

Greater Dublin Drainage Project

Irish Water

Environmental Impact Assessment Report: Volume 2 Part A of 6

Chapter 2 The Environmental Impact Assessment Process

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2. The Environmental Impact Assessment Process

2.1 Introduction to Environmental Impact Assessment

The Proposed Project is subject to Environmental Impact Assessment (EIA) by An Bord Pleanála (ABP), as required by Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (EIA Directive) (The Planning and Development Acts 2000 to 2017 and the Planning and Development Regulations 2001 to 2016 give effect to the EIA Directive in respect of projects like the Proposed Project.)

The EIA Directive is based on the precautionary principle and on the principles that preventive action should be taken; that environmental damage should, as a priority, be rectified at source; and that the polluter should pay. Impacts on the environment should be taken into account at the earliest possible stage in all the technical planning and decision-making processes.

The initial EIA Directive has been in place since 1985 (85/337/EEC). This Directive along with three amendments was amalgamated into Directive 2011/92/EU in December 2011.

Proposed changes to the EIA Directive were adopted by the Council of the European Union and Directive 2014/52/EU (hereafter referred to as the '2014 Directive') came into force in May 2014. Member States had three years to transpose this Directive. However, the legislation necessary to transpose the 2014 EIA Directive into Irish Law has not yet been adopted at the time of writing this document.

The EIA Directive aims to provide a high level of protection to the environment and to ensure that environmental considerations are taken into account in the planning of proposed developments with a view to reducing their environmental impact. EIA also ensures public participation in decision-making and thereby strengthens the quality of decisions.

The EIA Directive requires that certain developments be assessed for the likely environmental effects before planning approval can be granted. When submitting a planning application for such a development, the applicant must also submit an Environmental Impact Assessment Report (EIAR).

Ahead of the transposition of the EIA Directive, the Department of Housing, Planning, Community and Local Government (2017) issued Circular letter PL1/2017: Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) – Advice on Administrative Provisions in Advance of Transposition. This circular advises that:

'In respect of applications for planning permission or other development consent received on or after 16 May 2017 falling within the scope of Directive 2011/92/EU, or within the scope of Directive 2014/52/EU, competent authorities are advised to consider applying the requirements of Directive 2014/52/EU by way of administrative provisions in advance of the transposition of Directive 2014/52/EU into Irish law.'

The competent authority dealing with the application for planning approval for the Proposed Project is ABP.

The provisions of the Directive 2014/52/EU had not been transposed into Irish law by the date for transposition, 16 May 2017. In accordance with the advice contained within the Circular, and in order to ensure compliance with the requirements of EU law, this EIAR has been prepared in order to meet the requirements of Directive 2014/52/EU.



It is noted, in this regard, that the terminology used in the EIA Directive, for what has previously been described as an Environmental Impact Statement (EIS) in Irish law, is now EIAR. This report, therefore, uses the term EIAR to demonstrate its intention to meet the requirements of the new EIA Directive.

2.2 The Environmental Impact Assessment Process

EIA is the process for anticipating the effects (both positive and negative) from a proposed development or project on various environmental receptors. If the anticipated effects are significant, design measures or other relevant mitigation measures can be taken to reduce or avoid negative effects.

The EIA Directive has defined EIA as a process consisting of:

- The preparation of an EIAR by the developer;
- The carrying out of consultations with the public, prescribed bodies and any other EU member states where transboundary effects have the potential to occur;
- The examination by the competent authority of the information presented in the EIAR, any supplementary information provided by the developer and any relevant information received through consultations;
- The reasoned conclusions by the competent authority on the significant effect of the project on the environment, taking into account the examination referred to above and, where appropriate, its own supplementary examination; and
- The integration of the competent authority's reasoned conclusion on the significance of the effects into its decision to grant consent, refuse consent or grant consent with conditions.

The EIA must identify, describe and assess, in an appropriate manner, the direct and indirect effects of a proposed development on the following:

- Population and human health;
- Biodiversity, with particular attention to species and habitats protected under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Birds Directive);
- Land, soil, water, air and climate;
- Material assets, cultural heritage and the landscape; and
- Interactions between the factors referred to above.

