



The Secretary
An Coimisiún Pleanála / An Bord Pleanála
64 Marlborough St
Dublin 1

29th July 2026

Re: Request pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended)

Local Authority: South Dublin County Council – Outdoor Advertising Project

Reg Ref: PT8SD422

Location: SDCC lands @28 Locations

Registered Date: 01.07.2026

Dear Sir/Madam,

Please find enclosed a request made pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended) seeking an independent Environmental Impact Assessment screening determination in respect of the above proposed development.

The enclosed submission sets out the basis upon which Ballyboden tidy towns clg (the Applicant) respectfully requests An Coimisiún Pleanála to exercise its statutory jurisdiction under Article 120.

The submission includes hyperlinks to the planning authority's published planning documentation, the relevant procurement documentation and the technical guidance relied upon. Those hyperlinks are provided for ease of reference and to avoid unnecessary duplication of documents already publicly available.

The Applicant respectfully requests that An Coimisiún Pleanála undertake its independent screening determination having regard to the information before it and any other matters which it considers relevant in the exercise of its statutory functions.

Should the Commission require any further information in connection with this request, the Applicant will be pleased to assist.

Please direct all correspondence to ballybodenttgroup@gmail.com

Yours Faithfully,

Angela O'Donoghue

Director

Ballyboden Tidy Towns clg

Registered Office: 17 Glendoher Close Rathfarnham Dublin 16 D16 N2Y0

Company Registration No. 717796

A Company Limited by Guarantee registered in Ireland

REQUEST TO AN COIMISIÚN PLEANÁLA

pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended)

REQUEST FOR AN INDEPENDENT ENVIRONMENTAL IMPACT ASSESSMENT SCREENING DETERMINATION

In the matter of the Planning and Development Act 2000 (as amended)

and

In the matter of the Planning and Development Regulations 2001 (as amended)

and

In the matter of Article 120 of the Planning and Development Regulations 2001 (as amended)

and

In the matter of the proposed

South Dublin County Council Outdoor Advertising Project - PT8SD422

Preface

This document is a statutory request made to An Coimisiún Pleanála under Article 120 of the Planning and Development Regulations 2001 (as amended). Its purpose is to request an independent Environmental Impact Assessment screening determination in respect of the proposed South Dublin County Council Outdoor Advertising Project.

It is not a planning appeal, an objection to the proposed development, or a challenge to the lawfulness of the Planning Authority's decision. The submission is intended to assist An Coimisiún Pleanála by identifying matters which, in the Applicant's respectful submission, are relevant to the independent screening determination provided for under Article 120.

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DOCUMENTS AND ONLINE RESOURCES

This submission contains hyperlinks to the principal planning documentation, procurement documentation and technical guidance referred to throughout the submission. Hyperlinks are provided for convenience only and are intended to avoid unnecessary duplication of material already publicly available.

This submission should be read in conjunction with all relevant legislation, statutory instruments, European Union law, guidance documents and other material which An Coimisiún Pleanála considers applicable in the exercise of its statutory functions.

1. South Dublin County Council Documents

The Planning Authority has made the Part 8 planning documentation available online. For ease of reference, hyperlinks to the relevant documents are provided below.

<https://consult.sdublincoco.ie/en/consultation/outdoor-advertising-project>

2. Procurement Documentation

<https://www.etenders.gov.ie/epps/notices/viewPublishedContractNotice.do?resourceId=6272916&documentId=6273114¬iceType=19&extId=b0f73e0d-22b1-4231-9562-b7bf8cfa7fe5&lang=en¬iceId=6273077&isNational=false>

<https://www.etenders.gov.ie/epps/notices/viewPublishedContractNotice.do?resourceId=10141&documentId=6613193¬iceType=25&extId=d3c90de6-e27b-4c78-b90c-adfc89600c32&lang=en¬iceId=6612173&isNational=false>

3. Guidance Documents

- European Commission – Environmental Impact Assessment of Projects – Guidance on Screening
- European Commission – Guidance on the preparation of Environmental Impact Assessment Reports
- **ADVERTS** or "Assessing **D**istracti**O**n of **V**ehicle drivers in **E**urope from **R**oadside **T**echnology-based **S**ignage" was a project commissioned by **CEDR**, the European platform for cooperation between national road authorities. A consortium of three research institutes (SWOV, TRL and Vias institute) carried out the ADVERTS project. <https://www.cedr-adverts.eu/en/deliverables-publications>

[2019-vias-infog-adverts-recommend-final-print-2.pdf](#)

[2019-vias-infografiek-adverts-final-2.pdf](#)

[adverts-d1-2-executive-summary-final.pdf](#)

[d2-1-adverts-recommendations-final.pdf](#)

<https://youtu.be/R2AoHyzhFM?si=eaQyhWHmQ4S4L9ZU>

1. EXECUTIVE SUMMARY

1.1

This submission is made pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended) following publication by South Dublin County Council of a notice stating that it had determined that the proposed Outdoor Advertising Project was not likely to have significant effects on the environment and that an Environmental Impact Assessment Report ("EIAR") was therefore not required. The public notice further advised that any person could apply to An Coimisiún Pleanála ("ACP") within the prescribed period seeking an independent screening determination.

1.2

The Applicant respectfully requests ACP to exercise the independent statutory jurisdiction conferred upon it by Article 120 and to undertake its own Environmental Impact Assessment screening determination having regard to the applicable legislative framework, the information submitted by the Planning Authority, the material accompanying this request and all other relevant environmental information:

1.3

This request is **not** a planning appeal.

Nor is it a challenge to the merits of the proposed development.

The Applicant does not ask ACP to determine whether the proposed development should or should not ultimately proceed.

Rather, the sole question before ACP is whether, applying the statutory screening criteria independently, the proposed development is likely to have significant effects on the environment such that an Environmental Impact Assessment Report should be required.

1.4

The Applicant respectfully submits that this question warrants careful independent consideration for several reasons.

The proposed development comprises an extensive county-wide network of illuminated digital advertising structures together with associated foundations, electrical infrastructure, communications infrastructure, operational systems and long-term maintenance obligations extending over a concession period of approximately fifteen years.

The proposal therefore possesses characteristics extending well beyond the installation of isolated advertising structures.

1.5

The procurement documentation indicates that the project is intended to operate as an integrated commercial advertising network involving site selection, planning, detailed design, installation, operation, maintenance, management and eventual decommissioning over the concession period. The Applicant respectfully submits that these characteristics are relevant to the manner in which the project should be understood for the purposes of EIA screening.

1.6

The Applicant further submits that, having regard to the Schedule 7A criteria, the environmental issues capable of arising extend beyond visual appearance alone and include matters such as cumulative visual effects;

- artificial lighting;
- driver distraction;
- human health;
- residential amenity;
- biodiversity;
- bats and nocturnal ecology;
- protected structures;
- archaeological heritage;
- landscape character;
- cumulative interaction of environmental effects;
- the long-term operational characteristics of the proposal.

1.7

This submission does not contend that each of these matters will necessarily result in significant environmental effects.

Rather, the Applicant respectfully submits that, considered individually and cumulatively, they raise sufficient questions that ACP should itself undertake the statutory screening exercise.

1.8

The Applicant further submits that the adequacy of the environmental information available to support the screening exercise, having regard to the characteristics of the project and the interaction of environmental factors identified in Schedule 7A, also warrants independent consideration by ACP.

1.9

Throughout this submission references are made to supporting technical documents, procurement material and legal authorities. These documents are intended to assist ACP but are not relied upon as substitutes for ACP's own statutory assessment.

2. INTRODUCTION

2.1 Purpose of this Submission

This document constitutes a request under Article 120 of the Planning and Development Regulations 2001 (as amended) for An Coimisiún Pleanála to exercise its independent statutory function by undertaking an Environmental Impact Assessment screening determination in respect of the proposed South Dublin County Council Outdoor Advertising Project.

The Applicant respectfully acknowledges that Article 120 confers upon ACP an independent screening function distinct from the role exercised by the Planning Authority.

The purpose of this submission is therefore to assist ACP by identifying matters which, it is respectfully submitted, warrant consideration when carrying out that independent statutory exercise.

2.2 Nature of the Application

It is important at the outset to distinguish the nature of this request from other planning procedures.

This is not:

- an appeal against a grant of planning permission;
- an objection to the proposed development;
- an application for judicial review;
- an allegation that the Planning Authority acted unlawfully; or
- an invitation to determine the planning merits of the proposal.

Instead, this request concerns a single statutory question:

Whether the proposed development is likely to have significant effects on the environment, thereby requiring the preparation of an Environmental Impact Assessment Report before development proceeds.

The Applicant respectfully submits that ACP's determination of that question should be made independently and objectively, having regard to the statutory criteria rather than simply reviewing the conclusions reached by the Planning Authority.

2.3 Independent Nature of ACP's Function

The legislation expressly provides a mechanism whereby persons may request ACP to undertake its own screening determination.

The existence of that mechanism reflects the importance which both Irish and European environmental law attach to ensuring that environmental screening decisions are capable of independent consideration.

The Applicant therefore respectfully invites ACP to undertake a fresh assessment of the proposal having regard to the information before it.

2.4 Structure of this Submission

For ease of reference this submission is divided into a number of Chapters.

The early Chapters describe the proposed development and identify the statutory framework.

The central Chapters examine the proposal by reference to the Schedule 7A criteria.

The later Chapters identify the matters which the Applicant respectfully submits warrant independent consideration by ACP.

Supporting online documentation are referenced by hyperlink and are documented in section marked **Documents and Online Resources** to avoid interrupting the principal submission.

3. JURISDICTION OF AN COIMISIÚN PLEANÁLA

3.1

The jurisdiction exercised by ACP under Article 120 is a distinct statutory function.

It is neither appellate nor supervisory in nature.

Rather, ACP is required to undertake its own assessment of whether the proposed development is likely to have significant effects on the environment having regard to the statutory criteria prescribed by the Planning and Development Regulations and the Environmental Impact Assessment Directive.

