

Greater Dublin Drainage Project Addendum

**Environmental Impact Assessment Report Addendum:
Volume 2A Part A of 6**

Chapter 2A The Environmental Impact Assessment Process

Uisce Éireann

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2. The Environmental Impact Assessment Process

As detailed in Chapter 1A (Introduction) in Volume 2A Part A of this Environmental Impact Assessment Report (EIAR) Addendum, we have reviewed Chapter 2 (The Environmental Impact Assessment Process) in Volume 2 Part A of the EIAR submitted with the original 2018 planning application, in the light of:

- Changes to the baseline environment;
- The requirement for updated surveys; and
- Changes to the law, policy, and industry standards and guidance in the intervening period.

We have also had regard to the information presented at the Oral Hearing for application ABP-301908-18 and the High Court proceedings in respect of that application, including the addition of ultraviolet (UV) treatment and the extension to the River Mayne Culvert on the access road to the proposed Wastewater Treatment Plant (WwTP), such that the Greater Dublin Drainage Project (hereafter referred to as the Proposed Project) description has been updated in preparing this Chapter of the EIAR Addendum (please refer to Chapter 4A (Description of the Proposed Project) in Volume 2A Part A of this EIAR Addendum for a full description).

2.1 Introduction to Environmental Impact Assessment

Directive 2014/52/EU of the Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (hereafter referred to as the Environmental Impact Assessment (EIA) Directive) requires that public and private projects that are likely to have significant effects on the environment be made subject to an assessment prior to development consent being given. The requirements of the EIA Directive were transposed into Irish planning law with the enactment of a number of implementing legislative measures, including S.I. No. 296/2018 – European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (hereafter referred to as the 2018 EIA Regulations), with effect from 1 September 2018. The 2018 EIA Regulations came into effect following the submission of the original planning application to An Bord Pleanála (ABP) on 20 June 2018. However, ahead of the original 2018 planning application, the former Department of Housing, Planning and Local Government (DHPLG) issued Circular Letter PL1/2017: Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) – Advice on Administrative Provisions in Advance of Transposition (DHPLG 2017). The original 2018 planning application was prepared in line with the advice contained in Circular Letter PL1/2017, in order to ensure compliance with the requirements of European Union (EU) law, and in order to meet the requirements of the EIA Directive.

The former DHPLG published the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (hereafter referred to as the 2018 Guidelines) in August 2018 (DHPLG 2018), following the original planning application submission on 20 June 2018. The DHPLG published the 2018 Guidelines to coincide with the 2018 EIA Regulations coming into effect and to provide practical guidance on procedural issues and the EIA process arising from the requirements of the EIA Directive. As set out in the 2018 Guidelines, EIA is a process to be undertaken in respect of applications for specified classes of development listed in the EIA Directive before a decision in respect of development consent is made. The process involves the preparation of an EIAR by the applicant, consultations with the public, relevant prescribed bodies and any other affected Member States, and an examination and analysis of the EIAR and other relevant information leading to a reasoned conclusion by the competent authority on the likely significant effects of a proposed project on the environment. As observed in the 2018 Guidelines, the provisions of the EIA Directive are aimed at enhancing the EIA process through ensuring the completeness and quality of the EIAR submitted by the applicant and the examination undertaken by the competent authority, and by providing for early and effective public participation before the development consent decision is made. This process was followed for the original 2018 planning application, in line with the EIA Directive requirements. In addition, the 2018 Guidelines have been considered throughout this EIAR Addendum.

In 2022, the Environmental Protection Agency (EPA) published an updated set of Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (hereafter referred to as the updated EPA Guidelines) (EPA 2022). The updated EPA Guidelines have been considered as part of this EIAR Addendum. The EIAR is defined by the updated EPA Guidelines as '*a report or statement of the effects, if any, that the*

proposed project, if carried out, would have on the environment (EPA 2022). The EIAR submitted as part of the original 2018 planning application detailed the consideration of reasonable alternatives, consideration and assessment of likely significant impacts, mitigation, and avoidance measures to reduce significant adverse impacts, and an assessment of residual impacts, which aligns with the approach included in updated EPA Guidelines.

