

# **Assessment of need for Environmental Impact Assessment Screening**

**in accordance with Article 2 of the EIA Directive, Part 10 of the  
Planning and Development Regulations 2001 and section 50 of the  
Roads Act 1993, all as amended**

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**for proposed  
Traffic Calming Measures on the Old Killaloe Bridge,  
Killaloe, Co Clare**

**by  
CAAS Ltd  
for  
Clare County Council  
&  
Tipperary County Council**



COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL



Comhairle Contae Thiobraid Árann  
Tipperary County Council



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## Document Control

	Author/Reviewer <sup>1</sup>	Date
<b>prepared by</b>	Paul Fingleton and Andrew Reynolds	Various dates to 15 July 2025
<b>checked by</b>	Paul Fingleton	15 July 2025
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<sup>1</sup> Competency details are given in Appendix IV

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## 1 Introduction

Environmental Impact Assessment (EIA) is a procedure carried out in accordance with the requirements of the EIA Directive 2011/92/EU as amended. The Directive aims to ensure a high level of protection for the environment. It requires that an assessment of the likely significant effects a project will have on the environment is carried out, where relevant, before development consent is given. In order to ensure compliance with the Directive, the first step is to consider whether a consent process needs to be subject to EIA, and whether an Environmental Impact Assessment Report (EIAR) needs to be prepared to support the process.

CAAS Ltd. has been appointed by Clare County Council and Tipperary County Council to prepare this assessment of need for EIA screening for proposed traffic calming measures on the Old Killaloe Bridge. This report has been prepared to form an opinion as to whether the proposed measures should be subject to Environmental Impact Assessment (EIA) and whether an Environmental Impact Assessment Report (EIAR) should be prepared for it.

The screening assesses the proposed measures with reference to the EIA legislation including the EIA Directive, and Planning and Development legislation<sup>2</sup>. It also has regard to relevant parts of:

- *EIA Guidance for Consent Authorities regarding sub-threshold development*, 2003, Department of the Environment, Heritage and Local Government
- *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, 2018, Department of Housing, Planning and Local Government
- *OPR Practice Note PN02 Environmental Impact Assessment Screening*, 2021, Office of the Planning Regulator
- *Guidance for EIA and AA screening of active travel projects funded by the NTA*, 2023, NTA
- relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, 2024, EU and *Environmental Impact Assessment of Projects - Guidance on Screening*, 2017, EU.

The first screening step involves a review of the characteristics of the measures to find out if it corresponds to any category which is subject to the EIA requirements as set out in the legislation. If it does so and does not equal or exceed a specified threshold (ref s5) then the second step is to carry out a 'preliminary examination' to establish the likelihood of significant effects on the environment arising from the proposed measures. The outcome of the preliminary examination determines the subsequent steps of the screening process which may involve sub-threshold project considerations and review against prescribed criteria for determining whether the measures should be subject to EIA.

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<sup>2</sup> see section 3

The report is structured as follows -

<b>Topic</b>	<b>Report Section</b>
<b>Introduction</b>	1
<b>The proposed measures</b>	2
<b>The legislative basis for EIA</b>	3
<b>Project categories</b>	4
<b>Further screening steps</b>	5
<b>Conclusion</b>	8

An overview of the authors' competency is provided in Appendix I.

## **2 The proposed scheme**

The proposed scheme comprises traffic calming measures on the old Killaloe bridge, Killaloe, Co. Clare which links Killaloe, Clare with Ballina Co. Tipperary. These measures involve a trial pedestrianisation of the Old Killaloe Bridge to prevent access onto the bridge by vehicles and to facilitate the safe use of the bridge by pedestrians and cyclists.

The scheme details described in the Sections 38 details including Killaloe Bridge detail drawing. Key elements are:

- Changes to road surfacing and markings
- Changes to road signage and traffic signals

The area over which the measures will extend is approximately 0.2 ha.

The measures are subject to a consent process under Section 38 of the Road Traffic Act, 1994 as amended. The consent will cover a trial period which will take place between 8am Monday, 28th July 2025 and 6pm Friday, 17th October 2025.

For reasons discussed in section 4 of this report, the scheme duration is irrelevant for purposes of this assessment.





Figure 1 Proposed scheme location <sup>3</sup>

<sup>3</sup> Source: Google maps (site boundary is approximate)





by CAAS for Clare County Council & Tipperary County Council

### **3 Legislative basis for EIA**

EIA requirements derive from EU Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment. The Directive has been transposed into various Irish legislation of which the following is the most relevant to this scheme.

