adjacent to the canal zoned Amenity/Open Space Lands/Green Network. The Development plan has been subject to Strategic Environmental Assessment. The proposed scheme is an amending Part 8 application to approved Part 8 Royal Canal Greenway Phase 4 (which is 4.2km in length). Having regard to the nature and scale of the development, the site context, and the existing approved Part 8 which includes public lighting in 3 phases, I consider the potential impacts associated with the proposed development in cumulation with the approved project would be sufficiently significant as to require EIA. This relates to potential impacts on species and biodiversity.

### Possibility of Effectively Reducing the Impact

7.7.16. An identification of the baseline environment and a screening assessment of likely significant effects of all elements of the proposed scheme, which are not included in the application documentation, or in the further information submitted, would be required to evaluate the possibility of effectively reducing the impact.

7.7.17. **Conclusion** – Having regard to the assessment of criteria and my Screening Checklist (Appendix 1) exercise undertaken and the absence of information cited within same, the checklist of criteria for evaluating the significance of environmental impacts (Appendix 2), the Environmental Scientist report dated 10<sup>th</sup> September 2024 which entails a Screening Checklist, the Environmental Scientist report dated 12<sup>th</sup> March 2026, and the technical report of O'Donnell Environmental Biodiversity and Sustainability Consultants, dated 10th December 2025, I consider that the information requirements laid down in Annex IIA of the EIA Directive 2011/92/EU as amended by Directive 2014/52/EU have not been met, and that the proposed development would be likely to have significant effects on the environment and an environmental impact assessment is required in respect of the proposed development. My Screening Checklist which includes for a summary of features of the project and of its location indicating the need for EIA, outlines a significant impact on the environment cannot be excluded.

## **7.8. Procedural Matters**

- 7.8.1. The applicant in their initial submission requested an opportunity to comment on the Council submission. The further information response received from DCC has been circulated, and the applicants have made a submission in relation to same. Having regard to the applicant's submissions and the responses from DCC, I am satisfied that there is sufficient information on the file and from other sources to enable for a screening determination to be carried out under Article 120 (3) (b) of the P&DR 2001, as amended in this case.
- 7.8.2. The applicants state that DCC has not published its screening determination. DCC have outlined how a screening determination was made and included in the Pre-Part 8 Planners Report. As the Commission is the competent authority in relation to a screening determination under Article 120 (3) (b) of the P&DR 2001, as amended, it is considered that the information on file and from other sources has enabled a comprehensive assessment of the scheme and the Commission can make its own determination in this instance.

## **8.0 Recommendation**

- 8.1. Having regard to the above assessment, I consider that the proposed development, comprising an amending Part 8 application to approved Part 8 (Ref 2870/15) Royal Canal Greenway Phase 4 between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15, would be likely to have significant effects on the environment. I therefore recommend that Dublin City Council be advised that the preparation and submission of an environmental impact assessment report is required in respect of the proposed development.

## **9.0 Reasons and Considerations**

Having regard to the following:

- (a) Directive 2011/92/EU and Directive 2014/52/EU,
- (b) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives),
- (c) The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- (d) The development does fall under Schedule 5, Part 2, Class 15 of the Planning and Development Regulations 2001, as amended, having regard to the criteria set out in Schedule 7,
- (e) The nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- (f) Environmental Impact Assessment of Projects, Guidance on Screening, European Commission 2017
- (g) The insufficiency of information in relation to the public lighting design of the proposed development, including the absence of survey information in relation to its potential effects,
- (h) The uncertainty regarding contaminated sediment proposed to be removed as part of the works and uncertainty regarding associated characteristics of the proposed development,
- (i) The location of the proposed development and the separation distances from the Natura 2000 Sites,
- (j) The hydrological connections between the site and the European sites,
- (k) The potential for significant effects on the environment arising from the proposed development, including likely significant effects on biodiversity and bat species which are an Annex IV species, subject to strict protection under the Habitats Directive (92/43/EEC), and as recognised in Article 3 (1) (b) of Directive 2011/92/EU and recital 11 to Directive 2014/52/EU,

- (l) The potential for significant effects on the environment arising from the proposed development, including likely significant effects on the Royal Canal waterbody, which is afforded 'good' status under the Water Framework Directive,
- (m) The potential for significant effects on the environment arising from the proposed development, including likely significant effects on Natura 2000 areas North Dublin Bay SAC (site code 000206), South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North-West Irish Sea cSPA (site code 004236), designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC,
- (n) The potential for significant effects on the environment arising from the proposed development, including likely significant effects on the pNHA Royal Canal (Site code 002103)
- (o) The Dublin City Development Plan 2022-2028,
- (p) The submissions made by the applicant requesting a determination and by the local authority,
- (q) The further information submitted by the local authority and the applicant's submission on the further information submission,
- (r) The report of O'Donnell Environmental, Biodiversity and Sustainability Consultants,
- (s) The 2 no. reports of the Environmental Scientist, and
- (t) The updated report and recommendation of the Inspector,

It is considered that the proposed development would be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an environmental impact assessment report is, therefore, required.

I confirm that this report represents my professional planning 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.

