

**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**

The principal aspects of the proposed development can be set out as follows:

In accordance with Part XI, Section 179 of the Planning and Development Act 2000 (as amended) and Part VIII of the Planning and Development Regulations 2001 (as amended), Laois County Council is proposing to carry out a development comprising permeability improvement works and active travel measures in Portarlinton between Ballymorris Road and Canal Road.

More Specifically, the proposed development will include footways and cycle-tracks, where pedestrians and cyclists are segregated from one another, or shared surfaces, where pedestrians and cyclists share the same facility at:

- Ballymorris Court to Canal Court
- Canal Court to Whitefields
- Station Road to Canal Road
- Station Road

## **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) (ii) Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of, a development.*

*(dd) All private roads which would exceed 2000 metres in length.*

*(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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)*

The proposed development does not involve the construction of a carpark, and the length of road that is under consideration falls significantly below the *2000 metres in length* threshold for which EIA is required.

As per the Joint Portarlington Local Area Plan 2018 - 2024, the site straddles across a number of zonings: 'Residential – Proposed' use, Residential – Existing' use and 'Enterprise and Employment' use.

However, the site could not be considered as a business district based on the meaning outlined above. Consequently, the threshold of 2 hectares is not applicable in this instance. The relevant threshold is 10 hectares. However, with a site area of 2.49 ha, the proposed development is sub-threshold and 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 or not the development would 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 area of the application site is given as 2.49 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 retail, community and residential uses.

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, mostly 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 demolition of a wall is proposed.

The Use of Natural Resources

None noted

Production 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. Mitigation measures will be proposed to deal with these issues including proper construction methodology.

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 principally.

Subject to the implementation of the mitigation and best practice measures 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 is situated on a serviced and zoned site within the town boundaries of Portarlinton. The site straddles a number of roads.

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

The proposed development is not likely to have significant effect on any Natura 2000 site owing to the separation distance and the lack of discharges.

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 from the Planning Authority's GIS system in relation to archaeological and architectural heritage, the buffer zone of a number of recorded monuments lie within the curtilage of the application site.

The development site is outside the confines of the critical Flood Zones A and B.

## **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.

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 considered that impacts from the proposed development would not 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 effected would not be significant.

Probability of impacts

Impacts from the proposed development can arise over the duration of the construction works. Subject to the strict implementation of the mitigation and best practice measures, it is considered that these impacts would not be significant.

Expected Onset, Duration, frequency and reversibility of impact

It is considered that the duration of any impacts will be during the construction phase of the development.

## **8) CONCLUSION**

I consider 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.

*Olive O'Donnell*

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*Executive Planner, 20/10/2023*