The identification and description of environmental impacts associated with the Proposed Project, in this EIAR, has been conducted in accordance with best practice. The specific best practice and guidance used for each environmental aspect is detailed in the relevant assessment chapter of this EIAR. The EIA process is summarised in Diagram 2.1.







2.2.1 Environmental Impact Assessment Screening

Screening is the first stage of the EIA process, whereby a decision is made on whether an EIA is required.

In order to determine whether an EIA is required for the Proposed Project, it is necessary to determine whether it is a project listed in one of the Annexes to Directive 2011/92/EU (as amended by Directive 2014/52/EU).



The prescribed classes of development which require EIA are outlined in Schedule 5 of the Planning and Development Regulations 2001 (S.I. 600 of 2001, as amended). Paragraph 13 of Part 1 includes '*waste water treatment plants with a capacity greater than a population equivalent of 150,000*'. Paragraph 11(c) of Part 2 includes plants with a lower capacity of 10,000 Population Equivalent. The Proposed Project will exceed these thresholds and therefore EIA is required.

2.2.2 Environmental Impact Assessment Scoping

Following screening, 'scoping' is the process of determining the content and extent of matters that should be covered in the environmental information submitted to the competent authority. Scoping requires the consideration of the nature and likely scale of the potential environmental impacts likely to arise from a Proposed Project. Although scoping commences early in the assessment process and informs the content, methods and level of detail to be provided within the EIAR, it is an iterative process that is ongoing throughout the development of the EIAR.

As part of the scoping process for the Proposed Project, the *Greater Dublin Drainage EIS Scoping Stage – Consultation Brief* (Jacobs Tobin 2013) was provided to stakeholders for review and comment in October 2013. Table 2.1 outlines the list of stakeholders to whom the report was issued.

The Consultation Brief provided stakeholders with an outline of the Proposed Project, details of the environmental aspects being assessed and the general structure of the EIAR. With respect to the environmental aspects being assessed, the Consultation Brief provided information to stakeholders in relation to assessment methodologies, proposed site visits and surveys and the sources of desktop data that would inform the assessments. The Consultation Brief invited submissions from stakeholders in relation to potential environmental issues that they considered may result from the Proposed Project that would require consideration within the EIAR.

Stakeholders						
Local Authorities						
Dublin City Council	Dún Laoghaire-Rathdown County Council	Fingal County Council				
South Dublin County Council	Meath County Council	Kildare County Council				
Government Departments						
Department of Communications, Climate Action and Environment	Department of Justice and Equality	Department of Education and Skills				
(Formerly Department of Communications, Energy and Natural Resources)						
Department of Housing, Planning, and Local Government (Formerly the Department of Environment, Community and Local Government)	Department of Enterprise, Trade and Employment	Department of Transport, Tourism and Sport				
Department of Agriculture, Food and the Marine	Department of Culture, Heritage, and the Gaeltacht					
	(Formerly Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs)					

Table 2.1: List of Stakeholders by Category (Consultation Brief)



Stakeholders						
Semi/Semi-State Organisations						
An Bord Pleanála	An Chomhairle Ealaíon	Bord Bia				
Bord lascaigh Mhara	Inland Fisheries Ireland	daa				
		(Formerly Dublin Airport Authority)				
EirGrid	Environmental Protection Agency	Eastern River Basin District Project Team				
Fáilte Ireland	Fingal County Enterprise and Development Boards	Food Safety Authority				
Forfás	Geological Survey of Ireland	Health and Safety Authority				
Health Service Executive	Heritage Council	larnród Éireann				
Irish Aviation Authority	Industrial Development Agency	Marine Institute				
National Development Funding Authority	National Parks and Wildlife Service	Transport Infrastructure Ireland				
		(Formerly National Roads Authority)				
Office of Public Works	Rail Procurement Agency	Sea Fisheries Protection Authority				
Teagasc	Tourism Ireland					
	Business Interest Groups					
Irish Business and Employers Confederation	Irish Farmers Association	Irish Hotels Federation				
Irish Road Haulage						
	National Specialist Interest Group					
An Taisce	ENFO	Badgerwatch Ireland				
Birdwatch Ireland	Bat Conservation Ireland	Irish Whale and Dolphin Group				
Irish Wildlife Trust	The Discovery Programme	Irish Underwater Council				
Companies						
Ervia	Eir	Electricity Supply Board				
(Formerly Bord Gáis Éireann)	(Formerly Eircom)					

Detail on the feedback received from stakeholders during this process is summarised in Appendix A2.1.

