

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:

Laois County Council is proposing to develop a scheme of 54 dwellings and associated works at Hepburn Court, Portlaoise 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).

The development will consist of the construction of a residential development at a site of 2.4 hectares, at Knockmay/Maryborough, Portlaoise, Co Laois.; The lands are zoned Residential 2 in the Laois County Development Plan 2021-2027.

The site is bounded to the north by the Ballyfin Road, to the east by Oaklawn, to the west by Mountain View and Clonrooske View and to the south by Parnell Crescent. On site there is an existing ESB substation along the eastern boundary. The northern portion of the site was once occupied by Hepburn Court housing development. The development will have vehicular access from the Ballyfin Road via Mountain view Square and through pedestrian access to Hillview Drive and Clonroosk View.

The 54 dwelling types proposed are as follows;

TYPE A, 2 bed, bungalow semi-detached units, (8 no).

TYPE B, 2 bed, two storey semi-detached/terraced units, (12 no).

TYPE C, 3 bed, two storey, semi-detached/terraced units, (34no).

The development also includes foul and surface water drainage works and surface water attenuation, footpaths and landscaped public open space with passive and active areas that includes a secure playground for young children. Associated siteworks that includes boundary treatments and a total of 111 no. carparking spaces are also proposed.

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.

At 54 dwelling units the proposed development is sub-threshold and does not automatically require EIAR.

(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 site is located on lands zoned Residential 2 and has a given area of 2.4ha. The site area is therefore significantly below the threshold for a mandatory EIA in a built up area 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 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.

Characteristics of the proposed development

Size of the proposed development

The area of the application site is given as 2.4ha.

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 residential 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

There will be some demolition works on site. All demolition waste will be disposed of to an authorized facility.

The Use of Natural Resources

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

- River Triogue – 500m to the east.

This stream connects to the River Barrow/River Nore SAC approx 5km north/west of the site. The nearest SPA is approx 7km west of the site. Given the distance involved in connecting to the SAC it is considered that there will be no likely significant effect on any European Site. Also as the proposed development has no discharges of note and is connected to the foul and surface water public sewers it is considered that there will be no potential for significant impacts on watercourses.

Similarly owing to the nature of the site, in a town and fully serviced it is considered that there will be no negative impact on soils or flora and fauna.

Soil excavated for construction will be reused on site or removed off site for re-use elsewhere.

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.

During the operational phase there will be non hazardous waste and packaging waste, WEEE, empty containers and landscaping waste.

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.

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

Subject to the implementation of the best practice measures it is considered that these impacts would not be significant.

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, given as 2.4 hectares, is situated on a serviced and zoned site within the town boundaries of Portlaoise. The site is in close proximity to the town core to the south east.

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, the lack of discharges and the proposed connection to the public sewer network.

The absorption capacity of the natural environment

In terms of absorption capacity, the site is a greenfield site which was previously used as a playing field for a secondary school. The site is not located in any upland or wetland area.

The development site is immediately outside the confines of the critical Flood Zones A and B as indicated in the Strategic Flood Risk Assessment of the Laois County Development Plan 2021-2027 and Portlaoise Local Area Plan 2018-2024.

There are no protected structures on site or in the surrounding lands.

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 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 effected 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 the 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 a housing scheme of 54 dwellings, services and ancillary site works on a zoned and serviced site in the town of Portlaoise. It is considered that the duration of any impacts will be during the construction phase of the development which may extend to 12-24 month time period.

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.

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