

**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 the dredging and removal of silt and vegetation from Glendowns Pond in Portlaoise, Co. Laois, using an excavator. The proposed works also entails the pruning of light timber for access in a publicly accessible area, wood-chipping of brush, processing of timber and removal of all arisings. The works also entails setting up and maintenance of pedestrian control measures.

Glendowns Pond is located along the western boundary of the Glendowns housing estate, southeast of Portlaoise town centre. It is situated in a semi-urban setting with fields to the south and west and housing to the east. It is fed by the Little Borris stream, a tributary of the Triogue River.

There are two other Lakes in the vicinity of Glendowns Pond, neither of which is hydrologically linked to Glendowns Pond. Páirc an Phobail (People's Park) Lake is located in a public park to the west of Glendowns and is fed by the Triogue River, a tributary of the River Barrow. To the east a road attenuation pond is located just off Stradbally Road / Southern Circular 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 category may be relevant:*

*Schedule 5, Part 2*

*10. Infrastructure projects:*

(f) (ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.

The subject site has a given area of 0.8563ha. It is considered that the proposed development does not sit comfortably within this class of development as it relates to the dredging of a small pond in order to alleviate possible localised flooding.

#### 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 0.8563ha.

#### **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 comprises existing residential development to the east, institutional use to the north and agricultural land to the west.

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 the proposed development and cumulative effects will not arise.

### Nature of any associated demolition works

None proposed as part of this project.

### The Use of Natural Resources

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

Glendowns Pond is located ca. 120m to the east of the Ridge of Portlaoise pNHA (site code 00876). The NPWS site synopsis describes the site as follows (NPWS, 2009<sup>1</sup>): -

*“The ridge of Portlaoise is an elongated raised ridge or esker formed of sand and gravel which was deposited when a mass of ice covered this area during the last period of glaciation. The esker runs through the eastern part of Portlaoise town and extends in a south-south-east to north-north-west direction.”*

*“Eskers are under increasing threat in Ireland, due to the demand for sand and gravel for the construction industry. Of the few eskers which have survived, only a small percentage retain their semi-natural flora of woodland and this is one of the best examples of esker in Co. Laois, along with those at Timahoe (000421) to the south-east and Clonaslee (000859), to the north-west. The ridge of Portlaoise also has two rare plants, one of which is protected under the Flora Protection Order.”*

Rare plants referenced are Nettle-leaved bellflower (*Campanula trachelium*) and Blue fleabane (*Erigeron acer*). There are no records of either species from the environs of Glendowns Pond.

The Ridge of Portlaoise pNHA is not hydrologically connected to the pond.

Glendowns Pond is distantly linked to the River Barrow and River Nore SAC (002162) via 13km along the Borris Great Stream and the River Triogue.

In the wider Zone of Influence, the following Natura 2000 sites occur: -

Blackstairs Mountain SAC (site code: 000770)

Ballyprior Grassland SAC (site code: 002256)

Mountmellick SAC (site code: 002141)

Slieve Bloom Mountains SAC (site code: 000412)

Slieve Bloom Mountains SPA (site code: 004160)

River Nore SPA (site code:004233)

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<sup>1</sup> NPWS (2009). Ridge of Portlaoise pNHA Site Synopsis. Site code 000876.

The Blackstairs Mountain SAC is located downstream of the proposed via the Triogue River and the River Barrow ca. 53km from the proposed works site, via straight line distance. There is a remote hydrological connection, from the proposed works to this SAC. The qualifying interests of this site are Northern Atlantic wet heaths with *Erica tetralix* [4010] and European dry heaths [4030].

Ballyprior Grassland SAC is located ca. 11.6km from the proposed works site and the sole qualifying interest is semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (\* important orchid sites) [6210].

Mountmellick SAC is located ca. 10.4km from the proposed works site and the sole qualifying interest is Desmoulin's Whorl Snail (*Vertigo moulinsiana*) [1016].

Slieve Bloom Mountains SAC is located ca. 13.3km from the proposed works site and the qualifying interests of this site are Northern Atlantic wet heaths with *Erica tetralix* [4010], Blanket bogs (\* if active bog) [7130] and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0].

Slieve Bloom Mountains SPA is also located ca. 9.5km from the proposed works site, via straight line distance, and the qualifying interest is Hen Harrier (*Circus cyaneus*) [A082].

The River Nore SPA is located ca. 15km from the proposed works and there is no hydrological connection between the two. The sole qualifying interest of this SPA is the Kingfisher (*Alcedo atthis*) [A229] and there was no suitable habitat for kingfisher recorded in the vicinity of the proposed works. Given these distances and the lack of ecological connectivity between the zones of impact of the proposed works and the qualifying interests of these sites, the possibility of likely significant effects on these sites can be ruled out at this stage.

Based on the above examination of the Zone of Influence, the following Natura 2000 sites have been selected for inclusion in the screening assessment: -

**River Barrow and River Nore SAC (site code: 002162).**

An NIS has been included with this submission and considers in detail the impacts of the proposed development on the River Barrow and Nore SAC.

The NIS concludes that, based on the small scale of the proposed works and the brief duration of both the works themselves and any impacts arising from them, they will not give rise to likely significant effects on the River Barrow and River Nore SAC or any other Natura 2000 site, in combination with other plans or projects.

### Production of Waste

All waste from the site shall be removed and appropriately disposed of. Waste produced during the works will be managed by a site specific construction and demolition waste management plan.

During the operational phase there will be no non hazardous waste and packaging waste, WEEE, empty containers etc.

### 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.

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 works.

The proposed lifespan of the works is short at 3-4 weeks and subject to the implementation of the mitigation and best practice measures it is considered that these impacts would not be significant.

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

The attached NIS deals with the impact of the proposed development on Natura 2000 sites and has proposed mitigation measures. The NIS concludes that, based on the small scale of the proposed works and the brief duration of both the works themselves and any impacts arising from them, they will not give rise to likely significant effects on the River Barrow and River Nore SAC or any other Natura 2000 site, in combination with other plans or projects.

The site is located approx. 120m from the Ridge of Portlaoise pNHA and is not hydrologically connected to the pond. It is considered that the development will not have any impact on the pNHA.

#### The absorption capacity of the natural environment

The subject site is located within the built up area of Portlaoise and is considered suburban. Having regard to the nature of the works, mitigation measures proposed in the NIS and construction methodology there will be no impact in terms of the natural environment and its ability to absorb the works.

### **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 and considering the short duration of the works, it is considered that these impacts would not be significant.



### **Expected Onset, Duration, frequency and reversibility of impact**

The development consists of dredging and removal of silt and vegetation from Glendowns Pond in Portlaoise, Co. Laois, using an excavator. The proposed works also entails the pruning of light timber for access in a publicly accessible area, wood-chipping of brash, processing of timber and removal of all arisings. It is considered that the duration of any impacts will be over a 3–4-week 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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