

**Laois COUNTY COUNCIL  
PLANNING DEPARTMENT**

**EIA Screening Determination**

### **1) Introduction**

This report has been informed by:

- Schedules 5, 7 and 7A of the Planning and Development Regulations 2001 (as amended);
- 'Guidelines for Planning Authorities and an An Bord Pleanála on carrying out Environment Impact Assessment', issued by the DHPLG (2018); and,
- Part VIII planning documents

### **2) Proposed Development**

Laois County Council is proposing to construct 17 no dwellings at Moanbaun, Mountrath, under with Part XI, Section 179a of the Planning and Development Act 2000 (as amended and Part VIII of the Planning and Development Regulations 2001 (as amended).

The proposed development will include the following:

- 17 no dwelling houses;
- Public open space (on adjoining lands)
- Infrastructural works to accommodate services.

### **3) Legislative Basis for EIA**

EIA is a process by which information about the environmental effects of projects is collected, evaluated and presented in a form that provides a basis for consultation. Decision makers can then take account of these effects when determining whether or not a project should proceed. EIA in Ireland must be carried out in accordance with the requirements of the Planning and Development Act 2000 (as amended), the Planning and Development Regulations 2001 (as amended) and the European Communities (Environmental Impact Assessment) regulations 1989 (as amended) (the EIA Regulations).

This legislation sets down the types of projects that may require an Environmental Impact Assessment Report (EIAR). Part 1 in Schedule 5 of the Planning and Development Regulations 2001 (amended) defines mandatory projects that require an EIAR and Part

2 of the same schedule defines projects that are assessed on the basis of set mandatory thresholds for each of the project classes.

In addition to Part 1 and Part 2 projects as referred to above, there are also sub-threshold projects. These projects may require the submission of an EIAR depending on individual assessments in accordance with certain criteria. They can be categorised by thresholds or can be assessed individually. The guiding principle is that *projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location* should be subject to EIA. Significant effects may arise by virtue of the type of development, the scale or extent of the development and the location of the development in relation to sensitive environments.

#### **4) EIA Screening**

EIA screening can be defined as the process of assessing the requirement of a project to be subject to Environmental Impact Assessment based on the project type and scale and on the significance of the receiving environment.

##### Mandatory EIA

In the case of the proposed development, it is evident that it would fall under a category of development which would automatically require an EIAR as per Schedule 5 of the Planning and Development Regulations 2001 (as amended).

Schedule 5 of the Planning and Development Regulations 2001, as amended, outlines the categories of development for the purposes of Part 10 of the Planning and Development Act 2000, as amended – that is development that requires EIAR.

*The following categories are relevant:*

*Schedule 5, Part 2*

*10. Infrastructure projects:*

*(b) (i) Construction of more than 500 dwelling units.*

The site is zoned Residential 2 in the Laois County development Plan 2021-2027. The proposed development is for the construction of 17 dwelling units. Consequently, the threshold of 500 dwelling units is not applicable in this instance. The proposed development is sub-threshold and therefore does not automatically require EIAR.

##### Sub-threshold EIA

The key issue with regard to the possible need for EIA of sub-threshold development is whether the development would or would not be likely to have significant effects on the environment.

Article 120 of the Planning and Development Regulations 2001, as amended states the following:

120. (1) (a) Where a local authority proposes to carry out a sub threshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the local authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(i) conclude that the development would be likely to have such effects, and

(ii) prepare, or cause to be prepared, an EIAR in respect of the development.

(1A) (a) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A,

For sub-threshold developments listed in Schedule 5 Part 2, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

### **Schedule 7**

The proposed development is considered against the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. This is based on the existence of realistic doubt in regard to the likelihood of significant effects on the environment and considering the nature, size and location of the proposed development in the context of the criteria set out in Schedule 7 to the 2001 Regulations,

The competent authority must proceed to a further examination to determine whether EIA is required pursuant to Schedule 7A to the 2001 Regulations in order to facilitate a formal screening determination.

## **5) Characteristics of the proposed development**

### **Size of the proposed development**

The subject site has a stated area of 0.5762 ha

### **The cumulation with other proposed development**

Impacts caused by one project, which may be considered minor and insignificant, can combine with other environmental impacts from existing or planned development. When taken in combination, these impacts could be likely to have significant effects on the environment.