In November 2017, a follow up EIAR Scoping Letter, which was accompanied by an updated project description and details on the approach to the EIAR, was issued to stakeholders for comment

The stakeholder organisations were asked to provide comments on the Proposed Project description and to provide any information relevant for consideration in the development of the EIAR.

Stakeholders were asked:

• Do you have comments that you would like Irish Water to consider in the preparation of the EIAR prior to submission with the planning application to ABP?



A total of three responses (Birdwatch Ireland, Transport Infrastructure Ireland and Teagasc) were received. Detail on feedback from the follow-up consultation is summarised in Appendix A2.2.

2.2.3 Environmental Impact Assessment Report

In accordance with Article 5(1) of the EIA Directive, where an EIA is required, the developer shall prepare an EIAR. Annex IV of the EIA Directive sets out the information required for an EIAR.

Data Collection

The environmental baseline of the Proposed Project and its surroundings has been established for each environmental aspect under consideration. To date this has been, and will continue to be, achieved largely through consultations with relevant authorities, statutory and non-statutory bodies and stakeholders, desktop reviews of available data, a literature review and detailed interpretation of specialist field surveys.

2.2.4 Scrutiny and Consent

This stage of the EIA process includes statutory consultation, as set out in Section 37B of the Planning and Development Act 2000 (as amended), and requires that, when submitting an application for Strategic Infrastructure Development, the applicant must also submit it to various prescribed bodies (as defined under the Planning and Development Act 2000 (as amended). It also involves publication of the EIAR for the purpose of obtaining submissions and observations from interested members of the public.

Scrutiny includes the examination by the competent authority of the information presented in the EIAR, any supplementary information provided by the developer and any information received through consultations, including consultations with the public.

Article 8a of the EIA Directive specifies the information which must be included in the competent authority's decision which includes the reasoned conclusions on the significant effects of the Proposed Project on the environment, taking into account the examination and, where appropriate, its own supplementary examination.

2.2.5 Enforcement and Monitoring

The Directive obliges member states to ensure that the features of the Proposed Project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are implemented by the developer, and shall determine the procedures regarding the monitoring of significant adverse effects on the environment. The type of parameters to be monitored and the duration of the monitoring shall be proportionate to the nature, location and size of the project and the significance of its effects on the environment. It is anticipated that the obligations will be discharged by the inclusion of appropriate conditions in any grant of planning permission and the scrutinising and enforcement of compliance by Fingal County Council (FCC).

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2.3 Environmental Impact Assessment Methodology

2.3.1 Environmental Impact Assessment Guidance

This assessment of environmental impacts has been conducted in accordance with current industry practice and relevant guidance. The Environmental Protection Agency (EPA) has produced the following guidance for the development of an EIAR:

- EPA Guidelines on the Information to be Contained in Environmental Impact Statements (EPA, 2002) (and revised and draft guidelines 2015/2017); and
- EPA Advice Notes on Current Practice in the Preparation of Environmental Impact Statements (EPA, 2003) (and revised advice notes 2015).

In addition to these overarching guidance documents, each environmental aspect (e.g. air quality) has been assessed in accordance with specific guidance and best practice for the environmental aspect. The specific guidance which has been used is detailed under each environmental aspect in the main EIAR chapters.

