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ENVIRONMENTAL CONSULTANTS

# EIA Screening Report

**Proposed Old Kilcullen Heritage Trail**

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## Document Details

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## 1 Introduction

A heritage trail at Old Kilcullen is proposed, Co. Kildare Flynn Furney Environmental Consultants Ltd. has been engaged by Kildare County Council for the provision of an Environmental Impact Assessment (EIA) screening report for the proposed works to assist the relevant authority in forming an opinion as to whether or not the proposed works should be subject to Environmental Impact Assessment and if so whether an Environmental Impact Assessment Report should be prepared in respect of it.

EIA Screening is a process by which a local authority can determine whether a project or proposal should be subject to an Environmental Impact Assessment (under the EIA Directive). The EIA Directive requires that certain types of “projects” that are likely to have significant effects on the environment be made subject to an assessment (i.e. an EIA) prior to “Development Consent” being given. This report references the EIA Directive itself, the 2001 Planning and Development Regulations (hereafter called the 2001 Regulations, which have been amended in recent years), the Roads Act 1993 (hereafter called the 1993 Act), and the 1994 Road Regulations (hereafter called the 1994 Regulations) which set out those projects that trigger an automatic EIA.

### 1.1 Proposed Works

The Old Kilcullen area is rich in natural and archaeological heritage. The area is adjacent to the hill of Dun Ailinne, which is a candidate UNESCO World Heritage Site. The project area contains two National Monuments, being the Old Kilcullen Round Tower and a barrow north of the Round Tower. The rural area also has a public house, two construction businesses, as well as low-density residential properties consisting of detached bungalows. The land is generally in agricultural use, with some commonage land to the north of the area.

The road network in the area consists of narrow local roads with typical widths of 4 m. The edges of the carriageway consist of grass margins. These margins are well-maintained adjacent to residential properties but have grown wild in most other areas. The roads are bounded by mature hedgerows in various

conditions along the routes. Traffic levels through the area are generally low, and mostly residents and workers. There are no significant trip attractors in the immediate area, beyond the round tower, which is a very small site. The barrow is almost unnoticeable from the road.



Figure 1: Overview of the works areas and the site's local context

The land around the site is primarily agricultural with several low-density detached bungalows and an occasional two-story house. Commercial development is limited to a rural public house, a quarry/waste facility and a crane hire compound.

The project will be divided into two phases. Phase one includes creating trails from Halverstown Crossroads to the 1798 Monument. Phase Two involves creating trails from Halverstown crossroads to Hacklow crossroads. Both will include traffic calming measures such as quiet lanes, gateway zones, false cattle grid, signage and road markings such as verge lines.

**Phase One** will also include car parking provisions (11 car parking spaces at the northern end of the walking

route). The spaces are to be provided parallel to the carriageway and will be separated by the managed margin walking route to ensure safe vehicle access and egress away from the carriageway. The spaces and managed margins will be reinforced with geosynthetic grass reinforcing grids on a sub-base layer on a geotextile membrane. The car parking area will require ongoing maintenance consisting of grass cutting. An informal car parking area is located adjacent to the Old Kilcullen Round Tower. It is not proposed to include this area as a car park serving the walking route as it is located close to an existing junction and sight visibility is restricted at this location. Control of unauthorised car parking at the Halverstown junction with the R448 and at the Barrow will be provided in the form of 0.75 m high 0.25 m x 0.25 m timber bollards at 3 m intervals. The bollards will be fitted with reflector strips. The bollards will be removable where access is required.

Three bicycle parking racks (for six bicycles) will be provided on a bitumen macadam surface with a coloured resin surface to differentiate the parking area from the surrounding area. The cycle rack will be simple tubular stainless-steel racks set in concrete foundations. The parking bay will be laid out so that the bicycles are parked parallel with the carriageway line of travel.