Existing development in the surrounding area predominantly comprises of residential and agricultural uses. The site is adjoined to the south / south west by an existing residential development and to the north by two number dwellings. A housing development is under construction on lands to the north east. The lands to the east are in agricultural use.

The adjoining land uses are of a small-medium scale which are in themselves sub threshold developments.

Subject to appropriate restrictions on the proposed development in relation to traffic movements, noise and dust emissions, during the construction phase, it is considered that the potential for significant impacts on the environment from cumulative effects will not arise.

#### Nature of any associated demolition works

The construction of 17 dwelling units is proposed and no demolition works are proposed. Waste produced during the construction phase will be managed by a site-specific construction and demolition waste management plan.

#### The Use of Natural Resources

Natural resources on the site and in the surrounding area include:

- The River Barrow And River Nore Special Area of Conservation is located approximately 300m west of the site

A Stage 2 'Appropriate Assessment' was carried out, to identify any significant negative impacts of the development on Natura 2000 sites. The 'Appropriate Assessment' proposes a number of measures to be integrated into the scheme design to prevent negative impacts on Natura sites. The report concludes that "No impact on Natura 2000 sites is anticipated with the implementation of these measures at design stage". It is noted that the measures proposed are all good construction practices. The conclusion of the 'Appropriate Assessment' is accepted by the Planning Authority.

#### Production of Waste

The proposal will not generate significant quantities of waste. Waste produced during the construction phase will be managed by a site-specific construction and demolition waste management plan.

#### Pollution and Nuisances

The proposed development has the potential to result in pollution and nuisances in the area during the construction phase due to dust and noise. Subject to the implementation of the best practice measures, it is considered that these impacts would not be significant.

It is considered that soil and water pollution impacts are insignificant and will not result in pollution or nuisance.

#### Risk of Accidents, having regard to substances or technologies used

None identified

#### Risks to Human Health

Risks to human health from the proposed development can principally arise from noise and dust emissions during construction.

Subject to the implementation of the mitigation and best practice measures identified as part of the proposed development, it is considered that these impacts would not be significant.

The characteristics of the development do not require EIAR to be carried out.

### **6) Location of the proposed development**

The application site, given as 0.5762 hectares, is situated on a serviced and zoned site within the town boundaries of Mountrath. Existing development in the surrounding area predominantly comprises residential and agricultural uses.

#### The relative abundance, quality and regenerative capacity of natural resources in the area and its underground

The proposed development is not likely to have significant effect on any Natura 2000 site owing to the separation distance, the lack of discharges and the existing connection to the public sewer and surface water network subject to compliance with the measures set out in the Stage 2 'Appropriate Assessment'.

#### The absorption capacity of the natural environment

The site is not located in any upland or wetland area.

On the basis of the information available on the Planning Authority's GIS system in relation to archaeological and architectural heritage, there are no landscapes and sites of historical, cultural or archaeological significance on or in the immediate vicinity of the application site.

### **7) Types and Characteristics of the Potential Impacts**

Potential impacts can arise in relation to:

- Operational noise, vibration, dust and related nuisances for lands and adjoining properties the site mainly during the construction phase.
- Pollution of groundwater and surface water from during construction.
- There is no archaeological or architectural heritage on or in the immediate vicinity of the site which could be impacted on by the proposed development.

#### Transfrontier nature of impact

The proposed development will be localised and will take place fully within the administrative area of Laois County Council.

Magnitude and complexity of impact

It is not considered that impacts from the proposed development would have the potential to affect a large range of receptors over a wide geographical area. The spatial extent of impacts would be more localised and the size of the population likely to be affected would not be significant.

Probability of impacts

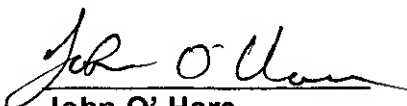
Impacts from the proposed development can arise over the duration of the construction works, particularly with respect to noise and dust emissions, potential pollution of groundwater and surface water, and traffic impacts on the local road network. Subject to the strict implementation of mitigation and best practice measures, it is considered that these impacts would not be significant.

Expected Onset, Duration, frequency and reversibility of impact

The development consists of the construction of 17 dwelling units and associated works on a zoned and serviced site in the town of Mountrath. It is considered that the duration of any impacts will be during the construction phase of the development.

**8) Conclusion**

It is considered that the proposed development does not require an Environmental Impact Assessment as it is not likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location.



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