---

David Ryan

Senior Planning Inspector

22<sup>nd</sup> April 2026

## APPENDIX 1 - The Screening Checklist (as detailed in Inspector Report dated 24<sup>th</sup> January 2025)

The following Screening Checklist undertaken includes for details outlined in the Planning Authority EIA Screening, Screening Checklist, 2023. Of note are the following:

Outlined in RED – Comments of Planning Authority in EIA Screening Checklist - dated September 2023 (Appendix A)

Outlined in BLACK – Comments of ABP Inspector taking into account ABP Environmental Scientist (ES) Report and Screening Checklist dated 10<sup>th</sup> September 2024.

| Questions to be considered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Yes / No /? Briefly describe                                                                                                                   | Is this likely to result in a significant impact? Yes/No/? – Why?                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Brief Project Description:</p> <p>As part of the Royal Canal Greenway Phase 4 (between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15 and which is 4.2km in length), a proposed amending Part 8 application to the approved Part 8 (Ref.2870/15) is sought to undertake the following:</p> <ul style="list-style-type: none"> <li>To widen the existing towpath by realigning the northern bank of the canal at the following three locations to overcome the need for third party land acquisition, along with associated works and associated ancillary services.</li> <li>West of Lock 6 for approximately 600 metres, realigning by up to 2.15 metres;</li> <li>West of Broombridge for approximately 345 metres, realigning by up to 1.4 metres; and</li> <li>West of Lock 8 for approximately 85 metres, realigning by up to 1.75 metres</li> <li>As part of the works it is proposed to include ducting and associated chambers to ESB standard along the proposed Royal Canal Greenway project.</li> </ul> |                                                                                                                                                |                                                                                                                                                                                                                                                                                 |
| 1. Will construction, operation, decommissioning or demolition works of the Project involve actions that will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>PA EIA Screening 2023</p> <p>Yes. The proposed development utilises the existing towpath with some widening required in three sections.</p> | <p>PA EIA Screening 2023</p> <p>No. The landscape will remain largely as per existing. The introduction of lighting will cause changes to some sections of the pedestrian and cycle route however bat friendly lighting is proposed which will limit these effects. Habitat</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | enhancement and landscape planting will be incorporated to enhance the Royal Canal corridor. The realignment of the Royal Canal in some sections will not impact the 10m navigation requirement prescribed by Waterways Ireland.                                                                                                                                                                                                                               |
|  | <p>Inspector Comments</p> <p>Yes. The towpath will be widened at three sections and this will involve changes in the width of the waterbody.</p> <p>Yes. Prior to reconstruction of the northern canal embankment and towpath widening, canal channel is to be dredged where realignment is to take place. Material to be dredged contains contaminated sediment, and actual level of contamination is not outlined. EIA Screening 2023 in Section 3.2.1 <i>Assessment of Aspects of the Environment and Significance of Impacts</i> in Table 3.2 'Assessment of characteristics and likely significance of Impacts on EIA environmental receptors' for Land and Soil, outlines disposal avenue for contaminated material will be determined following laboratory analysis of the</p> | <p>Inspector Comments</p> <p>Yes. The Environmental Scientist (ES) outlines the towpath widening will result in a permanent alteration to the hydro morphology of the waterway.</p> <p>Yes. Significant impact arising on water/waterbody by way of pollution cannot be eliminated. There is uncertainty in relation to the existing physical characteristics of the contaminated sediment to be disturbed, dredged, excavated and removed from the canal.</p> |

|                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                               | <p>material taking place prior to construction. The submission received from applicant indicates the canal bed is contaminated with PAH (polyaromatic hydrocarbons) and creosote contaminated material.</p> <p>Yes. Construction and Operational stages development includes introduction of lighting. Proposed operational lighting design/regime has not been outlined, assessed or been subject to bat surveys. EIA Screening 2023 in Section 3.2.1 <i>Assessment of Aspects of the Environment and Significance of Impacts</i> in Table 3.2 'Assessment of characteristics and likely significance of Impacts on EIA environmental receptors' for Biodiversity outlines as of March 2023, DCC is funding trials to survey the impact of public lighting on bat behaviour on the Royal Canal. Submission from applicant outlines lighting design requires prior assessment and determination</p> | <p>? Potential for bat species to be negatively impacted by way of lighting at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment. While the PA outlines a significant impact will not likely result, full details of bat friendly lighting proposed which will limit effects are not outlined.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p> |
| 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? | <p><b>EIA Screening 2023</b></p> <p><b>Yes. Hardcore (stone), puddle clay, concrete, and bituminous material will be required.</b></p> <p>Inspector Comments</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>EIA Screening 2023</b></p> <p><b>No. Relatively small amounts of material will be required for the replacement/widening of the existing towpath.</b></p> <p>Inspector Comments</p>                                                                                                                                                                                                                                                                                                                                                      |

|                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                 | <p>Yes. Natural resources such as hardcore stone, puddle clay, concrete, and bituminous material. In addition, 2,500 sq m of canal habitat, 512 m of scrub habitat and 140 m of hedgerows and treeline habitat will be lost.</p>                                                                                                                                                               | <p>? While the volume of material required for the project is relatively small, there is a potential for bat species to be negatively impacted by way of habitat loss at construction stage and habitat fragmentation at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment</p>                                                                                                                                                                                                                                                                                                                            |
| <p>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?</p> | <p><b>EIA Screening 2023</b></p> <p><b>Yes. Concrete, bitumen, oils etc. will be used during construction.</b></p> <p>Inspector Comments</p> <p>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 and the project will involve the removal of contaminated sediments.</p> | <p><b>EIA Screening 2023</b></p> <p><b>No. Best practice construction management techniques and guidance will be followed during the construction of the proposed development. The quantity is limited</b></p> <p>Inspector Comments</p> <p>Yes. With the implementation of best practice guidance and given the limited materials required, there will be no significant impact on human health. However the potential for significant impact on the environment from the removal of contaminated sediments cannot be ruled out given the absence of detail in the EIA screening report.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for</i></p> |

|                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <i>this question is outlined in Appendix 2.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 4. Will the Project produce solid wastes during construction or operation or decommissioning? | <p><b>EIA Screening 2023</b></p> <p>Yes. Soil and hard material (existing pavements and concrete) may be removed to facilitate construction in some locations</p> <p>Inspector Comments</p> <p>Yes. There will be the production of solid wastes during construction, including excavated material, soils and existing pathway concrete. The canal dredging will also produce dredge material.</p> <p>Material to be dredged contains contaminated sediment, and actual level of contamination is not outlined. EIA Screening in Section 3.2.1 <i>Assessment of Aspects of the Environment and Significance of Impacts</i> in Table 3.2 'Assessment of characteristics and likely significance of Impacts on EIA environmental receptors' for Land and Soil, outlines disposal avenue for contaminated material will be determined following laboratory analysis of the material taking place prior to construction. The submission received from applicant indicates the canal bed is contaminated with PAH (polyaromatic</p> | <p><b>EIA Screening 2023</b></p> <p>No. The quantity of solid waste which will be produced will be small given the nature and scale of the proposed works.</p> <p>Inspector Comments</p> <p>Yes. While the PA outlines a significant impact will not likely result, the ES outlines the solid waste produced that is of concern is the referenced PAH contaminated sediment material to be removed from the canal bed, and the level of contamination has not been provided in the EIA Screening report. ES outlines in the absence of said information it is not possible to rule out the likelihood of significant impact.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p> |