- Planning and Development Acts 2000-2020 (Part X)
- Planning and Development Regulations 2001 (S.I. 600/2001) as amended
- European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. 296/2018)
- Roads Act, 1993, as amended

### **4 Project category**

In the first instance it is necessary to determine whether the proposed scheme corresponds to any project category that is subject to EIA requirements.

The project categories are set out in Annexes I and II of the Directive. Projects falling into Annex I categories automatically require EIA. Projects falling into Annex II categories require EIA if they meet or exceed a given threshold.

For purposes of Section 176 of the Planning and Development Act, Annex I categories are transposed into Part 1 of Schedule 5 of the Planning and Development Regulations and Annex II categories are transposed into Part 2 of the same Schedule.

Road project categories are generally transposed into the Roads Act 2003.

All potentially relevant categories are listed in the table below, with commentaries on their applicability to the proposed scheme.

Because the given categories are subject to interpretation, this review takes account of relevant case law and guidance in order to assess whether the proposed scheme falls into any of them.



Project category / threshold	Comment	Does scheme correspond to category?
<b>EIA Directive (2011/92/EU) as amended</b>		
<b>Annex I</b>		
7(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length.	This category has been transposed into category 1 of section 50 of the Roads Act 1993, which is addressed under the heading of Roads legislation below.	See below
<b>Annex II</b>		
<b>10 Infrastructure projects</b>		
(b) Urban development projects, including the construction of shopping centres and car parks	This category has been transposed into category 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, which is addressed under the heading of Planning and Development legislation below.	See below
(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I)	This category has been transposed into category 1 of section 50 of the Roads Act 1993 and category 10(dd) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, which are addressed under the headings of Roads legislation and Planning and Development legislation below.	See below

<b>Planning and Development Regulations 2001 (S.I. 600/2001) as amended</b>		
<b>Schedule 5, Part 2</b>		
<b>10. Infrastructure projects (b)</b>		
<p><i>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i></p> <p><i>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</i></p>	<p>Because the proposed scheme provides for alterations to a public road it may be considered as being catered for by the Roads Act<sup>5</sup>.</p> <p>Furthermore, recent case law found that a cycleway scheme proposed at Strand Road, Dublin, which is similar in nature to the subject proposal, was not urban development.<sup>6</sup></p>	No
<p><i>(dd) All private <b>roads</b> which would exceed 2000 metres in length</i></p>	<p>The proposed scheme does not involve a private road.</p>	No

<sup>5</sup> *Ryan -v- An Bord Pleanála & Ors* [2025] IEHC 111 concerned the applicability of project category 10(b)(iv) to an industrial development. The court noted that whilst Annex II, Category 10 is headed “Infrastructure” this does not circumscribe the definitions of the project classes in it. The Court considered that industry is generally catered for by Annex classes other than Class 10(b) and that the Commission’s 2024 Guidance lists many examples of urban development, and while some listed examples are infrastructural – for example, water treatment plants – none are industrial. The Court concluded on balance that, where industrial development is to be subjected to EIA, Annexes I and II of EIA Directive identify it reasonably specifically or in a specifically industrial class. On that view, Class 10(b) Urban Development should not, at least in general, be considered to include industrial development. (adapted from [https://www.philiplee.ie/recent-court-decisions-on-the-meaning-of-urban-development-and-road-construction-projects-and-the-eia-directive/#:~:text=Section%2050\(1\)\(a,public%20road%20or%20the%20improvement\)](https://www.philiplee.ie/recent-court-decisions-on-the-meaning-of-urban-development-and-road-construction-projects-and-the-eia-directive/#:~:text=Section%2050(1)(a,public%20road%20or%20the%20improvement)))

The same principle may be applied to other project types.