3.2

In carrying out that assessment ACP is respectfully requested to consider:

- the characteristics of the project;
- the location of the project;
- the characteristics of the potential environmental effects;
- the cumulative interaction of those effects;
- the environmental sensitivity of the receiving environment; and
- any other information which it considers relevant to the exercise of its statutory function.

3.3

The Applicant respectfully submits that ACP's function is not confined to reviewing the Planning Authority's reasoning. Rather, Article 120 envisages that ACP will undertake its own independent screening determination, informed by the statutory criteria and the material before it.

4. LEGISLATIVE FRAMEWORK

4.1 Introduction

This request is made pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended), under which An Coimisiún Pleanála ("ACP") is empowered to undertake an independent Environmental Impact Assessment ("EIA") screening determination in circumstances where a planning authority has concluded that an Environmental Impact Assessment Report ("EIAR") is not required.

The Applicant respectfully submits that ACP's function is not confined to reviewing the reasoning adopted by the Planning Authority. Rather, ACP is required to exercise its own statutory judgement by reference to the applicable legislative framework and the environmental information before it.

The purpose of this Chapter is not to undertake a detailed legal analysis of the applicable legislation. Instead, this Chapter identifies the principal legislative provisions governing ACP's consideration of this request.

4.2 Planning and Development Act 2000 (as amended)

The proposed development falls to be considered within the statutory framework established by the Planning and Development Act 2000 (as amended), which gives effect, together with the Planning and Development Regulations, to Ireland's obligations under the Environmental Impact Assessment Directive.

The Act establishes the statutory framework within which environmental effects are identified, assessed and, where appropriate, mitigated before development proceeds.

The Applicant respectfully submits that the legislative scheme is preventative in nature. Environmental assessment is intended to inform decision-making before potentially significant environmental effects occur rather than after development has commenced.

4.3 Planning and Development Regulations 2001 (as amended)

The Planning and Development Regulations prescribe the procedures governing EIA screening and identify the circumstances in which ACP may undertake an independent screening determination.

The Regulations also prescribe the matters to which regard must be had when determining whether a proposed development is likely to have significant effects on the environment.

Of particular relevance are the criteria contained within Schedule 7A.

The Applicant respectfully submits that Schedule 7A should form the principal analytical framework for ACP's determination of this request.

Accordingly, this submission is structured largely by reference to those statutory criteria.

4.4 Schedule 5

Schedule 5 identifies categories of development for which Environmental Impact Assessment may arise.

The Applicant does not suggest that the present proposal necessarily falls within any particular mandatory threshold contained within Schedule 5.

Rather, the Applicant respectfully submits that the existence or absence of mandatory thresholds does not conclude the screening exercise.

Where a proposal possesses characteristics which may give rise to significant environmental effects, an individual screening determination remains necessary having regard to the statutory criteria.

4.5 Schedule 7A

The Applicant respectfully submits that Schedule 7A provides the central statutory framework for ACP's consideration of this request.

Schedule 7A requires consideration of three broad categories:

(a) Characteristics of the Project

including matters such as:

- size;
- design;
- cumulation with other development;
- use of natural resources;
- waste generation;
- pollution;
- nuisance;
- operational characteristics;
- risk of accidents;
- interaction with other environmental factors.

(b) Location of the Development

including:

- existing land use;
- environmental sensitivity;
- absorption capacity of the receiving environment;
- protected landscapes;
- ecological receptors;

- cultural heritage;
- archaeology;
- water environment;
- residential areas.

(c) Characteristics of Potential Effects

including:

- magnitude;
- geographical extent;
- duration;
- frequency;
- reversibility;
- probability;
- cumulative interaction.

The Applicant respectfully submits that these statutory criteria provide the appropriate structure through which the proposed development should be considered.

4.6 Environmental Impact Assessment Directive

The Planning and Development Regulations implement the Environmental Impact Assessment Directive, which seeks to ensure that projects likely to have significant environmental effects are identified before consent is granted.

The Applicant respectfully submits that the screening exercise is therefore intended to be precautionary.

Its purpose is not to determine whether significant effects will definitely occur.

Rather, the statutory question is whether the proposed development is likely to have significant environmental effects such that an Environmental Impact Assessment should be undertaken before development proceeds.

The Applicant respectfully submits that this distinction is important.

Throughout this submission the Applicant does not suggest that environmental effects have already been established.

Instead, the submission identifies matters which, individually and cumulatively, warrant independent examination by ACP during the screening process.

This approach is also consistent with the European Commission's Guidance on EIA Screening, which recognises that the screening exercise requires professional judgment informed by the applicable statutory criteria and the precautionary nature of environmental assessment.

4.7 Principle of Integrated Assessment

Environmental assessment requires consideration of the project as a whole.

The Applicant respectfully submits that the statutory screening exercise should therefore extend beyond the physical dimensions of the individual advertising structures themselves.

The operational characteristics of the project, including installation, illumination, maintenance, management, replacement, servicing and eventual decommissioning, form part of the overall project description and should be considered where relevant under the Schedule 7A criteria.

Whether those characteristics give rise to likely significant environmental effects is a matter for ACP.

The Applicant respectfully submits, however, that they form part of the project requiring assessment.

4.8 Precautionary Nature of Screening

The Applicant respectfully submits that environmental screening performs an important preventative function within the planning system.

It is not intended to establish with certainty that environmental harm will occur.

Rather, screening enables the competent authority to determine whether the characteristics of the proposal and its receiving environment justify the preparation of an Environmental Impact Assessment before development proceeds.

This submission is made in that spirit.

It respectfully identifies matters which, in the Applicant's view, warrant independent consideration by ACP.

4.8A

The Applicant respectfully submits that the statutory threshold applicable to screening is whether the proposed development is *likely* to have significant effects on the environment. The purpose of this submission is not to establish that such effects will occur. Rather, it is respectfully submitted that the matters identified throughout this request, considered individually and cumulatively, give rise to sufficient environmental questions that ACP should undertake its own independent screening determination applying the Schedule 7A criteria.

4.9 Summary

The Applicant respectfully submits that the legislative framework requires ACP to undertake its own assessment of the proposed development by reference to the statutory criteria prescribed by Schedule 7A.

The following Chapters examine the proposal through that framework.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

5.1 Introduction

Before considering whether the proposed development is likely to have significant environmental effects, it is first necessary to identify the nature and characteristics of the project itself.

The Applicant respectfully submits that the project should be understood as more than a collection of individual advertising structures.

The procurement documentation, planning documentation and public notices indicate a coordinated county-wide advertising project comprising multiple digital advertising installations intended to operate as an integrated commercial network over an extended concession period.

The manner in which the project is characterised is important because the characteristics of the project constitute one of the principal statutory criteria to which ACP must have regard under Schedule 7A.

5.2 General Description

The proposed development comprises twenty-eight digital advertising structures to be installed at various locations throughout the administrative area of South Dublin County Council.

The structures are intended to display digitally illuminated advertising content and are to be operated as part of a coordinated advertising network.

Each installation includes not merely the visible display itself but associated physical and operational infrastructure required for its construction and long-term operation.

5.3 Physical Components

The Applicant respectfully submits that the project includes, among other matters:

- digital display structures;
- supporting columns;
- foundations;
- underground works;
- electrical supply;
- communications infrastructure;
- control equipment;
- associated cabinets;
- maintenance access;

- servicing arrangements;
- replacement of electronic equipment over time;
- eventual removal and reinstatement where required.

These matters form part of the overall project description notwithstanding that some components may attract little public attention.

5.4 Operational Characteristics

Unlike conventional static advertising, digital advertising structures possess operational characteristics extending throughout the lifetime of the development.

These include:

- continuous illumination;
- brightness adjustment;
- image transitions;
- remote operation;
- electronic communications;
- ongoing maintenance;
- software management;
- equipment replacement;
- periodic servicing.

The Applicant respectfully submits that these operational characteristics are relevant to the Schedule 7A assessment because they extend beyond the initial construction phase.

5.5 Duration of the Project

The procurement documentation indicates that the proposal is intended to operate under a concession extending for approximately fifteen years.

The Applicant respectfully submits that the duration of the proposal is relevant to environmental screening.

A long operational lifespan increases the period during which environmental interactions may arise and is capable of influencing the magnitude and duration of potential effects.

Whether such effects are significant is, of course, a matter for ACP.

5.6 Integrated Commercial Network

The Applicant respectfully submits that one of the defining characteristics of the proposal is its integrated nature.

The procurement documentation indicates that the concession encompasses matters including:

- site identification;
- planning;
- detailed design;
- installation;
- operation;
- maintenance;
- management;
- commercial advertising;
- eventual decommissioning.

Accordingly, the proposal is capable of being understood as a coordinated county-wide advertising network rather than simply a series of unrelated engineering structures.

The Applicant respectfully invites ACP to consider this characteristic when applying the Schedule 7A criteria.

5.6A

The Applicant respectfully submits that, for the purposes of Environmental Impact Assessment screening, the project should be understood by reference to its overall description rather than solely by reference to the physical advertising structures. Where the procurement documentation identifies installation, operation, maintenance, management, replacement and eventual decommissioning as integral components of the concession, those operational characteristics form part of the project whose environmental effects fall to be considered under Schedule 7A.

5.7 Environmental Interaction

The Applicant respectfully submits that the proposal interacts with a variety of environmental receptors throughout the county.

Depending upon location, these may include:

- residential areas;
- urban streetscapes;
- protected structures;
- architectural conservation areas;

- archaeological sites;
- mature trees;
- ecological corridors;
- rivers and watercourses;
- pedestrian environments;
- cycling infrastructure;
- public open spaces;
- transport corridors.

Not every receptor is present at every location.

However, the Applicant respectfully submits that the environmental sensitivity of each receiving environment forms an important component of the statutory screening exercise.

5.8 Characteristics Relevant to Screening

Without anticipating the detailed analysis undertaken in subsequent Chapters, the Applicant respectfully submits that the following characteristics are particularly relevant when considering whether the proposal is likely to have significant environmental effects:

- the scale of the overall project;
- its geographical distribution;
- its operational lifespan;
- continuous digital illumination;
- cumulative visual presence;
- interaction with existing transport infrastructure;
- long-term maintenance requirements;
- interaction with heritage assets;
- interaction with ecological receptors;
- cumulative operation as a coordinated advertising network.