|                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                           | hydrocarbons) and creosote contaminated material.                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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)? | <p><b>EIA Screening 2023</b></p> <p><b>Yes. The construction phase will produce air pollutants</b></p> <p>Inspector Comments</p> <p>Yes. Air pollution will arise at construction stage by way of air/dust emissions. There will be the excavation of contaminated canal sediments.</p> | <p><b>EIA Screening 2023</b></p> <p><b>No. Air pollution levels will not exceed permitted thresholds.</b></p> <p>Inspector Comments</p> <p>Yes. The ES outlines the EIA Screening has not submitted details regarding the level of contamination and the applicant submitted a sampling programme by Waterways Ireland detailing levels of contamination from hydrocarbons and creosote at various locations within the project area. ES outlines 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. I note water levels are to be lowered at construction stage.</p> <p>I also note the ES report outlines the potential for a threat to human health regarding other aspects of the project can be controlled via control measures, a CEMP, and the likelihood of a risk to human health would be negligible.</p> |

|                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6. Will the Project cause noise and vibration or the releasing of light, heat energy or electromagnetic radiation? | <p><b>EIA Screening 2023</b></p> <p>Yes. The construction phase will create limited noise and vibration. The operational phase will increase lighting in some areas, but this will be a bat friendly design.</p> <p>Inspector Comments</p> <p>Yes. The project will include for release of light at construction and operational stages. Submission from applicant outlines lighting design requires prior assessment and determination</p> | <p><b>EIA Screening 2023</b></p> <p>No. The construction works proposed are limited and therefore traffic levels are not anticipated to create noise and vibration levels that will exceed permitted thresholds. Bat friendly lighting will ensure no impacts on commuting and foraging habitat routes. During the operational phase the bat friendly lighting will provide a safer amenity for users.</p> <p>Inspector Comments</p> <p>? While the PA outlines a significant impact will not likely result, there is a potential for bat species to be negatively impacted by way of disturbance at construction stage and habitat fragmentation and barrier effects by way of lighting at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment.</p> <p>While the EIA Screening 2023 outlines Bat friendly lighting will ensure no impacts on commuting</p> |

|                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>and foraging habitat routes, the proposed operational lighting design/regime has not been outlined, assessed or been subject to bat surveys.</p> <p>Bats are an Annex IV species, and subject to strict protection under the Habitats Directive (92/43/EEC), and as recognised in Article 3 (1) (b) of Directive 2011/92/EU and recital 11 to Directive 2014/52/EU.</p> <p>No. 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.</p> |
| <b>Questions</b>                                                                                                                                                                | <b>Yes / No /? Briefly describe</b>                                                                                                                                                                                                                                                                                                                                                                                        | <b>Is this likely to result in a significant impact? Yes/No/? – Why?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 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? | <p><b>EIA Screening 2023</b></p> <p>Yes. The construction phase will have risk of pollutants entering surface and groundwaters. However, this is not a risk during the operational phase</p> <p>Inspector Comments</p> <p>Yes. The building of the bank to widen the towpath will lead to the introduction of natural materials with suspended matter, and the removal of dredge material at the base of the canal may</p> | <p><b>EIA Screening 2023</b></p> <p>No. The proposed development will be constructed in accordance with best practice guidelines which will ensure no release of contaminants into adjacent lands or waterbodies</p> <p>Inspector Comments</p> <p>Yes. While the PA outlines a significant impact will not likely result, the sediments at the base of the canal are contaminated with hydrocarbons and creosote near the Coke</p>                                                                                                               |

|                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                           | lead to the release of hydrocarbon and /or creosote to waters.                                                                                                                                                                                                                                                                                        | <p>Oven Cottages. The original application makes reference to this but does not detail this. The current applicant refers to an assessment carried out by Waterways Ireland, 2013 which identified significant levels of contamination with the sediments. ES outlines in the absence of such detail, it is not possible to eliminate the potential for significant impact.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p>                                                      |
| 8. Will there be any risk of accidents during construction or operation of the Project that could affect human health or the environment? | <p><b>EIA Screening 2023</b></p> <p>Yes. The construction phase will have a risk of accidents leading to pollutants entering surface and groundwaters.</p> <p>Inspector Comments</p> <p>Yes. At construction phase there will be a risk of accidents due to spillages, etc which have the potential to impact groundwaters and or surface waters.</p> | <p><b>EIA Screening 2023</b></p> <p>No. The proposed development will be constructed in accordance with best practice guidelines which will ensure no release of contaminants into adjacent lands or waterbodies</p> <p>Inspector Comments</p> <p>Yes. There will be the implementation of best practice guidelines and subject to following these the risk to waters can be controlled. However the ES outlines the disturbance of contaminated silts has the potential to impact on the environment, and given the lack of detail the potential for impact cannot be excluded.</p> |

