

**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 intends to construct a shared 3.0 wide shared pedestrian/cycle route from the Portlaoise Peoples Park to the Southern Circular road. This proposed development will form part of the overall Triogue "Blueway route" will navigate its way through a diverse range of receiving environments from natural woodland areas near the Portlaoise southern circular road, alongside the river Triogue through the Peoples Park and into busy urban environs where it will terminate at the Ballyfin road / Clonroosk ring road junction.

1. Due to the diverse range of receiving environments and the proposed phasing for the deliverability of the project it has been split into 3 phases with environmental and ecological consents being applied as appropriate to the receiving environment for each proposed section. This planning application refers to Part A (Phase 1) of the proposed route which is the first section of the project to be constructed.
2. This section of the route navigates along the existing "Downs lane" passageway through natural woodlands and when completed will create connectivity in pedestrian linkages between The Peoples Park and the Southern Circular Road. The principal aim of the proposed development is to enhance the public realm, increase biodiversity through project led objectives and also provide connectivity for people wishing to access the existing educational, retail and recreational facilities within the area. This will promote a

safe cycling and walking culture in a serene landscape nested amongst a thriving urban environment.

### **3.1 Principal Features of the Project – Part A (Phase 1)**

It should be noted that the points set out below should be read in conjunction with drawings set out in Section 3 and contained in Appendix 1 to this Explanatory Booklet. The main features of the proposed improvement works are as follows:

- Under the guidance of a suitably qualified arborist, assess the stability and condition of the surrounding woodlands. Remove any windblown /dead trees from the access lane. Store any off-cut logs onsite in woodland areas to enhance bug life and pollinator friendly habitats. It is expected that tree felling operations will be minimal and any negative impacts associated with same will be offset by planting additional trees & pollinator friendly planting.
- Clear any debris and foliage off the existing lane to assess its bearing capacity and condition.
- Regrading of existing topography and Importation of granular fill as required to create 200mm deep formation layer for the proposed cycle lane.
- The Cycle track will be constructed of 40mm depth AC20 (asphalt concrete) Dense bitumen macadam with a final 20mm deep wearing course of 10mm AC closed surface macadam. The proposed width of the cycle track is 3.0m with grass verges each side of the route. Section A-A (refer to drawing Blueway 101-1001 in section 3.0) illustrates the proposed construction build-up of the track. There will be no alteration to the existing surface water drainage arrangement. Surface water drainage will cross fall off the track and soak off into the environs as is currently in place. There will be no mechanical propelled vehicles associated with the end use of this scheme. The proposed works will be undertaken to accommodate pedestrians and cyclists only.

- Line marking and appropriate signage will be installed to delineate walking and cyclist areas.
- Installation of service ducting and appropriate public lighting.
- Installation of timber post and rail fence, security gates, paving and all other associated ancillary works required to complete the project.
- Landscaping of the surrounding environs to help increase biodiversity through the introduction of pollinator friendly zones and the installation of bird & Bat boxes to help provide additional roosting locations in the area.

### **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.

## 5) 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 not readily 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.

*None of the infrastructure categories are relevant to the development proposed.*

*The following category was considered in this assessment:*

*Schedule 5, Part 2*

*10. Infrastructure projects:*

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

*However, the development is a public blueway and not a private road.*

b. (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 is significantly below the 10 hectare threshold in the above category.

The proposed development also falls under the EIA requirements of the Roads Act 1993 as amended by the Planning and Development Acts (2000-2011) and the Roads Act (2007) as well

as regulations made under the Roads Acts, The European Communities (Environmental Impact Assessment) (Amendment) Regulations 1989-2018, and EC Directives 85/337/EC and 97/11/EC referenced above.

A road within the 1993 act is defined to include:

- (a) any street, lane, footpath, square, court, alley or passage,
- (b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge flyover, carriageway whether single or multiple, pavement or footway,
- (c) any weighbridge or other facility for the weighting or inspection of vehicles, toll plaza or other facility for the collection of tolls, services area, emergency, telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve.