These matters are considered in greater detail in the following Chapters by reference to the statutory criteria contained in Schedule 7A.

5.9 Summary

The Applicant respectfully submits that the proposed development should be considered as an integrated county-wide project possessing construction, operational and decommissioning characteristics extending over a significant period.

The question for ACP is not whether these characteristics necessarily give rise to significant environmental effects.

Rather, the Applicant respectfully submits that they are characteristics properly falling within the statutory screening exercise and warrant careful consideration when determining whether an Environmental Impact Assessment should be required

6. THE RECEIVING ENVIRONMENT AND ENVIRONMENTAL CONTEXT

6.1 Introduction

The Environmental Impact Assessment process requires consideration not only of the characteristics of the proposed development but also of the characteristics and sensitivity of the environment within which that development would be located.

The Applicant respectfully submits that the proposed Outdoor Advertising Project extends across numerous locations within the administrative area of South Dublin County Council. Consequently, the receiving environment is not uniform. Rather, the proposal encompasses a diverse range of urban, suburban and transport settings, each possessing its own environmental characteristics and sensitivities.

The Applicant does not suggest that every environmental receptor identified in this Chapter is present at every proposed location. Rather, the purpose of this Chapter is to identify the range of environmental receptors potentially engaged by the project and to explain why those receptors warrant careful consideration during the statutory screening exercise.

6.2 County-Wide Nature of the Proposal

Unlike a conventional development confined to a single site, the proposed development comprises multiple installations distributed throughout the County.

The Applicant respectfully submits that this geographical distribution is itself an important characteristic of the proposal.

The environmental assessment cannot therefore be confined to the immediate footprint of each individual advertising structure. Rather, regard should be had to the collective interaction of the network with the receiving environment across the County.

The dispersed nature of the proposal also increases the likelihood that different categories of environmental receptor may be engaged at different locations.

6.3 Existing Urban Environment

Many proposed locations are situated within established urban environments comprising:

- public roads;
- footpaths;
- cycle routes;
- landscaped verges;
- public open space;
- residential development;
- commercial premises;

- civic infrastructure.

These areas are already characterised by varying degrees of traffic movement, public activity and artificial lighting.

However, the existence of an urban environment does not of itself preclude environmental effects arising from additional development.

The Applicant respectfully submits that the interaction between new digital advertising infrastructure and the existing urban environment forms part of the statutory screening exercise.

6.4 Residential Amenity

The Applicant respectfully submits that several proposed locations are situated within, or in close proximity to, established residential areas.

Residential environments possess environmental characteristics extending beyond visual appearance alone.

They include matters such as:

- visual amenity;
- outlook;
- tranquillity;
- night-time environment;
- artificial illumination;
- cumulative urban character.

The Applicant does not submit that digital advertising will necessarily result in significant effects upon residential amenity.

However, where proposals involve illuminated structures operating over extended periods, the interaction between those structures and nearby residential environments forms an environmental consideration properly falling within the screening exercise.

6.5 Transport Corridors

A significant proportion of the proposed locations appear to be associated with principal transport corridors.

These corridors accommodate:

- motor vehicles;
- public transport;
- cyclists;

- pedestrians;
- vulnerable road users.

Digital advertising structures differ from conventional roadside structures by virtue of their illuminated and electronically changing content.

The Applicant respectfully submits that the interaction between such structures and complex transport environments warrants consideration within the statutory screening process.

This submission does not seek to undertake a Road Safety Assessment or a Traffic Impact Assessment and notes that no such report appears to have been provided by SDCC as part of their published planning documentation.

Rather, it respectfully notes that the operational characteristics of digital displays may interact with existing transport infrastructure in ways distinct from static advertising.

The Applicant respectfully submits that the absence of such assessments is relevant when considering the extent of the environmental information available in relation to the interaction between illuminated digital advertising structures and the transport environment.

Supporting technical guidance from ADVERTS is provided <https://www.cedr-adverts.eu/en/deliverables-publications>

[2019-vias-infog-adverts-recommend-final-print-2.pdf](#)

[2019-vias-infografiek-adverts-final-2.pdf](#)

[adverts-d1-2-executive-summary-final.pdf](#)

[d2-1-adverts-recommendations-final.pdf](#)

https://youtu.be/_R2AoHyzhFM?si=eaQyhWHmQ4S4L9ZU

6.6 Landscape and Townscape

The proposed installations will form part of the visual environment of South Dublin County.

Landscape and townscape are dynamic environmental resources influenced by the cumulative interaction of built development.

The Applicant respectfully submits that digital advertising differs from traditional signage by reason of:

- illumination;
- changing imagery;
- movement through image transitions;
- operational activity during hours of darkness.

Whether these characteristics are environmentally significant is a matter for ACP.

The Applicant respectfully submits, however, that they warrant consideration during screening.

6.7 Architectural Heritage

South Dublin County contains numerous architectural heritage assets including:

- Protected Structures;
- Architectural Conservation Areas;
- historic streetscapes;
- designed landscapes;
- historic demesnes.

The Applicant does not contend that every proposed location affects protected heritage assets.

Nevertheless, where digital advertising is proposed within the setting of protected heritage resources, consideration may be required of:

- visual context;
- setting;
- cumulative urban character;
- appreciation of heritage assets.

These matters are addressed in greater detail later in this submission.

6.8 Archaeological Heritage

The County also contains archaeological sites and recorded monuments reflecting successive phases of historic settlement.

Depending upon location, proposed development involving foundations, underground services or associated infrastructure may interact with archaeological resources.

The Applicant respectfully submits that archaeological sensitivity forms one element of the receiving environment to which ACP may wish to have regard when undertaking its screening determination.

6.9 Biodiversity

The proposed development extends across an urban environment that nevertheless supports a range of ecological resources.

These may include:

- mature trees;
- roadside planting;
- hedgerows;
- rivers;
- streams;

- ecological corridors;
- urban green infrastructure;
- habitat supporting protected species.

The Applicant does not suggest that every proposed location engages significant ecological issues.

However, biodiversity considerations are not confined to designated conservation sites.

Urban ecological networks may also form part of the receiving environment and may therefore be relevant when considering cumulative environmental effects.

6.10 Bats and Nocturnal Ecology

Artificial lighting has the potential to alter the behaviour of certain nocturnal species.

The Applicant respectfully submits that this is not a matter determined solely by the intensity of illumination.

The duration, timing, orientation and cumulative distribution of illuminated structures may also be relevant depending upon local environmental conditions.

The Applicant does not contend that significant ecological effects have been established.

Rather, the Applicant respectfully submits that the potential interaction between artificial lighting and nocturnal ecology forms one of the environmental matters capable of consideration under the Schedule 7A criteria.

6.11 Water Environment

South Dublin County contains rivers, streams and associated riparian corridors forming part of wider ecological networks.

Where proposed development occurs in proximity to watercourses, consideration may arise regarding:

- ecological connectivity;
- landscape character;
- biodiversity;
- cumulative environmental interaction.

The Applicant respectfully submits that these matters should be considered where relevant to particular locations.

6.12 Human Health

The Environmental Impact Assessment process expressly recognises human health as an environmental factor.

In the context of the present proposal, human health considerations may include interaction with:

- pedestrians;
- cyclists;
- public realm users;
- residential populations;
- vulnerable road users.

The Applicant respectfully submits that this does not require ACP to determine medical questions.

Rather, it requires consideration of whether the characteristics of the proposal interact with environmental receptors in a manner relevant to the statutory screening exercise.

6.13 Artificial Lighting Environment

One distinguishing characteristic of the proposed development is its reliance upon illuminated digital displays.

Artificial lighting constitutes an environmental factor capable of interacting with a variety of receptors including:

- landscape;
- biodiversity;
- heritage;
- residential amenity;
- visual environment;
- transport infrastructure.

The Applicant respectfully submits that lighting should therefore be considered not merely as a design characteristic but as an environmental factor capable of cumulative interaction with other environmental receptors.

6.14 Cumulative Environmental Context

Perhaps the most significant feature of the receiving environment is that the proposed development does not comprise a single isolated installation.

Rather, multiple digital advertising structures are proposed throughout the County.

The Applicant respectfully submits that cumulative interaction should therefore be considered not only between the advertising structures themselves but also between the proposal and the existing urban environment within which they would operate.

6.15 Summary

The Applicant respectfully submits that the receiving environment comprises a diverse range of environmental receptors, each possessing differing degrees of sensitivity.

The purpose of identifying these receptors is not to assert that significant environmental effects will necessarily arise.

Rather, it is to demonstrate that the environmental context is sufficiently varied and potentially sensitive that a careful application of the Schedule 7A criteria is warranted.

The following chapter therefore considers those statutory criteria in detail, applying them to the characteristics of the proposed development and the environmental context described above.

7. APPLICATION OF THE SCHEDULE 7A CRITERIA

7.1 Introduction

Schedule 7A of the Planning and Development Regulations sets out the criteria which must be considered when determining whether a proposed development is likely to have significant effects on the environment.

Those criteria are grouped under three principal headings:

- the characteristics of the proposed project;
- the location of the project; and
- the characteristics of the potential effects.

The Applicant respectfully submits that these criteria should not be regarded as a checklist to be addressed in isolation. Rather, they form an integrated framework requiring consideration of how the characteristics of the proposal interact with the environmental sensitivity of the receiving environment and the nature of the potential environmental effects.

This Chapter therefore examines each of those statutory criteria in turn.

PART A

Characteristics of the Project

7.2 Scale of the Development

The Applicant respectfully submits that the overall scale of the proposal extends beyond the dimensions of any individual advertising structure.

The proposal comprises a coordinated county-wide network of twenty-eight illuminated digital advertising installations together with associated infrastructure, communications systems, electrical connections, operational management and long-term maintenance arrangements.

The procurement documentation further indicates that the proposal is intended to operate over an extended concession period of approximately fifteen years.

The Applicant respectfully submits that these characteristics should be considered collectively when evaluating the overall scale of the project.