|                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                      | <i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 9. Will the Project result in environmentally related social changes, for example, in demography, traditional lifestyles, employment?                                                                                                    | <p><b>EIA Screening 2023</b></p> <p>Yes. It is anticipated that the proposed development will have positive social changes by promoting a healthier lifestyle and a modal shift to sustainable transport</p> <p>Inspector Comments</p> <p>Yes. The development would create jobs during construction, and promote a modal shift.</p> | <p><b>EIA Screening 2023</b></p> <p>No</p> <p>Inspector Comments</p> <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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? | <p><b>No.</b></p> <p>Inspector Comments</p> <p>Yes. The existing approved Part 8 development includes public lighting in 3 phases</p>                                                                                                                                                                                                | <p><b>No. Any future developments will be subject to their own environmental impact and cumulative impact assessments. There will be no likely significant effects as a result of the proposed development</b></p> <p>Inspector Comments</p> <p>? I note Appendix B of the EIA Screening 2023 outlines positive long term in-combination effects are predicted with Royal Canal Cycleway Phase 3. While the PA outlines a significant impact will not likely result in the Checklist, there is potential for bat species to be negatively impacted by way of barrier effects at operational stage, and there is doubt in relation</p> |

|                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | to the full significance of the effects of the proposed scheme on bats and the environment with the approved project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 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? | <p><b>EIA Screening 2023</b></p> <p><b>Yes. The proposed development is located within the Royal Canal corridor which is a Conservation Area and a proposed Natural Heritage Area pNHA. It is also in proximity to three designated European Sites: South Dublin Bay and River Tolka SPA [004024], North Bull Island SPA [004006] and North Dublin Bay [000206].</b></p> <p>Inspector Comments</p> <p>Yes. Yes. The site is part of the Royal Canal pNHA and is located upstream of 5 European Sites in Dublin Bay (North Dublin Bay SAC (site code 000206), South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka Estuary SPA (site code 004024), North Bull Island SPA (site code 004006), North-West Irish Sea cSPA (site code 004236)) which are within a distance of 8.4km of the site.</p> | <p><b>EIA Screening 2023</b></p> <p><b>No. A Screening for Appropriate Assessment has been carried out and following a detailed analysis of the Project and the potential relationships with Natura 2000 Sites within the likely zone of impact, it was objectively concluded that there will be no likely significant effects on any Natura 2000 site(s) either alone or in-combination with other plans or projects.</b></p> <p>Inspector Comments</p> <p>Yes. While EIA Screening 2023 outlines the proposed development will include for an approved CEMP and that water levels will be lowered to prevent any disturbed silt being transported downstream to designated sites, and there will be no likely significant effects on any Natura 2000 sites, the ES outlines 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.</p> |

|                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                         | <p>No. The site entails the Royal Canal Conservation Area.</p>                                                                                                                                                                                                                                                                                                                                      | <p>There is also the potential for effects on the pNHA by way of the contaminated canal sediments to be removed.</p> <p>No. Significant effects on the Conservation Area are not anticipated.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p>                                                                                                                                                                                                                                                                                                                               |
| <p>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?</p> | <p><b>EIA Screening 2023</b></p> <p>Yes. The Royal Canal is considered to be an important linear ecological corridor which serves as a feeding and commuting pathway for protected mammals and holds a habitat suitable for protected Flora and Fauna.</p> <p>Inspector Comments</p> <p>Yes. The proposed development is to be carried out in and adjacent to the waterbody of the Royal Canal.</p> | <p><b>EIA Screening 2023</b></p> <p>No. Detailed field surveys have been carried out to map and locate all sensitive features to inform the design where feasible. The contractor will be required to prepare a Construction Management Plan (CEMP) to the satisfaction of the Client and Waterways Ireland and ensure compliance with TII and IFI construction guidelines.</p> <p>Inspector Comments</p> <p>Yes. Given the absence of data with regard to the extent of sediment contamination with particular regard to 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</p> |

|                                                                                                                                                                                                                                                 |                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                 |                                                                                                                                                                                           | <p>possible to eliminate the potential for significant impact.</p> <p>? Potential for bat species to be negatively impacted by way of disturbance at construction stage and habitat fragmentation and barrier effects by way of lighting at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment.</p> <p>While the EIA Screening 2023 outlines Bat friendly lighting will ensure no impacts on commuting and foraging habitat routes, the proposed operational lighting design/regime has not been outlined, assessed or been subject to bat surveys.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p> |
| 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? | <p><b>EIA Screening 2023</b></p> <p><b>Yes</b><br/>The habitats within the corridor are suitable for use by species such as bats, badgers, otters, kingfisher and other bird species.</p> | <p><b>EIA Screening 2023</b></p> <p><b>No.</b> The project will include the planting of native species and restoration of the canal bank habitat following construction. These habitats do not represent rare or protected vegetative communities/associations and do not support important populations of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>rare or protected species at the local level or higher. Therefore, the loss or damage of these habitats is not considered to be significant</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|  | <p>Inspector Comments</p> <p>Yes. Habitats within the Royal Canal corridor which is a pNHA are used by a variety of species. These habitats include hedgerow, tall herbs, calcareous grassland, reed fringe, open water, scrub and woodland. Bats were recorded within and using the study area. EIA Screening 2023 outlines otter have been recorded within study area. EclA outlines activity includes active holts, inactive holts, two crouches have been recorded within the study area.</p> <p>Submission from applicant outlines project includes activities which have effects otherwise prohibited by Article 12 of Habitats Directive but for the derogation.</p> | <p>Inspector Comments</p> <p>? While the EIA Screening 2023 outlines habitats onsite do not support important populations of rare or protected species at the local level or higher, I consider there is potential for bat species to be negatively impacted by way of habitat loss and disturbance at construction stage and habitat fragmentation and barrier effects by way of lighting at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment.</p> <p>The proposed operational lighting design/regime has not been outlined, assessed or been subject to bat surveys.</p> <p>Measures taken in relation to otter, including for derogation would enable impacts on the species to be mitigated.</p> <p>Yes. There will be habitat loss and reinstatement. The site synopsis references the rare and legally protected (Under</p> |