**Phase Two** of the project is located between Halverstown Cross and Hacklow Cross. This phase envisages the development of a vulnerable road user (VRU) track for approximately 530 m and for local road improvements on the L6083 for a length of approximately 840 m. The proposed VRU track will facilitate walkers, cyclists and equestrian users. The track will be surfaced with unbound quarry dust and shall be designed to comply with TII DN-GEO-03047 which states:

“Although a closed pavement construction is preferred by cyclists in terms of comfort and safety, there are occasions where a surface is required to give a sense of the environment. In rural cycleway and greenway situations, where the cycleways attractiveness is just as important as comfort, dust path construction or other loose material construction maybe the preferred option in order to blend with the environment and to avoid unnecessary impacts in forests, along protected heritage trails, tow paths and along riverbanks. The application of loose surfaces can enhance the cycleways’ appeal to its users due to its more natural aesthetics.”

Over-the-edge drainage is the preferred arrangement for a rural road with a cycleway adjoining and is the method used for the VRU track. Where over-the-edge drainage is used, it is important to ensure that the surface water runoff flows off the cycleway towards the drainage ditch and does not pond. Suitable crossfall of between 1% and 3% shall be provided on the trail-way pavement. The verge either side of the route will be constructed with a crossfall of no more than 10%. The outside pavement edge detail of the trail route should be higher than the proposed ground level by the depth of the pavement wearing course to stop back-flow of the surface water runoff from a flat grassed verge. The balance of the Phase Two route will require repair of potholes and surface dressing.

The existing route is a cul-de-sac and provides local residential access and agricultural access only. There are no opportunities for vehicle turning at the end of the roadway. Signage will be required to identify the road as a cul-de-sac without turning opportunities. Managed margins shall be provided along the local road element of the Phase Two trail where possible. Gateway zone signage and traffic calming measures, such as false cattle grids, will be provided along the L6083 as appropriate and will generally mirror the provisions along the Phase One element of the project.

## 2 EIA Screening Methodology

Screening is a process used to establish whether an EIA is required for a proposed development. There are a number of steps in the screening process. The mandatory requirement for an EIA is generally based on the nature or scale of a proposed development, as set out in Annex I and II of the amended Directive. This identifies certain types and scales of development, generally based on thresholds of scale, for which EIA is mandatory.

The European Commission (2017) have published a Guidance on Screening document (Directive 2011/92/EU as amended 2014/52/EU) which summarises the need for an EIA based on specific measures and/or limits, according to predefined criteria such as the project's characteristics, location and/or certain project features such as projects potential impacts.

In addition, there is sometimes a requirement for EIA 'sub-threshold' developments, and, in this respect,

it may be necessary to undertake a screening exercise to assess whether the proposed development requires the preparation of an EIAR.

A methodology was developed to formally screen the proposed development, which was based on the Environmental Impact Assessment (EIA) by the EPA (2002) Guidelines on the Information to be contained in Environmental Impact Assessment Reports and the recent 2017 guidance issued by the EU. The screening exercise is divided into a section on Mandatory EIA and another on Sub-threshold or Discretionary EIA. In each section below a screening matrix is presented which examines the requirement for EIA according to the criteria set out in the relevant legislation. The rationale behind the responses within the matrix is provided at the end of each section.

The most recent guidance on Environmental Impact Assessment Screening has been provided by the Office of the Planning Regulator (ORP) 2021 and the EPA (2022).

## **3 Screening Assessment**

EIA legislation sets down the types of projects that may require an EIAR. Annex I defines mandatory projects that require an EIA Report and Annex II defines projects that are assessed on the basis of set mandatory thresholds for each of the project classes.

The EIA screening exercise initially assesses the development for Mandatory EIA using classifications defined in the appropriate legislation. Where no mandatory requirement is concluded, screening advances to sub-threshold development assessment, where the competent authority evaluates whether the project is likely to significantly affect the environment, with reference to its scale, nature, location and context.

### **3.1 Mandatory EIA Screening Assessment**

#### **3.1.1 Automatic EIA**

The 1993 Roads Act requires EIA and/or EIA Screening for certain types of “road development”. While there is an expansive definition of “road” in the 1993 Act.1, there is no definition of “road development”

in the 1993 Act or the 2000 Planning & Development Act. “Development” defined in the 2000 Act as “the carrying out of any works on, in, over or under land...”.