7.3 Nature of the Project

The proposal is not merely a construction project.

It is an operational digital advertising network designed to function continuously throughout its operational life.

The Applicant respectfully submits that the operational characteristics include:

- digital display technology;
- artificial illumination;
- changing advertising content;
- remote management;
- maintenance;
- software updates;
- replacement of electronic equipment;
- periodic servicing;
- eventual decommissioning.

These characteristics distinguish the proposal from conventional static advertising structures.

7.4 Cumulation with Other Existing and Approved Development

Schedule 7A specifically requires consideration of cumulative effects.

The Applicant respectfully submits that cumulative assessment extends beyond consideration of the twenty-eight advertising structures in isolation.

Relevant considerations may include interaction with:

- existing roadside signage;
- public lighting;
- transport infrastructure;
- existing digital displays;
- commercial development;
- urban streetscape;
- future development.

The Applicant respectfully submits that cumulative interaction should be considered both geographically and functionally.

7.5 Use of Natural Resources

The proposal requires the ongoing consumption of electrical energy throughout its operational life.

It also requires the manufacture, installation, maintenance and eventual replacement of electronic components.

The Applicant respectfully submits that although the consumption associated with an individual advertising structure may appear modest, the cumulative resource requirements of an integrated county-wide advertising network operating over many years form part of the characteristics of the project.

7.6 Waste Generation

The proposal is capable of generating waste during:

- construction;
- maintenance;
- replacement of electronic components;
- decommissioning.

Such waste may include:

- concrete;
- metals;
- electrical components;
- electronic equipment;
- associated infrastructure.

The Applicant respectfully submits that these lifecycle characteristics form part of the overall project description.

7.7 Pollution and Nuisance

Schedule 7A expressly refers to pollution and nuisance.

The Applicant respectfully submits that pollution is not confined to emissions into air, water or soil.

Depending upon context, environmental nuisance may also arise through:

- artificial illumination;
- visual intrusion;
- cumulative urbanisation;
- operational activity.

The Applicant does not suggest that such effects necessarily become significant.

Rather, the Applicant respectfully submits that they form part of the statutory screening exercise.

7.8 Risk of Major Accidents and Disasters

The Applicant acknowledges that the proposed development is not an installation of the type ordinarily associated with major industrial hazards.

Nevertheless, Schedule 7A requires consideration of risks associated with the characteristics of the project.

The Applicant respectfully submits that the principal considerations are therefore likely to concern:

- structural integrity;
- interaction with the public realm;
- operational resilience;
- maintenance over the lifetime of the concession.

7.9 Human Health

Human health is expressly recognised within the Environmental Impact Assessment framework.

The Applicant respectfully submits that human health should not be interpreted narrowly.

Rather, it forms one of the environmental factors requiring consideration where relevant.

The Applicant respectfully submits that matters potentially relevant to screening include:

- interaction with pedestrians;
- cyclists;
- road users;
- residential populations;
- cumulative visual exposure;
- operational characteristics of illuminated displays.

The Applicant respectfully leaves the assessment of significance to ACP.

7.9A Transport Environment

The Applicant notes that many of the proposed digital advertising structures are located within or adjacent to principal transport corridors used by motorists, cyclists, pedestrians and other vulnerable road users.

The published planning documentation does not appear to include either a Traffic Impact Assessment or a Road Safety Audit. The Applicant does not suggest that either document was necessarily required. However, the absence of such assessments may be relevant when considering the extent of the environmental information available regarding the interaction

between the operational characteristics of illuminated digital displays and the receiving transport environment for the purposes of applying the Schedule 7A criteria.

7.10 Interaction of Project Characteristics

The Applicant respectfully submits that perhaps the most important characteristic of the proposal is not any individual feature.

Rather, it is the interaction between multiple characteristics including:

- illumination;
- digital imagery;
- operation over fifteen years;
- geographical distribution;
- cumulative visual presence;
- ongoing maintenance;
- integrated commercial operation.

Taken together these characteristics distinguish the proposal from isolated items of street furniture.

PART B

Location of the Project

7.11 Environmental Sensitivity

Schedule 7A requires consideration of the environmental sensitivity of the geographical areas likely to be affected.

The Applicant respectfully submits that the receiving environment varies considerably throughout the County.

Some locations are heavily urbanised.

Others occur within more sensitive landscape, residential or heritage settings.

Accordingly, the environmental sensitivity of each location cannot necessarily be assumed to be uniform.

7.12 Existing Land Use

The proposed development interacts with a variety of existing land uses including:

- transport corridors;

- residential areas;
- commercial centres;
- civic spaces;
- landscaped areas;
- public open space.

The Applicant respectfully submits that existing land use forms an important component of the statutory screening exercise because it influences both environmental sensitivity and the nature of potential cumulative effects.

7.13 Absorption Capacity

Schedule 7A requires consideration of the capacity of the receiving environment to absorb development.

The Applicant respectfully submits that this assessment extends beyond physical capacity.

It may also include consideration of:

- visual capacity;
- landscape character;
- heritage context;
- ecological sensitivity;
- cumulative urbanisation.

Whether the proposed locations possess sufficient environmental capacity is ultimately a matter for ACP.

7.14 Protected Landscapes and Heritage

Where proposed advertising structures occur within or adjacent to areas containing:

- Protected Structures;
- Architectural Conservation Areas;
- historic landscapes;
- designed landscapes;
- archaeological resources;

the Applicant respectfully submits that those environmental characteristics warrant careful consideration during screening.

This submission does not assert that adverse effects necessarily arise.

Rather, it respectfully submits that the environmental context forms part of the statutory assessment.

7.15 Biodiversity

Urban biodiversity is increasingly recognised as an important component of environmental quality.

The Applicant respectfully submits that biodiversity considerations may include:

- mature trees;
- ecological corridors;
- river corridors;
- habitat connectivity;
- protected species;
- nocturnal ecology.

These matters may be relevant depending upon the location of individual structures.

PART C

Characteristics of Potential Effects

7.16 Nature of Potential Effects

The Applicant respectfully submits that the environmental effects capable of consideration under Schedule 7A are not confined to direct physical impacts.

Indirect, cumulative and interactive effects also form part of the statutory framework.

7.17 Magnitude

The magnitude of any potential environmental effect depends not merely upon the dimensions of an individual advertising structure.

It may also be influenced by:

- cumulative operation;
- duration;
- geographical extent;
- environmental sensitivity;
- interaction with other development.

7.18 Duration

The proposed concession extends for approximately fifteen years.

Accordingly, any environmental interaction arising from the proposal would occur over a prolonged operational period rather than solely during construction.

Duration is therefore an important characteristic of the potential effects.

7.19 Frequency

The proposal involves continuous operational activity.

Illumination and advertising displays would recur throughout the operational life of the development.

Accordingly, frequency forms part of the statutory assessment.

7.20 Reversibility

The Applicant acknowledges that the physical structures may ultimately be removed.

However, Schedule 7A requires consideration of the characteristics of environmental effects throughout the operational life of the proposal rather than solely at the point of decommissioning.

7.21 Probability

The purpose of screening is not to determine whether significant effects will definitely occur.

Rather, it requires consideration of whether the characteristics of the proposal and its receiving environment indicate that significant effects are sufficiently plausible to warrant Environmental Impact Assessment.

The Applicant respectfully submits that this precautionary approach is central to the statutory screening exercise.

7.22 Interrelationship of Effects

Perhaps the most important Schedule 7A consideration is the interaction between environmental factors.

For example:

- lighting may interact with biodiversity;
- visual effects may interact with heritage;
- operational characteristics may interact with residential amenity;

- cumulative urbanisation may interact with landscape character.

The Applicant respectfully submits that these interactions should be considered collectively rather than in isolation.

7.23 Conclusions on the Schedule 7A Assessment

Having regard to the statutory criteria, the Applicant respectfully submits that the proposed Outdoor Advertising Project possesses a number of characteristics which distinguish it from a series of isolated advertising structures.

Those characteristics include:

- its county-wide geographical distribution;
- its integrated commercial operation;
- its long operational lifespan;
- continuous digital illumination;
- interaction with a variety of environmental receptors;
- the potential for cumulative environmental interaction across multiple locations.

The Applicant does **not** submit that these matters necessarily establish the existence of likely significant environmental effects.

Rather, the Applicant respectfully submits that, when considered collectively through the statutory framework prescribed by Schedule 7A, they raise sufficient environmental questions to justify ACP undertaking its own independent screening determination under Article 120.

8. REVIEW OF THE PLANNING AUTHORITY'S SCREENING DETERMINATION

8.1 Introduction

The purpose of this Chapter is not to invite An Coimisiún Pleanála ("ACP") to review the Planning Authority's screening determination as though exercising an appellate jurisdiction.

Rather, this Chapter identifies aspects of the Planning Authority's published screening determination which, in the Applicant's respectful submission, demonstrate why the independent screening function provided for by Article 120 is engaged in the present case.

The Applicant fully acknowledges that the Planning Authority was required to undertake an Environmental Impact Assessment screening exercise and reached the conclusion that the proposed development was not likely to have significant effects on the environment.

The Applicant does not suggest that the Planning Authority acted otherwise than in the exercise of its statutory functions.

However, Article 120 expressly contemplates that a person may request ACP to undertake its own screening determination. The Applicant respectfully submits that the matters identified in this submission justify the exercise of that independent jurisdiction.

8.2 Nature of the Planning Authority's Determination

The published notice records that South Dublin County Council determined that the proposed Outdoor Advertising Project was **not likely to have significant effects on the environment** and that the preparation of an Environmental Impact Assessment Report was therefore not required. The notice also informed members of the public that an application could be made to ACP within the prescribed period seeking an independent screening determination.

The Applicant accepts that this constituted the Planning Authority's statutory screening determination.

The present request is made pursuant to the statutory mechanism identified in that notice.

8.3 Scope of ACP's Independent Function

The Applicant respectfully submits that ACP's role under Article 120 is not limited to asking whether the Planning Authority's conclusion was reasonably open to it.