The EIAR submitted as part of the original 2018 planning application, and this EIAR Addendum have been completed in accordance with all applicable legislation and all relevant guidance documents and will facilitate ABP in undertaking an EIA for the Proposed Project under the EIA Directive.

2.2 The Environmental Impact Assessment Process

The process of EIA remains as outlined in the original 2018 planning application. However, the identification and description of environmental impacts associated with the amendments to the Proposed Project in this EIAR Addendum, has been conducted in accordance with up-to-date best practice and guidance which have been published since the original 2018 planning application. The specific updated best practice and guidance considered for each environmental aspect are detailed in the relevant assessment chapters included in Volume 3A Part A of this EIAR Addendum.

2.2.1 Environmental Impact Assessment Screening

There have been no changes to the relevant legislative criteria for which the Proposed Project 'screened-in' for EIA, and therefore, there are no changes to the information presented in this Section of the EIAR in the 2018 planning application.

2.2.2 Environmental Impact Assessment Scoping

As scoping is an ongoing process throughout the development of the EIAR, any required updates to the scope of the assessment have been factored in to this EIAR Addendum, as outlined in Section 2.2.3, with further specific detail provided in each relevant chapter of the EIAR Addendum. There are, therefore, no changes to the information presented in this Section of the EIAR in the 2018 planning application.

2.2.3 Environmental Impact Assessment Report

The EIAR has been reviewed to consider whether there are any new or altered impacts arising as a result of the changes to the Proposed Project, as detailed in Chapter 4A (Description of the Proposed Project) in Volume 2A Part A of this EIAR Addendum, in addition to any impacts arising from the publication of any new or updated guidance documents and legislation.

2.2.3.1 Data Collection

The environmental baseline of the Proposed Project, and its surroundings, has been updated for each environmental aspect under consideration, to account for any changes that have taken place since the original planning application was submitted on 20 June 2018. This has been achieved through desk-based reviews, updated modelling (as required) and detailed interpretation of specialist field surveys (as required), as outlined in Volume 3A Part A of this EIAR Addendum.

2.2.4 Scrutiny and Consent

There have been no changes to the legislative requirement for statutory consultation at this stage of the EIA process, as set out in Section 37B of the Planning and Development Act 2000 (as amended), which still requires that, when submitting an application for Strategic Infrastructure Development, the applicant must also submit to various prescribed bodies (as defined under the Planning and Development Act 2000 (as amended)). This EIAR Addendum will be the subject of statutory consultation and the relevant prescribed bodies will be notified, as was the process for the original 2018 planning application.

Scrutiny will include the examination by the competent authority of the information presented in this EIAR Addendum and any additional information received through consultations, including consultations with the public. The information which must be included in the competent authority's decision remains as outlined under Article 8a of the EIA Directive.

2.2.5 Enforcement and Monitoring

There have been no changes to the relevant legislative criteria, as presented in this Section of the EIAR in the original 2018 planning application, and therefore, there are no changes to the information presented in this Section of the EIAR in the 2018 planning application.

2.3 Environmental Impact Assessment Methodology

2.3.1 Environmental Impact Assessment Guidance

The assessment of environmental impacts in this EIAR Addendum has been conducted in accordance with the updated EPA Guidelines, which were published in May 2022 (EPA 2022).

As noted in Section 2.2, in addition to the overarching updated EPA Guidelines, each environmental aspect has been assessed in accordance with the most recent specific guidance and best practice applicable to that environmental aspect. The specific guidance considered is included under each environmental aspect chapter in Volume 3A Part A of this EIAR Addendum.

