

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 of an overflow relief culvert to help prevent flooding associated with the Shannon Stream. The overflow culvert will be constructed of a 450mm diameter pipe with associated concrete head walls and a non-return valve to prevent back wash flooding.

The works area is located on the banks of the Whitehorse (Mountrath) River, a tributary of the River Nore. Currently, a stream runs adjacent to the Shannon Road, under the R430, beneath a dwelling, then becomes an open drain through a garden, piped through the Mountrath playground and then piped through a commercial premise (saw mill) belonging to CJ Sheeran Timber before it discharges into the Whitehorse (Mountrath) River.

The proposal is to construct a new / shorter connection to the river, i.e. between the R430 and the river. This will include for the construction of a headwall at the outfall, as described below. The new pipeline is independent of the original stormwater drain. The new pipeline will act as an overflow when the original drain backups. The outfall will be constructed at the highest possible level relative the Whitehorse River. The proposed angle of discharge will allow the drain empty freely in the actual direction of flow. The point is located downstream of the "stepping stones" to allow the proposed culvert to discharge freely in the actual direction of river flow. It should be

noted that the drain is not intended to drain any areas other than those already covered by the existing system, it is merely intended to act as an overflow when the original drain backs up.

The width of the works will be 3.0m either side of the centre of the trench to allow safe access beside the open excavation. The excavated material will be placed beside the trench, most of which will be used as backfill. It is envisaged that only a small amount of soil will need to be removed from site.

The proposed works will take approximately 6 days to complete from initial mobilisation and site compound set up to demobilisation of works. A site compound will be set up in the playground which will be temporarily fenced off to prevent public access. It is proposed to undertake works when water levels are low and ground conditions are dry.

A trench originating from where the existing drain crosses into the park will be dug. The trench will continue through the park and along a grassed path to the location of the pipe headwall. The trench will be dug using an excavator to a depth of 1m and a width of 0.75m in order to accommodate the 0.45m twin wall corrugated HDPE pipe. Suitable pipe bedding material will be used in the base of the trench. The trench will be backfilled with the arisings (material originally excavated); no material will be removed off site. 2 no. manholes will be constructed at changes in direction of the pipe.

The new pipe will be left unconnected to the active drain until the remaining works are complete. The planned route of the pipeline avoids all trees within the park. Access for plant machinery; will be through the park. Plant machinery is not permitted to enter the river.

Machinery will be parked overnight in the site compound. Refuelling will also take place in the site compound away from the river. During placement of the precast headwall unit it will be necessary to pump water from the working trench; this will be pumped to a settling tank before being further pumped into a foul manhole located in the playground. Silt laden surface water runoff will not be permitted to escape to the river.

The headwall construction will be as follows: -

- Excavate Bank. To accommodate the size of the headwall allowing for a minimum of 600mm of working space.

- Pumping will be necessary to allow placement the precast headwall. Water will be pumped into a settling tank before being further pumped into a foul manhole located in the playground.
- Locate Toe Position. Excavate trench to accommodate the toe at the rear of the headwall.
- Prepare base. Lay a level bed of Clause 804 and compact. A 150mm thick layer is usually sufficient. In poor ground this can be increased to suit.
- Position Headwall. Lift the headwall into position, ensuring that the unit is level.
- Install collar. Place the collar into the headwall.
- Connect to drainage pipe. Insert the drainage pipe into the collar at the back of the headwall.
- Backfill the unit in 225mm layers.
- Construct pipeline and manholes. **Lay 600mm** twin wall HDPE Pipe from the headwall to inlet with 2 no. of manholes at changes in direction.

Plant to be used will include a 360° excavator (8ton or larger); lifting chains and shackles and a 3ton lifting strap. The pipeline will be constructed along the line of the river to maximise hydraulic conveyance. It may be possible to situate the head wall slightly back from the water's edge instead of it being flush with the riverbank. The outfall will be constructed at the highest possible level relative the Whitehorse river.

The proposed angle of discharge will allow the drain empty freely in the actual direction of flow. Once the headwall is constructed the plug between it and the river can then be removed. Following this the upper section of pipe will be connected with the existing drain carrying water and the channel will become operational.

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 is 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 proposed development is significantly below the thresholds for which EIA is required. The proposed pipe is approx. 80 in length and will drain water from 3 existing dwellings and ancillary sites.

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

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 comprise open space, commercial and residential uses. The Mountrath River is located to the west of the site.

The adjoining land uses are of a small-medium scale which are in themselves sub threshold developments. The sawmills located to the south of the site is the most substantial development in the area.

Subject to proper construction best practice and the mitigation measures contained within the Appropriate Assessment 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:

4 SACs located within 15km of Mountrath; River Barrow and River Nore SAC (002162),

Slieve Bloom Mountains SAC (000412), Coolrain Bog SAC (002332) and Knockacoller Bog SAC (002333).

Of these 4 SACs only the River Barrow and River Nore SAC is within the potential zone of influence of the proposed project. The works area adjoins the SAC and at the location of the proposed headwall would be within the SAC. Therefore, the works are hydrologically connected to the SAC.

The remaining SACs are not hydrologically connected to the proposed project and are not connected via landscape features to the proposed project. The SACs are a minimum distance of 4.7km from the bridge. These SACs are not considered to be within the potential zone of influence of the proposed project.

There are 2 SPAs located within 15km of Mountrath; River Nore SPA (004233) and Slieve Bloom Mountains SPA (004160).

The River Nore SPA is located approximately 3.5km downstream of the works area at Mountrath. The Mountrath River is a tributary of the River Nore. Thus the SPA is hydrologically connected to the proposed project and the SPA is within the potential zone of influence of the proposed project.

The Slieve Bloom SPA is located approximately 3.8km to the north of the proposed project. The proposed project is not hydrologically connected to the SPA, nor is it connected via landscape features. The works area does not offer suitable habitat for hen harrier, for which the SPA has been designated. Therefore, the Slieve Bloom SPA is not considered to be within the potential zone of influence.

An Appropriate assessment has been prepared for the development and following a comprehensive evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests and conservation objectives for the SAC and SPA, and the implementation of the proposed mitigation measures, it has been concluded by the authors of this report that there will be no residual impacts and the proposed project will not have an adverse effect on the integrity of River Barrow and River Nore SAC and River Nore SPA.

Also 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. Any vegetation removed during construction works will be replaced as part of a landscaping plan for the site.

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 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.

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 is located within the development boundary of Mountrath 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 prepared for this application.

The absorption capacity of the natural environment

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

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 6 days, 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 6 days only and once completed will alleviate flooding in a number of dwellings on Shannon Street.

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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