Furthermore Cycleway is referred to in Section 68 of the 1993 Act as follows:

- (1) In this section “cycleway” means a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians.
- (2) (a) A road authority may construct (or otherwise provide) and maintain a cycleway.  
(b) Where a road authority constructs or otherwise provides a cycleway it shall by order declare either – (i) the cycleway is for the exclusive use of pedal cyclists, or (ii) that the cycleway is for the exclusive use of pedal cyclists and pedestrians.  
(c) any person who uses a cycleway in contravention of an order under paragraph (b) shall be guilty of an offence.

### 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.

## **6) 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 proposed development is a linear blueway and is approx. 380m in length and 3 m in width. The overall site area is approx. 1140 sqm or 0.114ha.

#### **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 comprise of a school campus to the north east, a retail park to the south west and the People's Park to the north west. The Portlaoise Southern Circular Road runs to the south of the site.

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

Subject to proper construction best practice it is considered that the potential for significant impacts on the environment from cumulative effects will not arise.

#### Nature of any associated demolition works

On the basis of the information provided with the Part VIII, the proposed development will not involve the demolition of any structures, or any demolition works generally. Consequently, this criteria is not relevant.

#### The Use of Natural Resources

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

##### Habitats Directive and Article 6 Assessment

The European Habitats Directive (Council of the European Communities 1992) was transposed into Irish legislation by the European Communities (Natural Habitats) Regulations 1997 and amended in 1998 and 2005. Article 6(3) and (4) of the Habitats Directive requires that an Appropriate Assessment is carried out for Natura 2000 sites where projects or proposals are likely to have an effect.

*“Any plan or project not directly connected with or necessary to the management of the site is to be*

*subject to an appropriate assessment of its implications for the site in view of the site's conservation*

*objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects”.*

The proposed works are located within the Barrow catchment, with the nearest designated European site being the River Barrow and River Nore SAC (Site Code:002162), located approximately 8.8 km to the north of the proposed development. Due to the proximity of the proposed development to the pNHA and any other listed possible European Site, the proposed project could have the potential to have implications for the site in view of its conservation objectives and therefore fall under the remit of Article 6. In accordance with the above Directive an Appropriate Assessment (Screening) Report and supplementary Ecological impact assessment (EclA) was carried out by CAAS consulting engineers including consultations with all statutory bodies such as Inland Fisheries Ireland and National Parks & Wildlife Service.

Details of the Appropriate Assessment (Screening) Report, EclA report and Bat Survey are contained in Appendix 2.

The publication of these documents as part of this Part 8 Proposal is in accordance with Article 250 of S.I. 476 of 2011 (Planning and Development Acts 2000 – 2013).

#### 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 may be non-hazardous waste and packaging waste, WEEE, empty containers and landscaping waste produced which will be disposed of in an appropriate manner.

#### 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 are 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 identified as part of the proposed development, 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. Having regard to the short construction period and the location of the site between a school and a retail park will minimize impacts.

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.

**7) Location of the proposed development**

The application site is located within the development boundary of Portlaoise and will traverse open space.

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 sites owing to the mitigation measures proposed with the Appropriate Assessment screening report prepared for this application.

The absorption capacity of the natural environment

The ecological Impact Assessment has recommended some measure to reduce impacts on the ridge of Portlaoise such as minimisation of lighting and the use of hoods and cowls to any lights installed.

## **8) 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 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 the mitigation and best practice measures and owing to the short duration of the works at 8 weeks, it is considered that these impacts would not be significant.

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

The construction phase of the development extends to 8 weeks only and once completed will be available for use by the public. It is considered that proposed works are reversible. The operational phase of the development will not have a negative impact on the environment.

### Positive impacts

It is considered that the proposed development will have a positive impact on the environment as it will encourage a modal shift in transport from the private car to cycling and walking. Also, a

landscaping of the surrounding environs to help increase biodiversity through the introduction of pollinator friendly zones and the Installation of bird & Bat boxes to help provide additional roosting locations in the area.

## **9) 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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**David O'Hara**

**Senior Executive Planner**