|                                                                                                                                                                                 |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                 |                                                                                                                                                                                                   | <p>the Flora Protection Order, 1987) Opposite Leaved Pondweed present between Locks 4 and 5 in addition to Tolypella Intricata 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.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p>                               |
| <p>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?</p> | <p><b>EIA Screening 2023</b></p> <p><b>Yes. The proposed Development runs adjacent to the Royal Canal.</b></p> <p>Inspector Comments</p> <p>Yes. The site entails the Royal Canal watercourse</p> | <p><b>EIA Screening 2023</b></p> <p><b>No. The nature of the proposed development generally requires the replacement of the existing towpath adjacent to the Royal Canal. There are sections that require in stream works, however this is not considered to be significant given the small scale and that the project will be constructed in accordance with best practice guidelines which will ensure no release of contaminants into adjacent lands or waterbodies</b></p> <p>Inspector Comments</p> <p>Yes. The sediments at the base of the canal are</p> |

|                                                                                                                                                                                            |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                            | <p>which is hydrologically connected to the River Liffey and marine environment. Dublin Bay includes for Natura 2000 Sites. In addition, areas of high aquifer vulnerability, groundwaters could be impacted by the project.</p> | <p>contaminated with hydrocarbons and creosote near the Coke Oven Cottages. The original application makes reference to this but does not detail this. The current applicant refers to an assessment carried out by Waterways Ireland, 2013 which identified significant levels of contamination with the sediments. ES outlines in the absence of such detail, it is not possible to eliminate the potential for significant impact.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p> |
| <p>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?</p>                                             | <p><b>EIA Screening 2023</b></p> <p><b>Yes. The proposed development runs adjacent to the Royal Canal</b></p> <p>Inspector Comments</p> <p>Yes. The proposed development is located within and adjacent the Royal Canal.</p>     | <p><b>EIA Screening 2023</b></p> <p><b>No. The proposed development requires the replacement of the existing towpath adjacent to the Royal Canal. The landscape and scenic value will not be significantly impacted</b></p> <p>Inspector Comments</p> <p>No. Landscape and scenic value will not be significantly impacted</p>                                                                                                                                                                                                                                                            |
| <p>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?</p> | <p><b>EIA Screening 2023</b></p> <p><b>Yes. The proposed development will increase access to recreational facilities, particularly for pedestrians and cyclists. It will also connect with</b></p>                               | <p><b>EIA Screening 2023</b></p> <p><b>No.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                       | <p>existing walking and cycling routes</p> <p>Inspector Comments</p> <p>Yes. The site forms part of the Royal Canal Greenway. Access to other facilities will be increased by the proposed development</p>                                                                                                                                                                                                                                                                                                                                                                                               | <p>Inspector Comments</p> <p>No. There will be a short term reduction in access at construction stage.</p>                                                                                                                                     |
| <p>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?</p> | <p>EIA Screening 2023</p> <p>Yes. In the urban areas of the proposed development, many of the adjacent roads are subject to congestion. It is considered that the proposed development may reduce congestion to some extent through the improved cycle and pedestrian facilities encouraging a modal shift</p> <p>Inspector Comments</p> <p>Yes. Transport routes in and around the project site are subject to congestion. Construction phase will have a limited impact on route congestion given its temporary nature. Development may reduce route congestion in long term through a modal shift</p> | <p>EIA Screening 2023</p> <p>No.</p> <p>Inspector Comments</p> <p>No. The relatively short duration of the project construction phase (12 month construction phase spread over period of 24 months) will result in some additional traffic</p> |
| <p>18. Is the Project in a location in which it is likely to be highly visible to many people?</p>                                                                                    | <p>EIA Screening 2023</p> <p>Yes. The proposed development will be visible to those residential properties facing the Royal Canal towpath.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>EIA Screening 2023</p> <p>No. Temporary visual impacts are expected during the construction stage due to the presence of plant on site. However, this will only be short term and the benefits of upgrading the towpath out</p>             |

|                                                                                                                                                |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                | <p>Inspector Comments</p> <p>Yes. Given its location along the towpath, adjacent residential properties and proximity to public transport routes, the project will be visible.</p>                                                                                                            | <p>weigh the temporary nuisance caused by construction</p> <p>Inspector Comments</p> <p>No. There would be temporary visual impacts at construction stage. Given its scale and nature the proposed development would not have significant visual impacts at operation stage.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>19. Are there any areas or features of historic or cultural importance on or around the location that could be affected by the Project?</p> | <p>EIA Screening 2023</p> <p>Yes. The Royal Canal corridor is considered to be a sensitive archaeological, architectural and cultural heritage resource as it is a designated Conservation Area. There are numerous features of interest located along or adjacent to the proposed route.</p> | <p>EIA Screening 2023</p> <p>No. The proposed development will impact directly on the Royal Canal Towpath (Dublin City Industrial Heritage Record (DCHIR) ref. 18-01-010, DCIHR ref. 18-02-002 and DCIHR ref. 18-03-002) and within the Royal Canal channel where the realignment is proposed west of 6th Lock (DCIHR ref. 18-03-001). However, as the late eighteenth century fabric of the canal tow path has been upgraded at various times in the past and now comprises a modern tarmac roadway the direct impacts to the Royal Canal will be a moderate long-term effect. The Royal Canal channel has also been dredged and relined in the past and therefore the direct impacts to the channel will be a moderate long-term effect. No further mitigation is required. The surviving sections of the</p> |