Rather, ACP is invited to undertake its own consideration of the proposal by reference to:

- the characteristics of the project;
- the environmental sensitivity of the receiving environment;
- the characteristics of the potential effects;
- the information before the Planning Authority;

- the additional material accompanying this request; and
- any further matters which ACP considers relevant.

Accordingly, the issue before ACP is whether, on the basis of all relevant information now available, the proposal should be regarded as likely to have significant effects on the environment.

8.4 Characterisation of the Project

One of the principal issues identified throughout this submission concerns the manner in which the project is characterised for screening purposes.

The Applicant respectfully submits that the procurement documentation indicates a coordinated county-wide advertising concession extending over approximately fifteen years and involving site selection, planning, detailed design, installation, operation, maintenance, management and eventual decommissioning.

Accordingly, the Applicant respectfully invites ACP to consider whether the proposal should be understood as an integrated operational project rather than solely by reference to the physical dimensions of individual advertising structures.

The Applicant does not contend that either characterisation necessarily leads to a different legal outcome.

Rather, the Applicant respectfully submits that the way in which the project is characterised influences the application of the Schedule 7A criteria.

8.5 Application of the Schedule 7A Criteria

As explained in Chapter 7, Schedule 7A requires consideration of:

- the characteristics of the project;
- the location of the project; and
- the characteristics of the potential effects.

The Applicant respectfully submits that these statutory criteria should be applied to the proposal as a whole.

In particular, the Applicant respectfully requests ACP to consider whether sufficient regard has been given to:

- the operational characteristics of the digital advertising network;
- the cumulative interaction of multiple installations across the County;
- the duration of the concession;
- the environmental sensitivity of individual locations;
- the interaction between different environmental factors.

8.6 Integrated Assessment

The Applicant respectfully submits that environmental screening should consider the proposal throughout its lifecycle.

That lifecycle extends beyond construction and includes:

- installation;
- operation;
- routine maintenance;
- replacement of electronic equipment;
- software management;
- eventual decommissioning.

These characteristics form part of the overall project description and may therefore be relevant when considering the Schedule 7A criteria.

The Applicant respectfully invites ACP to consider whether those lifecycle characteristics have been fully reflected within the screening exercise.

8.7 Cumulative Environmental Interaction

The Applicant respectfully submits that cumulative assessment is one of the central requirements of environmental screening.

In the context of the present proposal, cumulative interaction may arise through the combined operation of multiple illuminated advertising structures distributed throughout South Dublin County.

The Applicant respectfully invites ACP to consider cumulative interaction not merely between the advertising structures themselves but also between the proposal and existing environmental conditions including:

- urban streetscape;
- public lighting;
- transport infrastructure;
- residential areas;
- heritage assets;
- ecological corridors;
- existing commercial development.

The Applicant makes no submission that cumulative effects have necessarily been underestimated.

Rather, the Applicant respectfully submits that cumulative interaction is a matter warranting independent consideration.

8.8 Environmental Receptors

The preceding Chapters have identified a range of environmental receptors potentially engaged by the proposal.

These include:

- landscape;
- townscape;
- residential amenity;
- biodiversity;
- protected structures;
- archaeological heritage;
- transport environments;
- human health;
- artificial lighting;
- nocturnal ecology.

The Applicant respectfully submits that the presence of these receptors does not itself establish likely significant effects.

However, their existence forms part of the environmental context within which the statutory screening exercise must be undertaken.

8.9 Adequacy of Environmental Information

The Applicant respectfully recognises that environmental screening necessarily proceeds on the basis of the information available at the time the determination is made.

The Applicant does not suggest that every conceivable environmental study must accompany every screening exercise.

In considering whether the available environmental information was sufficient to support the screening exercise, ACP may also wish to note that the published planning documentation does not appear to include a Traffic Impact Assessment or a Road Safety Audit. While the Applicant does not contend that either assessment was necessarily required, their absence may be relevant when considering whether sufficient information was available to assess the interaction between the operational characteristics of the proposed digital advertising network and the transport environment.

Nevertheless, where a proposal possesses multiple operational characteristics extending over a lengthy concession period and interacts with a wide variety of environmental receptors, ACP

may consider it appropriate to examine whether the available environmental information enables a sufficiently robust application of the Schedule 7A criteria.

The Applicant respectfully leaves that assessment entirely to ACP.

8.10 Reasons Supporting the Screening Determination

The Planning Authority provided reasons for its screening determination.

The Applicant does not contend that those reasons should be approached with any presumption of inadequacy.

However, the Applicant respectfully submits that ACP's statutory function necessarily involves considering whether the reasoning and environmental information available sufficiently address the matters relevant to the Schedule 7A assessment.

In particular, ACP is respectfully invited to consider whether the published determination adequately addresses:

- the integrated nature of the project;
- cumulative environmental interaction;
- the operational characteristics of digital advertising displays;
- the environmental sensitivity of individual locations;
- the interaction between environmental factors identified in Schedule 7A.

8.11 Precautionary Nature of Screening

Environmental screening is undertaken before development proceeds.

The Applicant respectfully submits that the statutory exercise is therefore precautionary rather than reactive.

ACP is not required to establish that significant environmental effects will occur.

Rather, the question is whether the characteristics of the proposal, considered in the context of its receiving environment, indicate that such effects are sufficiently plausible to warrant Environmental Impact Assessment.

The Applicant respectfully submits that the matters identified throughout this submission engage that statutory question.

8.12 Conclusion

The Applicant respectfully submits that nothing in this Chapter should be interpreted as criticism of the Planning Authority or as an invitation to conduct an appellate review of its decision.

Instead, this Chapter explains why the Applicant considers that the independent jurisdiction conferred upon ACP by Article 120 should be exercised.

Having regard to:

- the integrated nature of the project;
- the statutory criteria contained in Schedule 7A;
- the diversity of the receiving environment;
- the operational characteristics of the proposal;
- the potential for cumulative environmental interaction;

the Applicant respectfully submits that there are sufficient matters to justify ACP undertaking its own independent Environmental Impact Assessment screening determination.

9. ISSUES FOR INDEPENDENT DETERMINATION BY AN COIMISIÚN PLEANÁLA

9.1 Introduction

Having regard to the statutory framework outlined in Chapters 4 to 8, the Applicant respectfully submits that the present request gives rise to a number of questions which properly fall for independent consideration by An Coimisiún Pleanála ("ACP") under Article 120 of the Planning and Development Regulations.

The Applicant does not suggest that these questions predetermine the outcome of the screening exercise.

Nor does the Applicant suggest that each question, considered individually, necessarily requires the preparation of an Environmental Impact Assessment Report ("EIAR").

Rather, the Applicant respectfully submits that these issues arise naturally from the statutory criteria contained in Schedule 7A and warrant consideration by ACP in the exercise of its own independent statutory judgement.

The following sections identify the principal issues which the Applicant respectfully invites ACP to consider.

ISSUE 1

Characterisation of the Project

9.2

The first issue concerns the proper characterisation of the proposed development.

The Applicant respectfully submits that the procurement documentation describes a coordinated county-wide commercial advertising concession extending over approximately fifteen years and incorporating:

- site selection;
- planning;
- detailed design;
- construction;
- installation;
- operation;
- maintenance;
- management;
- replacement of equipment; and

- eventual decommissioning.

The Applicant respectfully invites ACP to consider whether, for the purposes of Environmental Impact Assessment screening, the proposal should be regarded as an integrated operational project possessing these characteristics rather than solely as twenty-eight individual advertising structures.

ISSUE 2

Application of the Schedule 7A Criteria

9.3

The Applicant respectfully invites ACP to consider whether all aspects of the statutory criteria contained in Schedule 7A have been fully applied to the proposal.

In particular, ACP is respectfully requested to consider:

- the characteristics of the project;
 - the characteristics of the receiving environment;
 - the characteristics of potential effects;
 - cumulative interaction;
 - interrelationship between environmental factors.
-

ISSUE 3

Cumulative Environmental Effects

9.4

The Applicant respectfully submits that cumulative assessment represents one of the central requirements of environmental screening.

ACP is respectfully invited to consider whether cumulative interaction has been examined having regard to:

- multiple digital advertising structures operating simultaneously;
- existing advertising infrastructure;
- public lighting;
- transport corridors;
- urban landscape;
- residential environments;
- heritage assets;
- ecological receptors.

The Applicant respectfully submits that cumulative assessment extends beyond the physical dimensions of individual structures.

ISSUE 4

Operational Characteristics

9.5

The Applicant respectfully invites ACP to consider whether sufficient regard has been given to the operational characteristics of the proposal including:

- continuous illumination;
- changing digital displays;
- brightness management;
- electronic communications;
- software management;
- maintenance;
- replacement of electronic equipment;
- long-term operation.

These characteristics distinguish digital advertising from conventional static signage and form part of the project requiring assessment.

ISSUE 5

Duration of the Development

9.6

The procurement documentation indicates that the concession is intended to extend for approximately fifteen years.

ACP is respectfully invited to consider whether the duration of the operational phase has been fully reflected in the screening exercise, particularly when assessing:

- duration of environmental interaction;
 - cumulative effects over time;
 - maintenance activities;
 - replacement of infrastructure.
-

ISSUE 6

Environmental Sensitivity of Individual Locations

9.7

The Applicant respectfully submits that the proposal extends across a diverse range of environmental settings.

ACP is respectfully invited to consider whether adequate regard has been given to the differing environmental sensitivities of individual locations including:

- residential areas;
 - heritage settings;
 - transport environments;
 - public open space;
 - ecological corridors;
 - river environments;
 - mature trees.
-

ISSUE 7

Artificial Lighting

9.8

Digital advertising introduces an artificial lighting component extending throughout the operational life of the proposal.

ACP is respectfully invited to consider whether sufficient regard has been given to the interaction between artificial lighting and:

- residential amenity;
 - landscape;
 - townscape;
 - biodiversity;
 - nocturnal ecology;
 - heritage assets;
 - cumulative visual effects.
-

ISSUE 8

Human Health

9.9

The Environmental Impact Assessment framework expressly recognises human health as an environmental factor.