In a recent decision<sup>1</sup>, the High Court held that the Strand Road Cycleway Trial (which involved among other things the installation of road signage, changing road markings, moving bus stops, and the removal of mini roundabouts), was “road development” for the purposes of section 50 of the 1993 Act.

EIA is automatically required for:

1. A Motorway Scheme.
2. A Busway Scheme, or,
3. A Service Area Scheme.

EIA is also automatically required for a prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road. The prescribed types of road development set out in Regulation 8 of the 1994 Regulations are as follows:

- The construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be 8 km or more in length in a rural area, or 500 m or more in length in an urban area.
- The construction of a new bridge or tunnel which would be 100 m or more in length.

The proposed development is not considered to have a mandatory requirement for an automatic EIA as it does not fall within any of the above categories.

### 3.1.2 Sub-threshold EIA Screening

In cases where a project is mentioned in Part 2 but is classed as “sub-threshold development”, it is necessary for a planning authority to undertake a case-by-case examination about whether the

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<sup>1</sup> Carvill and Flynn v. Dublin City Council, Ireland, and the Attorney General [2021 IEHC 544].

development is likely to be associated with significant effects on the environment.

A sub-threshold development does not automatically require an EIA but still needs to be screened to determine if an EIA is required. While it is clearly demonstrated above that the subject proposal does not trigger mandatory EIA, it is considered prudent to establish that the proposed development would not be likely to have significant effects on the environment and by extension would not require a sub-threshold EIA.

Screening under Section 50(1)(c) of the 1993 Act applies to:

- “Road development (not subject to automatic EIA) ... consisting of the construction of a proposed public road or the improvement of an existing public road.”

The proposed development could be considered “road development” as it consists of “the improvement of an existing public road”, and if “an automatic EIA is not required, then an EIA is required if the relevant competent authority considers that the road development is likely to have significant effects on the environment.

Section 50(1)(d) of the 1993 Act (which sets out sub-threshold criteria) applies where the road development is “on”

- i. a European Site (as defined by the Natura 2000 Network established by the EU Birds & Habitats Directives),
- ii. land designated as a nature reserve,
- iii. land designated as a refuge for flora or fauna, or
- iv. land designated as an NHA.

For such road developments, the competent authority is required to decide whether or not the road development would be likely to have significant effects on the environment based on the proposed developments characteristics, which are again set out in Section 50.

### 3.2 Characteristics of the Proposed Development

*Table 1: Review of characteristics of the Proposed Development*

Screening Questions	Comment
Characteristics of the Proposed Development	
Is the scale of the project considered to be significant?	The total scheme length of works packages is approx. 2.5km including all associated works. The scale of the proposed development is in keeping with the scale of the receiving setting and surrounds in terms of size and design and is therefore not considered significant.
Is the size of the project considered significant when considered cumulatively with other adjacent developments?	No permitted or proposed projects were identified which in combination with the proposed development would give rise to significant cumulative impacts.
Will the project utilise a significant quantity of natural resources, in particular land, soil, water or biodiversity?	<p>No. The footprint of the proposed development will occupy a small area. No significant impacts to land or land area will occur. Earthworks requirements are not considered to constitute a significant effect as the will be minor in nature.</p> <p>An Appropriate Assessment Screening (AAS) and Natura Impact Statement (NIS) were conducted for this project. The screening process concluded that the proposed development will not adversely affect the integrity of any European sites within the study area. Additionally, no protected species were found within the subject site.</p>