|                                                                                                          |                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                          | <p>Inspector Comments</p> <p>Yes. The site is located within a designated Conservation Area. There are 6 no. monuments within 500m of the site, and the towpath is listed in the Dublin City Historical Record.</p>    | <p>tow path boundary wall should be retained where possible. There will be moderate negative effects on the Conservation Area due to the direct changes occurring to the width of the Royal Canal and towpath at this location. During operation, the regeneration of the Royal Canal will have a positive impact and contribute to the enjoyment of this historic and cultural heritage amenity</p> <p>Inspector Comments</p> <p>No. As the canal towpath has been upgraded at various times in the past and now comprises a tarmac roadway, the impact on the Conservation Area is considered to be low. The scheme will not impact directly on any recorded protected structures. It will not impact on any archaeological monuments with none visible from the proposed route. No potential significant impacts on cultural heritage are therefore anticipated.</p> |
| 20. Is the Project located in a previously undeveloped area where there will be loss of greenfield land? | <p><b>EIA Screening 2023</b></p> <p>No. The development largely consists of the replacement and widening of the existing towpath.</p> <p>Inspector Comments</p> <p>No. The development is the widening of portions</p> | <p><b>EIA Screening 2023</b></p> <p>No</p> <p>Inspector Comments</p> <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                 | of the existing towpath and upgrading of the remaining portions of the towpath between Cross Guns Bridge and Ashtown.                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 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? | <p><b>EIA Screening 2023</b></p> <p>Yes. Although the development primarily follows the existing towpath along the Royal Canal, there are three sections in which the path will have to be widened into the canal.</p> <p>Inspector Comments</p> <p>Yes. The proposed development will widen and upgrade the towpath, and narrow the existing canal channel.</p> <p>While a range of land uses adjoin the site, the existing site is used by vehicles, cyclists, pedestrians, residents</p> | <p><b>EIA Screening 2023</b></p> <p>No. There will be alternative access for users during the construction phase. However, this will be phased construction and not considered to be a significant impact. All works that occur in stream will take place in agreement with Waterways Ireland to ensure that the 10m navigation requirement within the Royal Canal is maintained.</p> <p>Inspector Comments</p> <p>No. Given the existing towpath uses and proposed greenway land use, no potential significant impacts on land uses within or around the location are anticipated, with the width of the navigational channel to be maintained at 10m</p> |
| 22. Are there any plans for future land uses within or around the location that could be affected by the Project?                                                                                                                                                               | <p><b>EIA Screening 2023</b></p> <p>No</p> <p>Inspector Comments</p> <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>EIA Screening 2023</b></p> <p>No</p> <p>Inspector Comments</p> <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 23. Are there areas within or around the location which are densely                                                                                                                                                                                                             | <b>EIA Screening 2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>EIA Screening 2023</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| populated or built-up, that could be affected by the Project?                                                                                                                                               | <p>Yes. The proposed development is located in Dublin City which is a densely populated area.</p> <p>Inspector Comments</p> <p>Yes. The site is located in a densely populated area of Dublin City.</p>                                                                                                                                                                                                                                                                                                               | <p>No. The proposed development will be constructed in accordance with best practice guidelines which will ensure impacts on the population and human health are mitigated.</p> <p>Inspector Comments</p> <p>No. Implementation of best practice controls and a CEMP at construction stage will mitigate against impacts on the area.</p>                                                                                                                                  |
| 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, that could be affected by the Project?    | <p>EIA Screening 2023</p> <p>Yes. The proposed development passes in close proximity to numerous sensitive land uses including: Glasnevin Cemetery (Prospect Section), Phibsborough Canoe Polo Club, Royal Canal Park Residents Gym, Crescent Park and Ashtown Playing Pitches</p> <p>Inspector Comments</p> <p>Yes – The proposed development is located in close proximity to sensitive land uses including: Glasnevin Cemetery, Phibsborough Canoe Polo Club, a gym, Crescent Park and Ashtown Playing Pitches</p> | <p>EIA Screening 2023</p> <p>No. The nature of the proposed development generally requires the replacement of the existing towpath which limits the extent of works carried out and will have minimal impact on any of these sensitive land uses</p> <p>Inspector Comments</p> <p>No. Given the separation from these lands uses and implementation of best practice controls and a CEMP at construction stage the project will not result in any significant effects.</p> |
| 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 | <p>EIA Screening 2023</p> <p>Yes. The Royal Canal is a proposed Natural Heritage Area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>EIA Screening 2023</p> <p>No. The project will include the planting of native species and restoration of the canal bank habitat following construction. These habitats do not represent</p>                                                                                                                                                                                                                                                                             |

|                                          |                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>could be affected by the Project?</p> | <p>Inspector Comments</p> <p>Yes. The site entails the Royal Canal Corridor which is a pNHA and as such is deemed of significance with regard to habitats and or wildlife. EPA data outlines that the WFD status of the canal waterbody is 'Good' and WFD risk is at 'review'.</p> <p>Yes. The pNHA supports a range habitats, species.</p> | <p>rare or protected vegetative communities/associations and do not support important populations of rare or protected species at the local level or higher. Therefore, the loss or damage of these habitats is not considered to be significant. The proposed development will be constructed in accordance with best practice guidelines which will ensure no release of contaminants into adjacent lands or waterbodies.</p> <p>Inspector Comments</p> <p>Yes. Given the lack of detail pertaining to the level of contamination within the canal sediment and the removal of same the risk of significant effects cannot be ruled out. I note the watercourse is afforded 'good' status under the Water Framework Directive.</p> <p>? While the EIA Screening 2023 outlines habitats onsite do not support important populations of rare or protected species at the local level or higher, I consider there is potential for bat species to be negatively impacted by way of habitat loss and disturbance at construction stage and habitat fragmentation and</p> |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                           | <p>barrier effects by way of lighting at operational stage, and there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment.</p> <p>The proposed operational lighting design/regime has not been outlined, assessed or been subject to bat surveys.</p> <p><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i></p>                                                                                                                                 |
| <p>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?</p> | <p><b>EIA Screening 2023</b></p> <p><b>No</b></p> <p>Inspector Comments</p> <p>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 sediments around the Coke Oven Cottages.</p> | <p><b>EIA Screening 2023</b></p> <p><b>No</b></p> <p>Inspector Comments</p> <p>Yes. Given the absence of data with regard to the extent of sediment contamination with particular regard to 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 effects.</p> <p>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</p> |

|                                                                                                                                                                                                                                                               |                                                                                       |                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                               |                                                                                       | has the potential to impact on the present status of the waterbody.<br><br><i>NOTE: Checklist of criteria for evaluating the significance of environmental impacts for this question is outlined in Appendix 2.</i> |
| 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? | <b>EIA Screening 2023</b><br><br><b>No</b><br><br>Inspector Comments<br><br><b>No</b> | <b>EIA Screening 2023</b><br><br><b>No</b><br><br>Inspector Comments<br><br><b>No</b>                                                                                                                               |
|                                                                                                                                                                                                                                                               |                                                                                       |                                                                                                                                                                                                                     |