The following key stages formed the basis of the assessment process for this EIAR Addendum:

- Establishing a robust baseline for each environmental aspect, to account for any changes that may have occurred in the baseline environment since the submission of the original 2018 planning application. This has been achieved through close co-operation with Uisce Éireann, a desk-based review of available data and literature, modelling updates (as required) and detailed interpretation of field surveys (as appropriate);
- Assessment of the potential environmental impacts and their significance, as a result of any changes in the baseline and to account for any updates to the design (as outlined in Chapter 4A (Description of the Proposed Project) in Volume 2A Part A of this EIAR Addendum); and
- Assess whether there are any required updates to the proposed mitigation measures to ameliorate the potential impacts of the Proposed Project.

2.4 Consultation

There are no changes to the information presented in this Section of the EIAR in the 2018 planning application, in relation to the statutory and non-statutory consultation undertaken by Uisce Éireann and the Project Team, prior to the submission of the 2018 planning application.

Following the submission of the application for planning approval for the Proposed Project to ABP on 20 June 2018, the application documentation was placed on display during the period 28 June 2018 to 17 August 2018 (a seven week period). Additionally, the application documentation was made available to view and download on a dedicated website (www.gddapplication.ie). Prescribed bodies, the general public, landowners and other interested parties were invited to make submissions on:

- The likely effects on the environment of the Proposed Project; and
- The implications of the Proposed Project for proper planning and sustainable development in the area concerned.

Following this consultation period, it came to the attention of the Applicant on 19 July 2018 that in relation to the documents which were lodged with the planning application, some documentation forming part of the EIAR were inadvertently omitted. By agreement with ABP, these documents were placed on display during the period 13 September 2018 to 18 October 2018 (a five-week period) and prescribed bodies, the general public, landowners and other interested parties were invited to make further submissions on the entirety of the

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planning application until 18 October 2018. A total of 174 submissions / observations were received; comprising 145 from the first consultation period and 29 from the second consultation period.

All submissions were reviewed by Uisce Éireann and the Project Team, and responses were provided in A Response to Submissions Report (Uisce Éireann 2019), which was published in January 2019.

Following an Oral Hearing process, ABP previously made a decision to grant this planning application for the Proposed Project by Order dated 11 November 2019 under reference number ABP-301908-18. That decision was quashed by Order of the High Court and the case was remitted by that Court to ABP for a fresh determination. Following the remittal Order, ABP decided that given the passage of time since the submission of the original planning application, and in accordance with Section 37F(1)(c) of the Planning and Development Act 2000 (as amended), Uisce Éireann should have the opportunity to update, where appropriate, the EIAR and Natura Impact Statement, and any other information submitted.

In light of this, ABP contacted those who had made submissions as part of the original consultation process in 2018 advising that the case had been reactivated under a new reference number (ABP-312131-21) and invited those interested parties to make any further general submissions / observations on the planning application by 30 September 2022. A total of 16 submissions were received and have been considered in the updates to the EIAR as part of this Addendum. Where a submission does not require an update to the EIAR itself, but does require further clarification based on the information provided either in the original EIAR submitted as part of the 2018 planning application or the information in this Addendum Report, responses will be provided in a new Response to Submissions Report which will be submitted to ABP as a separate report (in line with the process followed for the original 2019 A Response to Submissions Report), following the submission of this Addendum.

2.5 References

DHPLG (2017). Circular Letter PL1/2017: Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive) – Advice on Administrative Provisions in Advance of Transposition

DHPLG (2018). Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment

EPA (2022). Guidelines on the Information to be Contained in Environmental Impact Assessment Reports

Uisce Éireann (2019). Greater Dublin Drainage Project: Response to Submission. January 2019. [Online] Available at <https://www.gddapplication.ie/planning-sites/greater-dublin-drainage/planning-documents/Response-to-An-Bord-Pleanala-dated-11th-January-2019.pdf>

Directives and Legislation

Directive 2014/52/EU of the Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

Planning and Development Act 2000 (as amended)

S.I. No. 296/2018 – European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018