<sup>6</sup> The Court of Appeal’s ruling in *Flynn & Carvill v Dublin City Council* [2025] IEHC 84 found ‘the degree of construction or building involved in any particular project is relevant to the question of whether the project is one to which the EIA Directive applies, we are of the view that the nature of the works involved in the cycleway [...] do not “come within the nature of building or construction” [...] the suggestion that the works in issue here could amount to urban development works does not sit even remotely easily alongside the guidance provided by the EU Commission (to which reference has already been made) as to what constitutes urban development’

<b>Roads Act 1993</b>		
<i>Section 50 of the Roads Act, 1993, as amended by, inter alia, the European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations 2019 (SI 279/2019) requires that: -</i>		
<i>(1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:</i>		
<i>(i) the construction of a motorway</i>	The proposed scheme does not involve construction of a motorway.	No
<i>(ii) the construction of a busway</i>	The proposed scheme does not involve construction of a busway.	No
<i>(iii) the construction of a service area</i>	The proposed scheme does not involve construction of a service area.	No
<i>(iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road</i>	The localised alterations proposed in this scheme involve minimal civil works which can be considered as not falling within the meaning of <i>construction</i> or <i>improvement</i> in the context of section 50(1)(a)(iv). <sup>7</sup>	No
<i>&gt; The prescribed types as referred to in (iv) above are given in section 8 of S.I. 119/1994 as:</i>		
<i>(a) 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 eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area</i>	Because the proposed scheme can be considered as not falling within the scope of section 50(1)(a)(iv), it can also be considered as not corresponding to types (a) or (b).	No
<i>(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.</i>		No

<sup>7</sup> The Court of Appeal's ruling in *Flynn & Carvill v Dublin City Council* [2025] IEHC 84 (ref paragraphs 245 to 252) found *inter alia* that a comparable scheme there was 'not remotely equivalent to the construction-type improvement works that would be required to bring the Scheme within the ambit of section 50(1)(a)(iv) or (c) of the 1993 Act'. The same can be taken to apply to 50(1)(b) and (d).

<i>S50(1)(b) to (d) of the Roads Act of 1993, as amended, require that any road development or road improvement project which would be likely to have significant effects on the environment, including projects located on ecologically protected sites, shall be subject to EIA.</i>	The localised alterations proposed in this scheme which involve minimal civil works can be considered as not falling within the meaning of <i>road development</i> or <i>road improvement</i> in the context of section 50(1)(b) to (d). <sup>8</sup> Thus these provisions are not applicable.	N/A
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The above review shows that the proposed scheme can be considered as not falling into any EIA project categories.

## 5 Further screening steps

Because the scheme can be considered as not falling into any EIA project category, it is not subject to any EIA requirements and no further screening steps need to be taken. This includes requirements that would apply if the scheme were a sub threshold development (per Articles 2 and 4 of the EIA Directive, Part 10 of the Regulations of 2001 and sections 50(1)(b) to (d) of the Roads Act) including preliminary examination and/or screening against criteria set out in Annex III of the Directive or Schedule 7 of the Regulations.

## 6 Conclusions

It is considered that the proposed trail pedestrianisation of Killaloe Bridge does not fall within the scope of the EIA Directive or the EIA provisions of the Planning and Development Regulations or the Roads Act. Consequently, no EIA requirements apply to it.

This conclusion is based on an objective review of the characteristics of the proposed scheme against the requirements of the legislation, taking account of interpretations of the courts and having due regard to the relevant guidance.

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<sup>8</sup> Ref footnote 7.

## Appendix - Competency of Authors

**Paul Fingleton, the lead author**, has an MSc in Rural and Regional Resources Planning (with specialisation in EIA) from the University of Aberdeen. Paul is a member of the International Association for Impact Assessment as well as the Institute of Environmental Management and Assessment. He has over twenty-five years' experience working in the area of Environmental Assessment. Over this period, he has been involved in a diverse range of projects including contributions to, and co-ordination of, numerous complex EIARs and EIA screening reports. He has also contributed to and supervised the preparation of numerous AAs and AA screenings.

Paul is the lead author of the current EPA Guidelines<sup>9</sup> and accompanying Advice Notes<sup>10</sup> on EIARs. He has been involved in all previous editions of these statutory guidelines. He also provides a range of other EIA related consultancy services to the EPA. Paul is regularly engaged by various planning authorities and other consent authorities to provide specialised EIA advice.

**Andrew Reynolds, senior EIA consultant**, has experience working as part of team projects and in the coordination and preparation of multiple EIA documents on behalf of multi-nationals and infrastructural providers. He has been involved in a diverse range of projects including contributions to, and co-ordination of, numerous complex EIARs, and EIA screening reports. He has also contributed to and coordinated the preparation of numerous AA screenings.

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<sup>9</sup> Guidelines on the information to be contained in Environmental Impact Assessment Reports, EPA, 2022

<sup>10</sup> Advice notes on current practice in the preparation of Environmental Impact Assessment Reports, EPA, 2003