**Summary of features of Project and of its location indicating the need for EIA:**

**Planning Authority EIA Screening 2023 (as submitted)**

**No features of the proposed development or of its location indicate the need for an EIA**

**Summary of features of Project and of its location indicating the need for EIA:**

**EIA Screening Report (Inspector Report taking into account Environmental Scientist Report 10/9/24)**

The proposed development is seeking to widen the existing towpath by realigning the northern bank of the Royal Canal over a total a distance of 1.03 km, located between Cross Guns Bridge, Phibsborough, Dublin 7 and Ashtown, Dublin 15. This will have the effect of narrowing the existing channel. The site entails the Royal Canal watercourse and pNHA, and is hydrologically connected to the River Liffey and Dublin Bay, which includes for 5 Natura 2000 Sites.

The Planning Authority EIA Screening dated September 2023 concluded that any likely negative environmental effects arising from the proposed development will be slight, negative, short-term impacts in localised areas during the construction phase

and can be mitigated by way of an agreed Construction Environmental Management Plan. Operational effects will be moderate, positive and long-term. It is outlined the AA Screening completed which informed the EIA Screening, concluded the project is not likely to give rise to impacts which would constitute significant effects on any European site. The EIA Screening concluded with a recommendation that the proposed development does not require an EIA and an EIAR is not required.

Prior to reconstruction of the northern canal embankment and towpath widening, the canal channel is to be dredged where realignment is to take place. The Environmental Scientist (ES) in their Summary of features of Project and of its location indicating the need for EIA, outlines the PA documentation refers to Hydrocarbon contamination within the canal sediment but does not address the extent or the level of contamination, with documentation also stating the disposal route will be determined prior to commencement of the development and will be dependent on the level of contamination and the Waste Acceptance criteria. The ES outlines 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 ES outlines the potential for significant impact cannot be ruled out in the absence of information regarding the extent and level of contamination of the sediment 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. The ES outlines given the absence of this information it is not possible to rule out the requirement for an EIA.

Given the uncertainty in relation to the existing physical characteristics of the contaminated sediment to be disturbed, dredged, excavated and removed from the canal, I concur with the views of the ES. In the absence of information on canal sediment contamination, and having regard to the source-pathway-receptor model, the potential for significant effects on the environment, the Royal Canal waterbody which is of Good Status under the Water Framework Directive, and European Sites cannot be excluded.

The proposed development will include for the loss of canal, scrub and hedgerows and treeline habitat. It has been established that there is a presence of bat species in the study area by way of surveys, with one bat species stated to be light sensitive and more vulnerable to the introduction of artificial lighting than other species. Details of the final operational lighting regime has not been outlined, assessed or been subject to bat surveys, with the final scheme being left over to be agreed prior to commissioning. As there is a potential for bat species to be negatively impacted by way of habitat loss and disturbance at construction stage and habitat fragmentation and barrier effects by way of lighting at operational stage, there is doubt in relation to the full significance of the effects of the proposed scheme on bats and the environment. Likely significant effects on bats which are an Annex IV species, subject to strict protection under the Habitats Directive (92/43/EEC) and as recognised in Article 3 (1) (b) of Directive 2011/92/EU and recital 11 to Directive 2014/52/EU, therefore cannot be excluded.

The positive impacts arising from such a scheme are acknowledged. However, as highlighted by the ES the likely significant effects are based on a 'likelihood' or 'possibility' of significant effects on the environment occurring and the precautionary principle is where the 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. The ES outlines 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 EIAR. Having regard to my Screening Checklist exercise carried out and the absence of information cited within same, the checklist of criteria for evaluating the significance of environmental impacts (Appendix 2), and the ES report and Screening Checklist, I consider that the information requirements laid down in Annex IIA of the EIA Directive 2011/92/EU as amended by 2014/52/EU have not been met by the developer, and that the proposed development would be likely to have significant effects on the environment. I therefore consider an EIA and the submission of an EIAR are required in respect of the project.

## APPENDIX 2 - CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS (as detailed in Inspector Report dated 24<sup>th</sup> January 2025)

The following are checklists of criteria for evaluating the significance of environmental impacts. Of note are the following:

Outlined in RED – Comments of Planning Authority in checklist dated September 2023 (Appendix A).

Outlined in BLACK – Comments of ABP Inspector

As outlined in PA EIA Screening 2023 (as submitted):

| CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -             |     |                 |
|----------------------------------------------------------------------------------------------|-----|-----------------|
| Questions to be Considered                                                                   | Yes | Not Significant |
| 1. Will there be a large change in environmental conditions?                                 |     | x               |
| 2. Will new features be out-of-scale with the existing environment?                          |     | x               |
| 3. Will the impact be unusual in the area or particularly complex?                           |     | x               |
| 4. Will the impact extend over a large area?                                                 |     | x               |
| 5. Will there be any potential for transboundary impact?                                     |     | x               |
| 6. Will many people be affected                                                              |     | x               |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? |     | x               |
| 8. Will valuable or scarce features or resources be affected?                                |     | x               |
| 9. Is there a risk that environmental standards will be breached?                            |     | x               |
| 10. Is there a risk that protected sites, areas, features will be affected?                  |     | x               |
| 11. Is there a high probability of the effect occurring?                                     |     | x               |
| 12. Will the impact continue for a long time?                                                |     | x               |
| 13. Will the effect be permanent rather than temporary?                                      |     | x               |

|                                                                                      |  |   |
|--------------------------------------------------------------------------------------|--|---|
| 14. Will the impact be continuous rather than intermittent?                          |  | x |
| 15. If it is intermittent will it be frequent rather than rare?                      |  | x |
| 16. Will the impact be irreversible?                                                 |  | x |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? |  | x |