The following key stages formed the basis of the assessment process:

- Consultation with statutory and non-statutory stakeholders and relevant interested parties;
- Establishing a robust baseline of the existing environment on and around the Proposed Project. The existing
 environmental baseline of the Proposed Project and its surroundings has been established for each
 environmental aspect under consideration. This has been achieved by close co-operation with Irish Water
 and other relevant authorities and stakeholders, a desktop review of available data and literature, and
 detailed interpretation of field surveys. The ultimate goal of the Proposed Project is to meet the need for
 additional wastewater treatment within the Greater Dublin Area as identified in a number of national, regional
 and local planning policy documents and to have the capacity to provide sustainable treatment for municipal
 wastewater sludge and domestic septic tank sludges, generated in Fingal;
- Assessment of the environmental impacts and establishing their significance; and
- Formulation of mitigation measures to ameliorate the potential impacts of the Proposed Project that cannot be avoided practically through design.

2.4 Consultation

Consultation with key stakeholders, interested parties and the general public is an important aspect of the development of the Proposed Project.

The consultations serve three main purposes:

- To establish a sufficiently robust environmental baseline of the Proposed Project and its surroundings;
- To identify, early in the process, specific concerns and issues relating to the Proposed Project in order that they can be discussed and appropriately accounted for in the design and assessment; and
- To ensure the appropriate involvement of the public and authorities in the assessment and design process.

To date, at critical points in the development of the Proposed Project, feedback has been sought from statutory bodies, members of the public and potentially affected landowners to assist in shaping the Proposed Project. An overview of the consultation process to date and consultation proposed as part of the development of the EIAR is provided in Section 2.4.1 to Section 2.4.4 below.



2.4.1 **Pre-Application Consultation**

The planning application for the Proposed Project is being made directly to ABP. A number of pre-application consultations have taken place with ABP and the key issues highlighted by ABP at these meetings are outlined in Table 2.2.

Table 2.2: Topics Raised during Meetings with An Bord Pleanála

Consultation Meeting/ Date	Key Topics
Meeting 1 (24.01.13)	 Ringsend capacity; Transfer of planning application from FCC to Irish Water in the event of a planning delay; Pumping station requirements at each of the tree emerging preferred site options; Modelling to reflect worst-case scenario; EIA to address worst-case scenario; Impact of outfall on shipping lines; Sludge treatment; Submission of Appropriate Assessment (AA)/ Natura Impact Statement (NIS)/ EIS to ABP together; and Oral hearing/ Compulsory Purchase Order/ wayleaves to be held on one date.
Meeting 2 (12.02.14)	 Legal clarification of transfer of powers from Local Authority to Irish Water; Phased construction planning risks (i.e. baseline conditions at the start of Phase 2); Strategic alternatives (single v multiple plants, site location); EIS must address worst-case scenario; Odour; Ecology (i.e. potential for a Special Area of Conservation to be impacted); Licensing: Wastewater Discharge Authorisation and waste licence for sludge; Underwater noise assessment; and Water quality.
Meeting 3 (09.07.15)	 AA (Stage 2); Indication of areas for further discussion (construction phasing and duration of planning permission); and Timeframe for further consultation sessions.
Meeting 4 (26.06.17)	 Overall project update including the inclusion of the proposed Regional Biosolids Storage Facility within the scope of the Proposed Project; Sludge treatment; Ongoing investigative studies; Consents required for the project including a wastewater discharge authorisation, a foreshore licence and a compulsory purchase order (for lands and wayleaves); New EIA Directive and its requirement for an EIAR; and Preference for the potential applicant to partake in another pre-application meeting with ABP.



Consultation Meeting/ Date	Key Topics	
Meeting 5 (20.11.17)	 Confirmation of WwTP design capacity Construction timelines & methodologies Indicative WwTP layout and access arrangements Treatment technology & sludge treatment Project need & growth projections Other consents required Consultation 	
Meeting 6 (14.02.18)	 Routing of outfall pipeline Length of marine outfall and treatment technology CPO WwTP layout Noise & odour modelling Sludge treatment Energy efficiency SID designation Application submission procedures 	

2.4.2 Non-Statutory Public Consultation

The Proposed Project Public and Stakeholder Participation Report describes the public consultation and communications undertaken by the Proposed Project from the project announcement in April 2011 to submission of a planning application for the project in June 2018.

