

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Record of Executive Business and Chief Executive's Orders

**Planning and Development Act 2000 (as amended) – Part XI  
Planning and Development Regulations 2001 (as amended) – Part 8**

**M4 Eastbound Bus Priority Measures Pilot Project**

**Environmental Impact Assessment (EIA) Screening Determination**

Pursuant to the above, the proposed M4 Eastbound Bus Priority Measures Pilot Project will be located within the M4/N4 corridor. The proposed development traverses two local authority boundaries, Kildare County Council and South Dublin County Council. A Section 85 Agreement<sup>1</sup> has been entered into by both local authorities, which appoints Kildare County Council as the Lead Local Authority and the Kildare National Roads Office will project manage the delivery of the project. It targets bus priority delivered via the provision of a bus priority measure within the hard shoulder.

The proposed development extends from Junction 7 Maynooth to Junction 5 Leixlip in the eastbound direction over a length of approximately 7.84km.

The proposed development consists of the provision of a non-physically segregated permanent bus facility within the eastbound hard shoulder of the M4/N4 road that can be used by buses and coaches (primarily long-distance point to point services) to avoid congested traffic lanes eastbound between Junction 5 and Junction 7 of the M4/N4 road. The proposed development also includes for the construction of a number of Emergency Refuge Areas (ERAs) for vehicles which require to leave the road in the event of an emergency.

A detailed description of the proposed development has been provided in the Section 3 of the Environmental Impact Assessment Report with drawings provided in Appendix B.

Having regard to EIA Directive 2011/92/EU as amended by Directive 2014/52/EU (the EIA Directive), the guidance contained in: "*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development*" (published by the Department of Environment, Heritage and Local Government in 2003); "*Environmental Impact - Assessment of Projects - Guidance on Screening*" (published by the European Commission in 2017); "*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*" (published by the Department of Housing, Planning and Local Government in 2018); and on the basis of the objective information provided in the "*M4 Eastbound Bus Priority Measures Pilot Project Environmental Impact Assessment Screening Report*" (the Screening Report) prepared by ARUP, Kildare County Council, as the Competent Authority, determines that the M4 Eastbound Bus Priority Measures Pilot Project, individually, and in combination with other plans and projects, does not require and Environmental Impact Assessment.

It is considered that the Screening Report has been carried out giving full consideration to the EIA Directive and in particular to Annex I, II and III of that Directive, which set out requirements for mandatory and sub-threshold EIA.

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<sup>1</sup> Section 85 of the Local Government Act 2001 (as amended) provides that by agreement specified functions of one local authority may be carried out by another

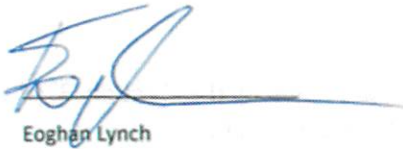
As the proposed M4 Eastbound Bus Priority Measures Pilot Project is sub-threshold, it has, therefore, been assessed on a case-by-case basis in accordance with the criteria for determining whether or not a development would or would not be likely to have significant effects on the environment as outlined within Annex III of the EIA Directive.

It is further considered that the Screening Report contains a fair and reasonable assessment of the likelihood of significant effects of the proposed project on the environment, having regard to the foregoing and in particular:

- the location of the proposed development along the existing M4/N4,
- the low value of the ecology within the proposed development area,
- the minor increase in impermeable area (and associated runoff), and
- the distance from designated sites, species and habitats

Section 5 of the report provides a reasonable description and assessment of the types and characteristics of the potential impacts of the proposed development and Appendix A provides the EIA Screening Checklist.

It is considered that the environmental effects arising from the proposed project will generally be localised, minor in nature and occur principally during the construction phase. I concur with the conclusion and recommendation of the screening report that the proposed development is unlikely to have significant effects on the environment and, as such, does not require an Environmental Impact Assessment Report to be prepared or an Environmental Impact Assessment to be conducted.



Eoghan Lynch

Senior Executive Planner

Date: 5<sup>th</sup> September 2022



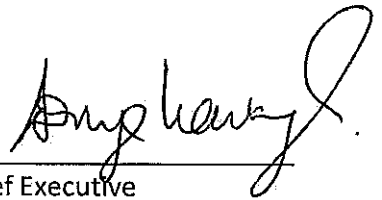
Emer Uí Fhátharta  
Senior Planner

September 5<sup>th</sup> 2022

Eoghan Ryan, DOS.  
6/09/22.

**ORDER:** That Kildare County Council as the Competent Authority having considered the EIA Screening Report prepared by ARUP, makes a determination that the proposed M4 Eastbound Bus Priority Measures Pilot Project would not be likely to have significant effects on the environment and that the proposed project does not require an Environmental Impact Assessment.