Without inviting ACP to determine medical issues, the Applicant respectfully submits that ACP may wish to consider whether the characteristics of the proposal interact with:

- pedestrians;
- cyclists;
- road users;
- vulnerable users of the public realm;
- residential populations.

ISSUE 9

Biodiversity

9.10

The Applicant respectfully invites ACP to consider whether sufficient regard has been given to biodiversity considerations including:

- ecological corridors;
- mature trees;
- urban habitats;
- river corridors;
- protected species;
- nocturnal ecology.

The Applicant makes no submission that significant ecological effects have been established.

Rather, the Applicant respectfully submits that these matters form part of the statutory screening exercise.

ISSUE 10

Landscape and Townscape

9.11

The Applicant respectfully submits that digital advertising differs from conventional street furniture through:

- illumination;
- changing imagery;
- operational characteristics;
- cumulative presence.

ACP is respectfully invited to consider whether those characteristics have been fully examined in relation to:

- landscape character;
 - townscape;
 - visual amenity;
 - cumulative visual interaction.
-

ISSUE 11

Architectural Heritage and Archaeology

9.12

Where proposed installations occur within or adjacent to protected heritage assets, ACP is respectfully invited to consider whether adequate regard has been given to:

- setting;
 - visual appreciation;
 - cumulative effects;
 - archaeological sensitivity;
 - historic streetscape.
-

ISSUE 12

Adequacy of Environmental Information

9.13

The Applicant respectfully submits that ACP may wish to consider whether the environmental information available enables a sufficiently robust application of the Schedule 7A criteria to the proposal as an integrated county-wide development.

The Applicant does not suggest that every conceivable environmental assessment is required at screening stage.

Rather, the issue is whether sufficient information exists to permit a reliable conclusion that significant environmental effects are unlikely.

ISSUE 13

Interrelationship of Environmental Effects

9.14

The Applicant respectfully submits that Schedule 7A requires consideration not merely of individual environmental effects but also of their interaction.

ACP is respectfully invited to consider whether sufficient regard has been given to interactions between:

- lighting and biodiversity;
- lighting and heritage;
- lighting and residential amenity;
- visual effects and transport corridors;
- cumulative urbanisation and landscape;
- operational characteristics and human health.

In considering those interrelationships, ACP may also wish to note that the published planning documentation does not appear to include a Traffic Impact Assessment or a Road Safety Audit. The Applicant does not contend that either assessment was necessarily required. However, their absence may be relevant when considering whether sufficient environmental information was available to assess the interaction between the operational characteristics of the proposed digital advertising network and the transport environment.

ISSUE 14

Integrated Lifecycle Assessment

9.15

The Applicant respectfully submits that the proposal should be considered throughout its lifecycle including:

- construction;
- operation;
- maintenance;
- replacement of equipment;
- decommissioning.

ACP is respectfully invited to consider whether those lifecycle characteristics have been adequately reflected within the screening exercise.

ISSUE 15

Overall Screening Question

9.16

Having regard to all of the foregoing matters, the Applicant respectfully submits that ACP is invited to determine the following overarching question:

Whether, having regard to the characteristics of the proposed project, the environmental sensitivity of the receiving environment and the characteristics of the potential effects, the proposed Outdoor Advertising Project is likely to have significant effects on the environment such that the preparation of an Environmental Impact Assessment Report should be required.

9.17 Conclusion

The Applicant respectfully emphasises that the purpose of identifying these issues is not to invite ACP to adopt any predetermined conclusion.

Rather, the Applicant respectfully submits that these questions naturally arise from the statutory framework governing environmental screening and should therefore be addressed as part of ACP's independent determination under Article 120.

10. GROUNDS SUPPORTING THE REQUEST FOR AN INDEPENDENT SCREENING DETERMINATION

10.1 Introduction

The preceding Chapters have identified the statutory framework governing this request, described the proposed development, examined the receiving environment and applied the criteria contained in Schedule 7A of the Planning and Development Regulations.

Against that background, the Applicant respectfully submits that there are a number of matters which justify An Coimisiún Pleanála ("ACP") undertaking its own independent Environmental Impact Assessment ("EIA") screening determination pursuant to Article 120.

The grounds set out below are not advanced as allegations of legal error by the Planning Authority.

Nor are they intended to constitute a challenge to the planning merits of the proposed development.

Rather, they identify matters which the Applicant respectfully submits warrant independent consideration by ACP in determining whether the proposed development is likely to have significant effects on the environment.

The Applicant respectfully submits that each ground should be considered both individually and cumulatively.

Ground 1

Integrated Nature of the Project

The Applicant respectfully submits that the proposed Outdoor Advertising Project should be considered as an integrated county-wide project rather than merely as a series of individual advertising structures.

The procurement documentation indicates that the concession encompasses site selection, planning, detailed design, installation, operation, maintenance, management and eventual decommissioning over an operational period of approximately fifteen years.

The Applicant respectfully invites ACP to consider whether these characteristics should inform the description of the project for the purposes of EIA screening.

Ground 2

Characteristics of the Project

The Applicant respectfully submits that the operational characteristics of digital advertising extend beyond the construction phase.

These include:

- continuous illumination;
- changing digital content;
- electronic communications;
- remote management;
- maintenance activities;
- equipment replacement;
- software management;
- eventual decommissioning.

ACP is respectfully invited to consider these characteristics when applying the Schedule 7A criteria.

Ground 3

Scale of the Proposal

The Applicant respectfully submits that the scale of the proposal should be assessed having regard to the overall county-wide advertising network rather than solely the dimensions of individual installations.

The geographical distribution, operational duration and coordinated management of the project are characteristics which may be relevant when considering the overall scale of the development.

Ground 4

Cumulative Environmental Effects

Schedule 7A expressly requires consideration of cumulative effects.

The Applicant respectfully submits that cumulative assessment should include consideration of interaction between:

- multiple advertising structures;
- existing roadside infrastructure;
- public lighting;
- urban streetscape;
- heritage assets;
- ecological resources;
- residential environments;
- transport infrastructure.

ACP is respectfully invited to determine whether these cumulative interactions have been sufficiently considered.

Ground 5

Operational Lifespan

The proposed concession is intended to extend for approximately fifteen years.

The Applicant respectfully submits that the operational lifespan of the proposal is relevant when considering:

- duration of environmental interaction;
- maintenance activities;
- replacement of infrastructure;
- cumulative effects over time.

ACP is respectfully invited to consider whether these lifecycle characteristics warrant further environmental assessment.

Ground 6

Artificial Lighting

One distinguishing characteristic of the proposal is the operation of illuminated digital displays.

The Applicant respectfully submits that artificial lighting is capable of interacting with a range of environmental receptors including:

- residential amenity;
- landscape;
- biodiversity;
- architectural heritage;
- transport environments;
- nocturnal ecology.

ACP is respectfully invited to consider whether these interactions have been fully examined during screening.

Ground 7

Human Health

The EIA framework identifies human health as an environmental factor.

Without inviting ACP to determine medical questions, the Applicant respectfully submits that the operational characteristics of the proposal may interact with:

- pedestrians;
- cyclists;
- motorists;
- vulnerable users of the public realm;
- residents.

ACP is respectfully invited to consider whether these matters have been sufficiently addressed within the screening exercise.

Ground 8

Biodiversity

The Applicant respectfully submits that biodiversity considerations are not confined to designated conservation sites.

Urban ecological networks, mature trees, river corridors and habitats supporting protected species may also form part of the receiving environment.

ACP is respectfully invited to consider whether these ecological interactions have been adequately examined.

Ground 9

Landscape and Visual Environment

The Applicant respectfully submits that digital advertising possesses characteristics capable of influencing:

- landscape character;
- townscape;
- visual amenity;
- cumulative visual experience.

The Applicant respectfully invites ACP to consider these matters both individually and cumulatively.

Ground 10

Architectural Heritage

Where proposed structures occur within the setting of Protected Structures, Architectural Conservation Areas or other heritage assets, ACP is respectfully invited to consider whether the interaction between digital advertising and the historic environment has been fully assessed.

The Applicant does not contend that significant heritage effects necessarily arise.

Rather, the Applicant respectfully submits that heritage forms one component of the statutory screening exercise.

Ground 11

Archaeological Heritage

The Applicant respectfully submits that the proposal includes construction works associated with foundations, electrical connections and ancillary infrastructure.

ACP is respectfully invited to consider whether archaeological sensitivity has been adequately considered where relevant.

Ground 12

Receiving Environment

The proposed development extends across locations possessing differing environmental sensitivities.

The Applicant respectfully submits that the environmental capacity of each receiving environment should be considered having regard to:

- existing land use;
- environmental sensitivity;
- heritage;
- biodiversity;
- residential character;
- transport function.

Ground 13

Interrelationship of Environmental Factors

Schedule 7A requires consideration not merely of individual environmental effects but of their interaction.

The Applicant respectfully submits that ACP should consider interactions between:

- lighting and biodiversity;
- lighting and heritage;

- lighting and residential amenity;
 - operational activity and visual effects;
 - cumulative urbanisation and landscape;
 - transport environments and digital displays.
-

Ground 14

Adequacy of Environmental Information

The Applicant respectfully submits that ACP should consider whether sufficient environmental information is available to enable a robust application of the Schedule 7A criteria to an integrated county-wide digital advertising network.

The Applicant does not suggest that screening requires the same level of detail as an EIAR.

Rather, the Applicant respectfully submits that the information available should be sufficient to support a reliable conclusion that significant environmental effects are unlikely.

Ground 15

Precautionary Nature of Screening

Environmental screening is intended to identify projects for which Environmental Impact Assessment may be required before development proceeds.

The Applicant respectfully submits that the statutory exercise is precautionary.

Accordingly, the issue before ACP is not whether significant environmental effects have been conclusively demonstrated, but whether the characteristics of the project and the receiving environment are such that significant environmental effects cannot confidently be excluded without further assessment.

Ground 16

Overall Assessment

Finally, the Applicant respectfully submits that the grounds identified above should not be considered in isolation.

The characteristics of the project, the environmental sensitivity of the receiving environment and the characteristics of the potential effects interact with one another.