The Proposed Project was initiated on 12 April 2011 and led by Fingal County Council on behalf of Dublin City Council, Dun Laoghaire Rathdown, South Dublin County Council, Kildare County Council, Meath County Council and Wicklow County Council until 31 December 2013.

The primary objective of public consultation for the Proposed Project was to provide early opportunities for the public and interested stakeholders to inform the project development process.

The Proposed Project team provided early opportunities for public participation in the project decision-making process and, in line with best practice, ensured that all communications and consultation processes were accessible, meaningful and accountable.

At the outset, a project information service was established for all stakeholders (via phone line, email/post and website) which operated throughout the pre-planning stages from 2011-2018. An easily identifiable project name and brand was developed and applied across a full suite of information materials that were published for the project. The communications team also produced a Proposed Project video which is available on the Proposed Project website.

An extensive programme of proactive consultation and engagement was undertaken between 2011 and 2018 aligned to the project development process.

Four focused periods of non-statutory consultation were led by Fingal County Council between 2011 and 2013 as part of the Alternative Sites Assessment (ASA) process. Terms of reference, developed and published for each formal period of consultation, provided clarity to stakeholders on the purpose and scope of the consultations.



Following each consultation, a report summarising the issues raised was published on the Proposed Project website.

Issues raised were responded to by the technical team in consultation response reports published at the next phase of Proposed Project development. These reports demonstrate how public and stakeholder feedback was reviewed, considered, and informed the decisions taken on the project.

Irish Water was fully committed to the public participation approach initiated by Fingal County Council and there was a seamless continuation of public and stakeholder engagement activity once Irish Water assumed responsibility for the Proposed Project on 1 January 2014.

During the environmental assessment period from 2014 – 2018, the Proposed Project team continued to adopt a proactive approach to ongoing public and stakeholder engagement by issuing regular project progress email updates to stakeholders, holding public information events and study tours to other wastewater facilities, and through briefing a wide range of stakeholders including landowners, community groups, businesses, prescribed bodies, state agencies, local authorities, public representatives and the media.

Since 2011, the Proposed Project team has organised and attended in excess of 230 stakeholder meetings and events including 34 public information events held locally within the project area in Abbotstown, Blanchardstown, Clonshagh (Clonshaugh), Coolock, Northern Cross, Clarehall, Howth, Baldoyle and Portmarnock.

Information events were held locally around specific activities including in Howth, Baldoyle and Portmarnock ahead of the marine ground investigations in summer 2015. In addition to the ongoing stakeholder engagement, a public information campaign was undertaken in autumn 2017 which included an information mailout to 11,000 homes and businesses across north county Dublin and public information events in Blanchardstown, Northern Cross and Portmarnock.

These proactive communication activities were non-statutory (i.e. they were not required by law) but were designed to inform the public about the Proposed Project, to maintain awareness and to build a shared understanding of the need for this important piece of wastewater infrastructure.

In total, since 2011, 34,379 submissions were made to the Proposed Project. Submissions were made at open days, at stakeholder meetings, and through the project information service. Each and every submission received by the Proposed Project team was logged, acknowledged and given full consideration.

The Proposed Project Public and Stakeholder Participation Report which forms part of this planning application details the full public consultation process undertaken for the Proposed Project from 2011-2018 and how public participation has informed the development of the Proposed Project.

A summary of the topics raised during the final focused non-statutory consultation period held in 2013 are outlined in Table 2.3.



Table 2.3: Summary of Issues to be Considered in the Environmental Impact Assessment Report – Raised during Public Consultation

Summary of Issues to be Considered in the Environmental Impact Assessment Report				
Agriculture, agronomy and horticulture	Ecology and the environment (terrestrial)	Planning and development		
Air and odour	Energy	Proposed Project		
Airport	Flooding and storm events	Proximity to sensitive receptors		
Alternatives	Geology, hydrogeology and hydrology	Regulation, monitoring and liability		
Aquatic ecology and the aquatic environment	Human health	Site selection		
Archaeology, architecture and cultural heritage	Landscape and visual impact	Sludge management		
Catchment and load areas	Leaks, malfunction and breakdown	Standards		
Community and socio economic impacts	Material assets	Tourism		
Construction	Need for one large facility	Traffic and transport		
Consultation	Noise and vibration	Water		
Contract	Nuisance	Cost and financial gain		
Outfall				