Will the project produce a significant quantity of waste?	During the construction phase, normal construction waste (expected to be a minimum) will be produced, segregated where possible and, if necessary, sent to an appropriately permitted waste or materials recovery facility. The waste management hierarchy will be implemented onsite, which prioritises prevention and minimisation of waste, followed by reuse and recycling. During the operational phase, no waste will be produced.
Will the project create a significant amount or type of pollution?	No significant water or air-borne pollution is envisaged. The proposed development is not a project type that will give rise to significant emissions or pollution.
Will the project create a significant amount of nuisance?	Limited disruption to local receptors (traffic) may arise during the construction phase but this will be short-term in duration.
Will there be a risk of major accidents?	The proposed development is not of a type that poses a risk of major accidents, having regard to substances or technologies used. The proposed works will employ best practice methodologies and be subject to the contractor's safety statements and risk assessments.
Will there be a risk of natural disasters, including those caused by climate change?	<p>Based on flood analysis data from Floodinfo.ie the site is not within an area of low, medium or high probability for fluvial flooding. While flooding may be a cause of environmental impact alone and in conjunction with climate change given the size and scale of the development impacts are not significant enough to trigger an EIA.</p> <p>In terms of fire risk, the proposed development will comply with all relevant health &amp; safety legislation. It is considered that the risk of significant fire occurring, affecting the proposed development and causing</p>

	it to have significant environmental effects, is very limited to negligible.
Will there be a risk to human health (for example due to water contamination or air pollution)?	The potential for negative health effects associated with the proposed development is negligible.
Is the combination of the above factors likely to have significant effects on the environment?	There are no factors above which when combined would result in any significant effect on the environment.

### 3.3 Potential Impacts by EIA Topic

*Table 2: Review of the location and setting of the proposed works*

Topic	Comment
Population and Human Health	The potential impacts of the construction phase on human beings are not considered to be significant. During construction, there is the potential for temporary minor impacts related to traffic inconvenience.
Biodiversity / Species and Habitats	<p>The majority of the proposed works falls within built ground. An Appropriate Assessment Screening was conducted for this project. The screening process concluded that the proposed development will not adversely affect the integrity of any European sites within the study area.</p> <p>Further to this, no protected species were recorded within the footprint of the proposed works. The proposed works will not involve any loss of habitat, habitat</p>

	fragmentation, or increase in disturbance to natural habitats.
Land and soils	No significant impact; the development will be constructed in accordance with best practice environmentally sensitive methods and environmental management systems.
Water	Good construction site practices and direct avoidance and mitigation will be in place to prevent any risk of pollution, e.g. from earthmoving works or chemicals used in construction such as hydrocarbons from vehicles and cement-based products (if any), running off the site onto natural areas. With best practices incorporated into the design and the construction works, the potential for significant run-off of pollutants is either eliminated or greatly reduced, and no significant residual impacts on water are anticipated.
Air & Climate	During construction, there is the potential for short-term minor negative impacts related to dust to occur, however, this will be short-term in duration and limited to the works area. Best practice construction site management will minimise emissions.
Noise & Vibration	Potential short-term noise impacts may arise during construction activities however this will be managed through best practice measures. No significant impacts are anticipated.
Material Assets: Built Environment	No significant impact that could trigger the requirement for an EIA Report is predicted.
Material Assets: Transportation	There will be minor long-term impacts on local traffic, as the project aims to slow passing traffic on this route to make it safe for non-vehicle users. During the construction phase, appropriate traffic management and signage will be in place to

	ensure the safety of other road users.
Waste Management	The development will involve very minor excavation works, if any, for the establishment of the new car park. Any effects will be mitigated by the implementation of best practices in construction and operational waste management procedures.
Cultural Heritage	The proposed development will not give rise to any significant impacts on cultural heritage.
Landscape	No significant impact; the proposed development is located within a rural area in already built ground and will not give rise to any significant landscape or visual impacts that could trigger the requirement for EIA Report.

## 4 Conclusion

It is the conclusion of this report that the proposed project is not a development for which an automatic EIA is mandatory. In terms of scale, the proposed development falls significantly below the threshold set out in Class 10 (b)(i) in Part 2 of Schedule 5 of the Planning and Development Regulations. As such, a sub-threshold EIA Screening exercise was carried out to determine the potential for the proposed development to have significant environmental effects or not.

It is determined that no significant negative effects on the environment have been identified during the construction or operational phase of the proposed development. The overall conclusion of this screening exercise is that there should be no specific requirement for a full Environmental Impact Assessment of the proposed development.

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