Inspector Comments - Questions are asked for a 'Yes' answer outlined in the Screening Checklist

| CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -<br><b>Question 1 of Screening Checklist</b> |           |
|------------------------------------------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                                                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                                                           | Uncertain |
| 4. Will the impact extend over a large area?                                                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                                                     | No        |
| 6. Will many people be affected                                                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected?                                 | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                                                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                                                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                                                | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 3 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
|                                                                                      |           |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 4 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
|                                                                                      |           |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

Inspector Comments -

| CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -<br><b>Question 5 of Screening Checklist</b> |           |
|------------------------------------------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                                                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                                                           | Uncertain |
| 4. Will the impact extend over a large area?                                                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                                                     | No        |
| 6. Will many people be affected                                                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected?                                 | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                                                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                                                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                                                     | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 7 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected?                                                             | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 8 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 11. Is there a high probability of the effect occurring?                             | Uncertain |
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 11 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 9. Is there a risk that environmental standards will be breached?                    | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?          | Yes.      |
| 11. Is there a high probability of the effect occurring?                             | Uncertain |
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 12 of Screening Checklist**

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                   |           |
| 1. Will there be a large change in environmental conditions?                                 | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                          | No        |
| 3. Will the impact be unusual in the area or particularly complex?                           | Uncertain |
| 4. Will the impact extend over a large area?                                                 | Uncertain |
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected?                                                             | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 9. Is there a risk that environmental standards will be breached?                    | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?          | Yes.      |
| 11. Is there a high probability of the effect occurring?                             | Uncertain |
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

Inspector Comments -

| CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -<br><b>Question 13 of Screening Checklist</b> |           |
|-------------------------------------------------------------------------------------------------------------------------------|-----------|
| Questions to be Considered                                                                                                    |           |
| 1. Will there be a large change in environmental conditions?                                                                  | Uncertain |
| 2. Will new features be out-of-scale with the existing environment?                                                           | No        |
| 3. Will the impact be unusual in the area or particularly complex?                                                            | Uncertain |
| 4. Will the impact extend over a large area?                                                                                  | Uncertain |
| 5. Will there be any potential for transboundary impact?                                                                      | No        |
| 6. Will many people be affected                                                                                               | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected?                                  | Uncertain |

|                                                                                      |           |
|--------------------------------------------------------------------------------------|-----------|
| 8. Will valuable or scarce features or resources be affected?                        | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                    | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?          | Yes.      |
| 11. Is there a high probability of the effect occurring?                             | Uncertain |
| 12. Will the impact continue for a long time?                                        | Uncertain |
| 13. Will the effect be permanent rather than temporary?                              | No        |
| 14. Will the impact be continuous rather than intermittent?                          | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                      | Uncertain |
| 16. Will the impact be irreversible?                                                 | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect? | Uncertain |

CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -

**Question 14 of Screening Checklist**

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Questions to be Considered                                          |           |
| 1. Will there be a large change in environmental conditions?        | Uncertain |
| 2. Will new features be out-of-scale with the existing environment? | No        |
| 3. Will the impact be unusual in the area or particularly complex?  | Uncertain |
| 4. Will the impact extend over a large area?                        | Uncertain |
| 5. Will there be any potential for transboundary impact?            | No        |
| 6. Will many people be affected                                     | No        |

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                | Uncertain |
| 13. Will the effect be permanent rather than temporary?                                      | No        |
| 14. Will the impact be continuous rather than intermittent?                                  | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                              | Uncertain |
| 16. Will the impact be irreversible?                                                         | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect?         | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 25 of Screening Checklist**

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Questions to be Considered                                          |           |
| 1. Will there be a large change in environmental conditions?        | Uncertain |
| 2. Will new features be out-of-scale with the existing environment? | No        |
| 3. Will the impact be unusual in the area or particularly complex?  | Uncertain |
| 4. Will the impact extend over a large area?                        | Uncertain |
| 5. Will there be any potential for transboundary impact?            | No        |

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                | Uncertain |
| 13. Will the effect be permanent rather than temporary?                                      | No        |
| 14. Will the impact be continuous rather than intermittent?                                  | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                              | Uncertain |
| 16. Will the impact be irreversible?                                                         | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect?         | Uncertain |

**CHECKLIST OF CRITERIA FOR EVALUATING THE SIGNIFICANCE OF ENVIRONMENTAL IMPACTS -**

**Question 26 of Screening Checklist**

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Questions to be Considered                                          |           |
| 1. Will there be a large change in environmental conditions?        | Uncertain |
| 2. Will new features be out-of-scale with the existing environment? | No        |
| 3. Will the impact be unusual in the area or particularly complex?  | Uncertain |
| 4. Will the impact extend over a large area?                        | Uncertain |

|                                                                                              |           |
|----------------------------------------------------------------------------------------------|-----------|
| 5. Will there be any potential for transboundary impact?                                     | No        |
| 6. Will many people be affected                                                              | No        |
| 7. Will many receptors of other types (fauna and flora, businesses, facilities) be affected? | Uncertain |
| 8. Will valuable or scarce features or resources be affected?                                | Uncertain |
| 9. Is there a risk that environmental standards will be breached?                            | Yes.      |
| 10. Is there a risk that protected sites, areas, features will be affected?                  | Yes.      |
| 11. Is there a high probability of the effect occurring?                                     | Uncertain |
| 12. Will the impact continue for a long time?                                                | Uncertain |
| 13. Will the effect be permanent rather than temporary?                                      | No        |
| 14. Will the impact be continuous rather than intermittent?                                  | Uncertain |
| 15. If it is intermittent will it be frequent rather than rare?                              | Uncertain |
| 16. Will the impact be irreversible?                                                         | Uncertain |
| 17. Will it be difficult to avoid, or reduce or repair or compensate for the effect?         | Uncertain |