Date: 6/09/22

  
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Chief Executive

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Record of Executive Business and Chief Executive's Orders

**Planning and Development Act 2000 (as amended) – Part XAB**  
**Planning and Development Regulations 2001 (as amended) – Part 8**

**M4 Eastbound Bus Priority Measures Pilot Project**

**Appropriate Assessment (AA) Screening Determination**

Pursuant to the above, the proposed M4 Eastbound Bus Priority Measures Pilot Project will be located within the M4/N4 corridor. The proposed development traverses two local authority boundaries, Kildare County Council and South Dublin County Council. A Section 85 Agreement<sup>1</sup> has been entered into by both local authorities, which appoints Kildare County Council as the Lead Local Authority and the Kildare National Roads Office will project manage the delivery of the project. It targets bus priority delivered via the provision of a bus priority measure within the hard shoulder.

The proposed development extends from Junction 7 Maynooth to Junction 5 Leixlip in the eastbound direction over a length of approximately 7.84km.

The proposed development consists of the provision of a non-physically segregated permanent bus facility within the eastbound hard shoulder of the M4/N4 road that can be used by buses and coaches (primarily long-distance point to point services) to avoid congested traffic lanes eastbound between Junction 5 and Junction 7 of the M4/N4 road. The proposed development also includes for the construction of a number of Emergency Refuge Areas (ERAs) for vehicles which require to leave the road in the event of an emergency.

A description of the proposed development has been provided in the Section 3.1 of the Appropriate Assessment Screening Report and the drawings are provided in the Part 8 documents.

Having regard to Article 6(3) of the Habitats Directive and Part XAB of the Planning and Development Act 2000 (as amended), the guidance contained in the document entitled "*Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities*" (published by the Department of Environment, Heritage and Local Government in 2009) and following an examination of the objective information provided in the "*Appropriate Assessment Screening Report*" for the *M4 Eastbound Bus Priority Measures Pilot Project* (the Screening Report) prepared by a Scott Cawley for ARUP, Kildare County Council, as the Competent Authority, determines that the M4 Eastbound Bus Priority Measures Pilot Project, individually or in combination with other plans and projects, does not have the potential to give rise to likely significant effects on European sites, their conservation objectives or integrity, and therefore does not require an Appropriate Assessment.

*Key points in the determination*

The main considerations are set out in Section 3.3 of the Appropriate Assessment Screening report with a Summary of Analysis of Likely Significant Effects on European sites set out in Table 2 of that report, key points include the following:

- One Special Area of Conservation – the Rye Water Valley/Carton SAC Site Code:001398 – occurs fully within the likely zone of impact of the proposed development, approximately north of the subject site.
- Four other SACs – Ballynafagh Lake SAC, Ballynafagh Bog SAC, Glenasmole Valley SAC and Wicklow Mountains SAC – are marginally within the 15km potential zone of influence and are remote from the site.

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<sup>1</sup> Section 85 of the Local Government Act 2001 (as amended) provides that by agreement specified functions of one local authority may be carried out by another

- The hydrological assessment provided in Appendix IV of the Appropriate Assessment concludes that there will be no perceptible change to the run-off characteristics both quantity and quality as a result of the construction and operation of the proposed development.
- It has been concluded that there is no possibility of the proposed works undermining the conservation objectives of any of the qualifying interests or special conservation interests of downstream European sites as a result of surface water run-off or discharges.
- The proposed development does not overlap with the boundary of any European site. Therefore, there are no European sites at risk of direct habitat loss or fragmentation impacts.
- There is no possibility of the proposed works undermining the conservation objectives of any of the qualifying interests or special conservation interests of downstream European sites as a result of surface water run-off or discharges.
- There is potential for "in-combination" effects on water quality to the River Liffey, from any other projects carried out within the catchment, and in particular the Maynooth to Leixlip Project, although this project will not be undertaken at the same time as the current proposal, as it is currently at Phase 2 Options Selection. All Local Authority-sponsored developments are required to be consented under the auspices of objectives such as AA Screening etc. and the protection of water quality, which would address potential future in-combination effects should they arise.

Therefore it is concluded that a Stage 2: Appropriate Assessment will not be required to inform the project appraisal either alone or in combination with other plans or projects, with respect to any Natura 2000 sites and their Conservation Objectives.



Eoghan Lynch  
Senior Executive Planner

Date: 5<sup>th</sup> September 2022



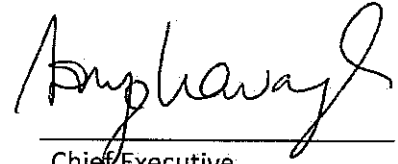
Emer Uí Fhátharta  
Senior Planner

September 5<sup>th</sup> 2022

Eoghan Ryan, DOS  
6/09/22.

**ORDER:** That Kildare County Council as the Competent Authority, having considered the AA Screening Report prepared by Scott Cawley for ARUP, makes a determination that a Stage 2: Appropriate Assessment will not be required to inform the M4 Eastbound Bus Priority Measures Pilot Project, either alone or in combination with other plans or projects; with respect to any Natura 2000 sites and their Conservation Objectives.

Date: 6<sup>th</sup> September 2022

  
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Chief Executive