2.4.3 Statutory Bodies and Interested Parties

As part of the overall consultation process for the Proposed Project, ongoing consultation has been undertaken with the following bodies and interested parties to date:

- An Bord Bia;
- Birdwatch Ireland;
- Bord lascaigh Mhara;
- Department of Communications, Climate Action and Environment, formerly the Department of the Environment, Communications and Local Government;
- Department of Culture, Heritage and the Gaeltacht, formerly the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs Development Applications Unit of the National Parks and Wildlife Service;
- Department of Housing, Planning and Local Government;
- The Planning and Licensing Unit of the National Monuments Service;
- Built Heritage and Architectural Policy Unit;
- Department of Agriculture, Food and the Marine;
- daa (formerly Dublin Airport Authority);
- Dublin City Council (DCC) (in relation to the Ringsend Wastewater Treatment Plant (WwTP));
- Dublin Regional Authority;



- Eastern River Basin District Project Team;
- EPA;
- FCC Biodiversity Officer;
- FCC personnel responsible for Sludge Management within the administrative area;
- FCC Internal Stakeholder Group which includes senior representatives from divisions within FCC with an interest in the Proposed Project;
- FCC Traffic & Transport;
- Food Safety Authority of Ireland;
- Geological Survey of Ireland);
- Growers Representatives;
- Inland Fisheries Ireland;
- Irish Aviation Authority;
- Kildare County Council;
- Local Fishermen;
- Marine Institute;
- Meath County Council;
- National Development Funding Authority;
- Office of Public Works;
- Project Steering Committee including representatives from FCC, DCC, South Dublin County Council, Dún Laoghaire-Rathdown County Council, Kildare County Council and Meath County Council;
- Sea Fisheries Protection Authority;
- SDCC;
- Teagasc; and
- The Discovery Programme.

Where practicable, feedback from consultation with the statutory bodies and interested parties has been used to inform the EIAR and incorporated into final design proposals.

2.4.4 Landowners

Separate and direct engagement was undertaken by the Proposed Project Team with each of the landowners affected by the locations of the three proposed WwTP site options, which were identified as the emerging preferred options during the ASA process (i.e. Annsbrook, Clonshagh (Clonshaugh), Newtowncorduff), as identified from available land registry data.

In addition, landowners were met by the Proposed Project agronomist to assess how the Proposed Project would impact on the current farming activities carried out on individual holdings and what mitigation measures would be necessary to reduce or eliminate any potential negative impacts.



Further engagement has continued with those landowners affected by the preferred site option at Clonshagh. In addition, engagement with affected landowners along the proposed pipeline route has been undertaken. With regard to the EIAR, landowners have been encouraged to contribute and to assist in identifying issues relevant to the EIA process.

2.5 References

Department of Housing, Planning, Community and Local Government (2017). Circular letter PL1/2017 on Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) – Advice on Administrative Provisions in Advance of Transposition.

EPA (2002). Guidelines on the Information to be Contained in Environmental Impact Statements.

EPA (2003). Advice Notes on Current Practice in the Preparation of Environmental Impact Statements.

EPA (2017). EPA Guidelines on the Information to be Contained in Environmental Impact Assessment Report.

Jacobs Tobin (2013). Greater Dublin Drainage EIS Scoping Stage - Consultation Brief.

RPS (2013). Public Consultation Report on the Issues to be Considered in the Environmental Impact Statement.

Directives and Legislation

European Union (1985). Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1985].

European Union (1992). Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and wild flora and fauna [1992].

European Union (2009). Directive 2009/147/EC of 30 November 2009 of the European Parliament and of the Council on the conservation of wild birds [2009].

European Union (2011). Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment [2011].

European Union (2014). Directive 2014/52/EU of 16 April 2014 on the assessment of the effects of certain public and private projects on the environment [2014].

Planning and Development Act 2000

Planning and Development Regulations 2001 - S.I. No. 600 of 2001