Accordingly, the Applicant respectfully invites ACP to consider the proposal as an integrated whole, applying the Schedule 7A criteria cumulatively rather than sequentially.

The Applicant respectfully submits that, when viewed in this manner, the proposal raises a sufficient range of environmental issues to justify ACP exercising its independent statutory jurisdiction and undertaking its own EIA screening determination under Article 120.

11. MATTERS TO WHICH AN COIMISIÚN PLEANÁLA IS RESPECTFULLY REQUESTED TO HAVE PARTICULAR REGARD

11.1 Introduction

The preceding Chapters have identified the legislative framework governing this request, described the proposed development, examined the receiving environment, analysed the proposal by reference to the criteria contained in Schedule 7A of the Planning and Development Regulations and set out the principal grounds supporting the Applicant's request for an independent Environmental Impact Assessment ("EIA") screening determination.

The Applicant respectfully submits that the matters identified throughout this submission demonstrate why the independent jurisdiction conferred upon An Coimisiún Pleanála ("ACP") by Article 120 is engaged in the present case.

For convenience, the Applicant respectfully summarises below the principal matters to which ACP is invited to have particular regard when undertaking its statutory screening determination.

11.2 The Nature of ACP's Statutory Function

The Applicant respectfully submits that ACP is not exercising an appellate jurisdiction.

Rather, Article 120 requires ACP to undertake its own independent statutory assessment of whether the proposed development is likely to have significant effects on the environment.

The Applicant respectfully requests that the proposal therefore be assessed afresh by reference to the statutory criteria contained in Schedule 7A and the information before ACP.

11.3 Characterisation of the Proposed Development

The Applicant respectfully invites ACP to consider whether the proposed development should properly be characterised as:

- an integrated county-wide commercial advertising network;
- comprising construction, operational, maintenance and decommissioning phases;
- operating over an extended concession period;
- involving coordinated management of multiple digital advertising installations.

The Applicant respectfully submits that the manner in which the project is characterised may influence the application of the Schedule 7A criteria.

11.4 The Project as an Integrated Whole

The Applicant respectfully submits that environmental screening should consider the proposal as a single integrated project rather than solely as a collection of individual advertising structures.

The procurement documentation demonstrates that the concession extends beyond construction to encompass planning, operation, maintenance, management, equipment replacement and eventual decommissioning.

ACP is respectfully invited to consider the environmental implications of the project throughout its entire operational lifecycle.

11.5 Application of the Schedule 7A Criteria

The Applicant respectfully requests ACP to apply each element of the Schedule 7A criteria in a systematic manner, including:

- the characteristics of the project;
- the location of the project;
- the environmental sensitivity of the receiving environment;
- the characteristics of the potential environmental effects;
- the interaction between those environmental effects.

The Applicant respectfully submits that no single criterion should be considered in isolation.

11.6 Cumulative Environmental Assessment

The Applicant respectfully submits that cumulative assessment represents one of the central features of the statutory screening exercise.

ACP is respectfully invited to consider cumulative interaction arising from:

- the twenty-eight proposed installations operating as one network;
- existing urban infrastructure;
- existing advertising;
- public lighting;
- transport infrastructure;
- residential environments;
- heritage assets;
- ecological resources.

The Applicant respectfully submits that cumulative interaction should be considered both spatially and temporally.

11.7 Operational Characteristics

The Applicant respectfully invites ACP to have particular regard to those characteristics which distinguish digital advertising from conventional static structures, including:

- continuous digital illumination;
- changing visual content;
- image transition;
- electronic operation;
- remote management;
- software updates;
- maintenance throughout the concession period;
- replacement of electronic equipment.

These operational characteristics form part of the project for the purposes of environmental screening.

11.8 Artificial Lighting

The Applicant respectfully submits that artificial lighting is not merely a design characteristic but an environmental factor capable of interacting with numerous receptors.

ACP is respectfully invited to consider the interaction between artificial lighting and:

- residential amenity;
- landscape;
- townscape;
- biodiversity;
- heritage assets;
- transport environments;
- cumulative visual effects.

11.9 Human Health

The Environmental Impact Assessment framework expressly identifies human health as an environmental factor.

The Applicant respectfully submits that ACP may wish to consider whether the operational characteristics of the proposal interact with:

- pedestrians;
- cyclists;
- motorists;

- vulnerable road users;
- users of the public realm;
- nearby residential communities.

The Applicant leaves the assessment of significance entirely to ACP.

11.10 Heritage

The Applicant respectfully requests ACP to have particular regard to the interaction between the proposal and:

- Protected Structures;
- Architectural Conservation Areas;
- National Monuments
- historic landscapes;
- archaeological resources;
- the setting of heritage assets.

The Applicant respectfully submits that the issue is not confined to direct physical impacts but extends to the contribution of digital advertising to the wider historic environment.

11.11 Biodiversity and Ecological Networks

The Applicant respectfully invites ACP to consider the proposal in the context of:

- urban ecological corridors;
- mature trees;
- riparian environments;
- habitat connectivity;
- nocturnal ecology;
- protected species where relevant.

The Applicant respectfully submits that biodiversity should be considered as part of the wider receiving environment and not solely by reference to designated sites.

11.12 Environmental Information

The Applicant respectfully requests ACP to consider whether the environmental information before it provides a sufficiently robust basis upon which to conclude that the proposed development is **not likely** to have significant effects on the environment.

The Applicant does not suggest that an Environmental Impact Assessment Report is automatically required.

Rather, the Applicant respectfully submits that ACP should be satisfied that the statutory screening exercise can properly be completed on the basis of the available information.

11.13 Interrelationship of Environmental Factors

The Applicant respectfully submits that one of the defining features of Schedule 7A is the requirement to consider the interaction between environmental factors.

ACP is respectfully invited to consider not merely individual topics but also the relationship between:

- lighting and biodiversity;
- lighting and residential amenity;
- lighting and heritage;
- operational characteristics and human health;
- visual effects and landscape;
- cumulative urbanisation and the receiving environment.

11.14 Precautionary Character of Environmental Screening

The Applicant respectfully submits that environmental screening is inherently precautionary.

The purpose of screening is not to establish with certainty that significant environmental effects **will** occur.

Rather, it is to determine whether, having regard to the statutory criteria and the available environmental information, such effects are sufficiently plausible that an Environmental Impact Assessment should be undertaken before development proceeds.

The Applicant respectfully submits that this precautionary approach underpins the Article 120 procedure and should inform ACP's independent determination.

11.15 Overall Consideration

The Applicant respectfully submits that the proposal possesses a combination of characteristics which merit careful independent consideration, including:

- its integrated county-wide nature;
- its extended operational lifespan;
- its reliance upon illuminated digital technology;
- its interaction with diverse environmental settings;

- the potential for cumulative environmental interaction across multiple locations.

The Applicant respectfully emphasises that these matters are not advanced as proof that significant environmental effects **will** arise.

Rather, they are matters which, individually and cumulatively, justify ACP undertaking its own independent statutory screening determination.

11.16 Concluding Observation

The Applicant respectfully acknowledges that the ultimate determination rests entirely with ACP.

Nothing contained within this submission should be understood as seeking to constrain the Commission's independent judgment.

The Applicant's purpose has been to assist ACP by identifying the environmental characteristics of the proposal, the statutory considerations arising under Schedule 7A and the matters which, in the Applicant's respectful submission, warrant independent examination before it is concluded that the proposed development is not likely to have significant effects on the environment.

12. CONCLUSIONS

12.1 Introduction

This submission has been prepared pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended).

The Applicant respectfully requests An Coimisiún Pleanála ("ACP") to undertake an independent Environmental Impact Assessment ("EIA") screening determination in respect of the proposed Outdoor Advertising Project proposed by South Dublin County Council.

This request is made in accordance with the statutory procedure expressly provided for under the Planning and Development Regulations.

The Applicant respectfully emphasises that this submission is not an appeal against the Planning Authority's determination, nor is it intended to constitute a judicial review of that determination.

Rather, it is an invitation to ACP to exercise its own independent statutory jurisdiction and to undertake the screening exercise afresh, having regard to the statutory criteria, the information before it and the additional matters identified in this submission.

12.2 The Statutory Framework

Throughout this submission, the Applicant has sought to identify the statutory considerations which arise under:

- the Planning and Development Act 2000 (as amended);
- the Planning and Development Regulations 2001 (as amended);
- Schedule 5;
- Schedule 7A;
- Directive 2011/92/EU, as amended by Directive 2014/52/EU.

The Applicant respectfully submits that these provisions require a holistic assessment of the proposed development, considering not only its physical characteristics but also its operational characteristics, its environmental context and the characteristics of its potential environmental effects.

The Applicant further submits that the Schedule 7A criteria are intended to be applied cumulatively and interactively rather than as a series of isolated considerations.

12.3 Characterisation of the Proposed Development

A recurring theme throughout this submission has been the proper characterisation of the proposed development.

The Applicant respectfully submits that the proposal comprises more than twenty-eight individual advertising structures.

Rather, the procurement documentation indicates the delivery of an integrated county-wide digital advertising network, incorporating planning, design, installation, operation, maintenance, management, replacement of equipment and eventual decommissioning over an extended concession period.

The Applicant respectfully submits that this broader characterisation is relevant to the application of the Schedule 7A criteria and to the assessment of the project as a whole.

12.4 Environmental Context

The submission has identified that the proposed development extends across a wide range of environmental settings within South Dublin County.

Those settings include transport corridors, residential neighbourhoods, civic spaces, commercial areas, locations containing heritage assets, mature tree-lined streets, river corridors and other environmentally sensitive locations.

The Applicant respectfully submits that the environmental sensitivity of those locations varies significantly and that the interaction between the proposal and its receiving environment is therefore an important component of the statutory screening exercise.

12.5 Operational Characteristics

The Applicant has also respectfully submitted that digital advertising differs in material respects from conventional static advertising.

Its environmental characteristics include:

- continuous operation;
- digital illumination;
- changing imagery;
- electronic communications;
- software management;
- ongoing maintenance;
- periodic replacement of electronic equipment;
- long-term operational management.

These characteristics continue throughout the operational life of the concession and therefore form part of the project which ACP is respectfully requested to consider.

12.6 Cumulative Assessment

A central feature of this submission has been the requirement under Schedule 7A to consider cumulative environmental effects.

The Applicant respectfully submits that cumulative assessment extends beyond consideration of the individual advertising structures in isolation.

The proposal operates as an integrated network distributed across numerous locations within the County and interacts with existing transport infrastructure, public lighting, urban streetscape, residential environments, heritage assets and ecological resources.

The Applicant respectfully submits that these interactions should be considered collectively when determining whether the proposal is likely to have significant effects on the environment.

12.7 Interrelationship Between Environmental Factors

The Applicant has further submitted that the environmental factors identified within the EIA framework are not independent of one another.

Artificial lighting may interact with biodiversity.

Visual effects may interact with landscape and townscape.

Operational characteristics may influence residential amenity.

Heritage considerations may overlap with visual impact.

Human health considerations may arise alongside transport environments and the public realm.

The Applicant respectfully submits that these interactions form an important component of the statutory screening exercise.

12.8 Precautionary Nature of Screening

The Applicant respectfully submits that Environmental Impact Assessment screening is precautionary by nature.

The purpose of screening is not to determine definitively whether significant environmental effects will occur.

Rather, the statutory question is whether the proposal is **likely** to have significant effects on the environment having regard to its characteristics, its location and the characteristics of its potential effects.

Where genuine uncertainty remains after applying the Schedule 7A criteria, ACP is respectfully invited to consider whether that uncertainty can properly be resolved without the benefit of a fuller environmental assessment.

The Applicant leaves that question entirely to the independent judgement of ACP.

12.9 Purpose of this Request

The Applicant respectfully wishes to emphasise that the purpose of this request is not to oppose innovation in public infrastructure or digital technology.

Nor is it to challenge the commercial merits of the proposed concession.

Rather, the purpose of the present application is to ensure that the statutory requirements governing Environmental Impact Assessment screening are fully applied before it is finally concluded that the proposed development is not likely to have significant effects on the environment.

The Applicant respectfully submits that Article 120 exists precisely to provide an independent mechanism whereby ACP may undertake that assessment.

12.10 Overall Conclusion

Having regard to:

- the integrated nature of the proposed development;
- the operational characteristics of the digital advertising network;
- the extended duration of the concession;
- the diversity of the receiving environment;
- the cumulative interaction between multiple installations;
- the statutory criteria contained in Schedule 7A;
- the precautionary purpose of environmental screening;

the Applicant respectfully submits that the proposal raises a range of environmental considerations which warrant independent examination by ACP.

The Applicant does **not** contend that these matters necessarily establish that significant environmental effects will arise.

Nor does the Applicant submit that an Environmental Impact Assessment Report is inevitably required.

Rather, the Applicant respectfully submits that these matters, considered individually and cumulatively, are sufficient to justify ACP exercising its independent statutory jurisdiction and undertaking its own Environmental Impact Assessment screening determination under Article 120.

12.11 Final Observation

The Applicant respectfully recognises the expertise and statutory role of An Coimisiún Pleanála in determining requests of this nature.

This submission has sought to assist the Commission by presenting the relevant statutory framework, identifying the characteristics of the proposed development, examining the

environmental context and highlighting the matters which, in the Applicant's respectful submission, warrant careful consideration under Schedule 7A.

The Applicant respectfully emphasises that this submission is not advanced on the basis that significant environmental effects have been established. Rather, it is submitted that the characteristics of the project, its receiving environment, the interaction of environmental factors and the information available for screening collectively warrant the independent consideration expressly contemplated by Article 120.

The Applicant respectfully leaves the ultimate determination entirely to the Commission's independent judgement, while requesting that the issues raised throughout this submission be considered as part of its Article 120 screening determination.

13. RELIEF SOUGHT

13.1 Introduction

This request is made pursuant to Article 120 of the Planning and Development Regulations 2001 (as amended).

The Applicant respectfully requests An Coimisiún Pleanála ("ACP") to exercise the independent statutory jurisdiction conferred upon it by Article 120 and to make its own Environmental Impact Assessment ("EIA") screening determination in respect of the proposed Outdoor Advertising Project.

This request is made having regard to:

- the statutory framework governing Environmental Impact Assessment screening;
- the characteristics of the proposed project;
- the environmental sensitivity of the receiving environment;
- the characteristics of the potential environmental effects;
- the matters identified throughout this submission;
- the accompanying appendices and supporting documentation.

13.2 Primary Relief Requested

The Applicant respectfully requests ACP to undertake an independent Environmental Impact Assessment screening determination in accordance with:

- the Planning and Development Act 2000 (as amended);
- the Planning and Development Regulations 2001 (as amended);
- Schedule 5;
- Schedule 7A;
- Directive 2011/92/EU, as amended by Directive 2014/52/EU;
- all other applicable provisions of Irish and European Union law.

13.3 Matters to be Considered

The Applicant respectfully requests that ACP, in undertaking its independent screening determination, have regard in particular to:

(a) The Characteristics of the Project

Including:

- the integrated county-wide nature of the proposal;

- the operational characteristics of the digital advertising network;
- its approximately fifteen-year operational concession;
- installation, operation, maintenance and decommissioning;
- digital illumination;
- changing electronic displays;
- ongoing management of the network.

(b) The Location of the Project

Including:

- the diversity of environmental settings;
- residential environments;
- transport corridors;
- heritage assets;
- archaeological resources;
- mature trees;
- ecological corridors;
- river corridors;
- landscape and townscape.

(c) Characteristics of Potential Effects

Including:

- cumulative effects;
- indirect effects;
- secondary effects;
- interactive effects;
- operational effects;
- duration;
- frequency;
- reversibility;
- spatial extent;
- interaction between environmental factors.

13.4 Questions for Determination

Without seeking to limit ACP's independent discretion, the Applicant respectfully submits that the following questions arise for determination:

1. Whether the proposed Outdoor Advertising Project has been appropriately characterised for the purposes of Environmental Impact Assessment screening.
2. Whether the proposal should be considered as an integrated county-wide project rather than solely as individual advertising installations.
3. Whether the Schedule 7A criteria have been fully applied.
4. Whether sufficient regard has been given to cumulative environmental interaction.
5. Whether sufficient regard has been given to the operational characteristics of illuminated digital advertising.
6. Whether the environmental sensitivity of the various locations has been fully considered.
7. Whether the available environmental information is sufficient to support a conclusion that the proposed development is not likely to have significant effects on the environment.
8. Whether the proposal, considered as a whole, is likely to have significant effects on the environment.

13.5 Principal Determination Requested

Having regard to the matters identified throughout this submission, the Applicant respectfully requests ACP to determine whether the proposed Outdoor Advertising Project is likely to have significant effects on the environment.

If ACP concludes that such effects are likely, the Applicant respectfully requests that ACP determine that an Environmental Impact Assessment is required in accordance with the Planning and Development Regulations and the EIA Directive.

If, following its own independent assessment, ACP concludes that the proposed development is not likely to have significant effects on the environment, the Applicant respectfully requests that the Commission's determination clearly set out the reasons for that conclusion by reference to the statutory criteria, thereby providing transparency as to the basis upon which the Commission reached its independent determination.

13.6 Alternative Relief

Without prejudice to the foregoing, if ACP considers that the information presently available is insufficient to enable a reliable screening determination to be made, the Applicant respectfully requests that ACP exercise any power available to it under the applicable legislative framework to seek or require such further information as may be necessary before reaching its determination.

The Applicant respectfully submits that the completeness and adequacy of the environmental information is itself a relevant consideration in deciding whether the proposal can properly be screened without an Environmental Impact Assessment.

13.7 Fair Procedures

The Applicant respectfully requests that this submission, together with all accompanying documentation, be considered in its entirety.

The Applicant further respectfully requests that ACP have regard to:

- the statutory purpose of Article 120;
- the precautionary character of Environmental Impact Assessment screening;
- the integrated nature of the proposed project;
- the cumulative assessment required by Schedule 7A;
- the interaction between environmental factors identified throughout this submission.

13.8 Reservation of Rights

The Applicant respectfully reserves the right to rely upon:

- any documentation accompanying this submission;
- any publicly available planning documentation relating to the proposed development;
- procurement documentation;
- any additional material lawfully placed before ACP during the determination of this request;
- relevant Irish and European case law;
- applicable guidance published by the European Commission or competent Irish authorities.

Nothing contained in this submission should be taken as limiting any legal rights or remedies available to the Applicant.

13.9 Closing Submission

The Applicant respectfully submits that Article 120 performs an important statutory function within the Environmental Impact Assessment regime by providing an independent review mechanism where questions arise regarding the likelihood of significant environmental effects.

The Applicant respectfully submits that the present request falls squarely within that statutory purpose.

This submission has sought to identify the characteristics of the proposed project, the environmental context in which it is proposed, the statutory criteria governing Environmental Impact Assessment screening and the matters which, in the Applicant's respectful submission, justify an independent screening determination.

The Applicant therefore respectfully requests that An Coimisiún Pleanála exercise its independent jurisdiction under Article 120 and determine whether the proposed Outdoor Advertising Project is likely to have significant effects on the environment, having regard to all of the material before it.

13.10 Formal Request

For the aforementioned reasons set out, the Applicant respectfully requests An Coimisiún Pleanála to:

1. Accept this request as a valid application under Article 120 of the Planning and Development Regulations 2001 (as amended);
2. Undertake an independent Environmental Impact Assessment screening determination in accordance with the applicable provisions of Irish and European Union law;
3. Consider the proposed Outdoor Advertising Project as an integrated county-wide development, having regard to its construction, operational, maintenance and decommissioning phases;
4. Apply the Schedule 7A criteria comprehensively, including the characteristics of the project, the location of the project and the characteristics of the potential environmental effects;
5. Consider the cumulative, indirect, secondary and interactive effects of the proposal, together with the environmental sensitivity of the receiving environment;
6. Determine whether the proposed development is likely to have significant effects on the environment requiring Environmental Impact Assessment; and
7. Issue a reasoned determination identifying the basis upon which the Commission reached its conclusion.

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