

Environmental Impact Assessment Screening Report

for proposed

**residential development
at
Lamagh, Newtownforbes**

**by
CAAS Ltd**

**for
Longford County Council**



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Document Control

	Author/Reviewer	Date
prepared by	Paul Fingleton and Clodagh Ryan	Various dates to 24 May
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1 Introduction

CAAS Ltd. has been appointed by Longford County Council to prepare this Environmental Impact Assessment Screening Report for a proposed development of residential development at Lamagh, Newtownforbes (the proposed development). This report has been prepared to form an opinion as to whether or not the proposed development should be subject to Environmental Impact Assessment (EIA) and if so, whether an Environmental Impact Assessment Report (EIAR) should be prepared in respect of it.

The screening assesses the proposed development with reference to the EIA legislation including the EIA Directive, and Planning and Development legislation¹. It also has regard to relevant parts of:

- *EIA Guidance for Consent Authorities regarding sub-threshold development*, 2003, Department of the Environment, Heritage and Local Government
- *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, 2018, Department of Housing, Planning and Local Government
- *OPR Practice Note PN02 Environmental Impact Assessment Screening*, 2021, Office of the Planning Regulator
- relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, 2015, EU and *Environmental Impact Assessment of Projects - Guidance on Screening*, 2017, EU.

The first step involves a review of the characteristics of the development to find out if it corresponds to any type (class) which is subject to the EIA requirements as set out in the legislation. If it does correspond to any such type and does not equal or exceed a specified threshold (ref s5) then the second step is to carry out a 'preliminary examination' to establish the likelihood of significant effects on the environment arising from the proposed development. The outcome of the preliminary examination determines the subsequent steps of the screening process which may involve sub-threshold project considerations and review against prescribed criteria for determining whether the development should be subject to EIA.

The information on the proposed development, as used for purposes of this report, including a written description, was provided by Longford County Council.

The following sections of this report cover:

- The proposed development (s2)
- The legislative basis for EIA (s3)
- Project type (s4)
- Sub-threshold development (s5)
- Preliminary examination (s6)
- Conclusion (s7)

An overview of the authors' competency is provided in Appendix II.

2 The proposed development

The proposed development involves the construction of 6 residential units for the local area, and all associated site works. The main proposed construction works elements include the following:

- Demolition of existing structures
- 2 No. 2 bedroom single storey houses total floor areas of 69 m² each
- 4 No. 2 bedroom two storey houses with total floor area of 78 m² each.
- Boundary Walls and fences
- New footpaths
- Carparking at houses
- Landscaping
- Connections to existing services

The proposed redline development area is approximately 1,450 sqm (0.145 ha).



Figure 1 Location of the proposed development site¹

¹ Source: Google maps (site boundary is approximate)



Figure 2 Proposed site plan²

² Source: Longford County Council (See accompanying drawing set for full resolution versions of all drawing)

3 Legislative basis for EIA

The EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) has been transposed by the following Irish legislation.

- The Planning and Development Acts 2000-2020 (Part X), as amended by, *inter alia*, the:
 - Planning and Development Regulations 2001 (S.I. 600/2001)
 - European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. 296/2018)

4 Project type

In the first instance it is necessary to determine whether the proposed development corresponds to any project type that is subject to EIA requirements.

Schedule 5 of the above Planning Regulations sets out prescribed classes of development for the purposes of Section 176 of the Planning and Development Act 2000. Part 1 of this Schedule lists projects included in Annex I of the Directive which automatically require EIA. Part 2 lists projects included in Annex II of the Directive, some of which automatically require EIA and some of which require EIA if they exceed given thresholds.

Potentially relevant Schedule 5 project types (or classes) are listed in the table below, with commentaries of their applicability to the proposed development.

Project type / threshold	Comment	Is EIA required on this basis?
Schedule 5, Pt 2		
Project type 10. <i>Infrastructure projects (b)</i>		
<i>(i) Construction of more than 500 dwelling units.</i>	<p>The proposed development includes residential units. It therefore corresponds to this project type. However, at 6 units it is well below* the scale threshold.</p> <p>* the number of units is equivalent to 1.2% of the 500 unit threshold</p>	No
<i>(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.</i>	<p>The proposed development includes car parking spaces at the 6 houses. These spaces are one element of the wider proposed development. Regarding whether they are incidental or not: - Incidental is defined in the Oxford Dictionary as 'happening in connection with something else, but not as important as it, or not intended'. The car parking element of the proposal may thus be considered as 'incidental' to the primary purpose of the proposed development. Thus, project type 10(b)(ii) is not applicable.</p>	No
<p><i>(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.</i></p> <p><i>(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)</i></p>	<p>Commission guidance³ lists a range of projects, stating that these or other projects with similar characteristics can be considered to be 'urban development'. These include:</p> <ul style="list-style-type: none"> • Shopping centres • Bus garages • Train depots • Hospitals • Universities • Sports stadiums • Cinemas • Theatres • Concert halls • Other cultural centres • Sewerage or water supply networks <p>The proposed project does not correspond to or have similar characteristics to any of the above listed project types.</p>	No

³ Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU

Project type / threshold	Comment	Is EIA required on this basis?
	<p>On this basis it can be considered that this proposal does not fall into the 'urban development' project type (type 10(b)(iv)).</p> <p>It is notable however, that the judgement of the High Court in the case of <i>Carvill & Flynn v Dublin City Council & Ors.</i> [2021] IEHC 544 took a broad interpretation of the 'urban development' project type. It considered the proposed development of a cycleway in an urban area to fall into the 'urban development' project type, largely because it was <i>development in an urban location</i>. Applying this rationale, any development in an urban setting could be taken to comprise 'urban development'. At time of preparation of this report, this judgement is subject to an appeal process and could be overturned but in the meantime it stands. While the judgement made no reference to the Commission Guidance and appears to conflict with it, out of an abundance of caution it is considered prudent to acknowledge that project type 10(b)(iv) could be interpreted as being applicable to the proposed development. Taking this approach, at 0.145 ha, the scale of the proposed development is well below* the applicable threshold (whether this is taken to be the 10 ha as would apply if the site was considered to be in a built-up area or 20 ha as would apply elsewhere).</p> <p>*the area is equivalent to 1.45 % of the 10ha threshold and 0.725 % of the 20 ha threshold</p>	

The above review against the potentially relevant classes shows that the proposed development corresponds to, but is well below the scale threshold of, project type 10(b)(i) as listed in Part 2 of Schedule 5.

Subject to interpretation, it *may* also be considered to correspond to project type 10(b)(iv). The site area is also well below the applicable threshold for this project type.

5 Sub-threshold development

Article 92 of the Regulations of 2001 as amended defines 'sub-threshold development' as:

development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

Annex III of the Directive, as transposed into Schedule 7 of the Planning Regulations as amended, sets out criteria for review of sub-threshold projects to determine if they should be subject to EIA. These criteria include characteristics, location and potential impacts.

The proposed development comprises sub-threshold development because it corresponds to class 10(b)(i), may be considered to correspond to class 10(b)(iv) and is below the specified thresholds for each of these classes

6 Preliminary Examination

Article 120 of the Planning Regulations, requires that: -

- (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.*

This is done to form a preliminary view on the likelihood of significant effects arising in order to determine if EIA is required, is not required or if screening against Schedule 7 criteria is required.

Taking account of: the nature of the proposed development; the brownfield status of the site; the absence of environmental sensitivities including areas classified or protected under environmental legislation; and particularly the scale which is equivalent to 1.45 % or less of the EIA thresholds for residential units and urban development, it is considered that here is no real likelihood of significant effects on the environment arising from the proposed development.

In accordance with (b)(i) above it can be concluded that an EIA is not required.

7 Conclusions

It is considered that the proposed development of residential development at Lamagh, Newtownforbes does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required for it.

This conclusion is based on an objective review of the characteristics of the proposed development against the requirements of the relevant legislation and has had due regard to the relevant guidance.

Appendix I – Standard Descriptions of Effects

(from *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2022)

Quality of Effects It is important to inform the non-specialist reader whether an effect is positive, negative or neutral	Positive Effects A change which improves the quality of the environment (for example, by increasing species diversity; or the improving reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).
	Neutral Effects No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.
	Negative/adverse Effects A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem; or damaging health or property or by causing nuisance).
Describing the Significance of Effects "Significance" is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see <i>Determining Significance</i> below.).	Imperceptible An effect capable of measurement but without significant consequences.
	Not significant An effect which causes noticeable ² changes in the character of the environment but without significant consequences.
	Slight Effects An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.
	Moderate Effects An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.
	Significant Effects An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.
	Very Significant An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.
	Profound Effects An effect which obliterates sensitive characteristics
Describing the Extent and Context of Effects Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.	Extent Describe the size of the area, the number of sites, and the proportion of a population affected by an effect.
	Context Describe whether the extent, duration, or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)

Describing the Probability of Effects Descriptions of effects should establish how likely it is that the predicted effects will occur – so that the CA can take a view of the balance of risk over advantage when making a decision.	Likely Effects The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.
	Unlikely Effects The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.
Describing the Duration and Frequency of Effects 'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.	Momentary Effects Effects lasting from seconds to minutes
	Brief Effects Effects lasting less than a day
	Temporary Effects Effects lasting less than a year
	Short-term Effects Effects lasting one to seven years.
	Medium-term Effects Effects lasting seven to fifteen years.
	Long-term Effects Effects lasting fifteen to sixty years.
	Permanent Effects Effects lasting over sixty years
	Reversible Effects Effects that can be undone, for example through remediation or restoration
	Frequency of Effects Describe how often the effect will occur. (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually)
Describing the Types of Effects	Indirect Effects (a.k.a. Secondary Effects) Impacts on the environment, which are not a direct result of the project, often produced away from the project site or because of a complex pathway.
	Cumulative Effects The addition of many minor or significant effects, including effects of other projects, to create larger, more significant effects.
	'Do-Nothing Effects' The environment as it would be in the future should the subject project not be carried out.
	'Worst case' Effects The effects arising from a project in the case where mitigation measures substantially fail.
	Indeterminable Effects When the full consequences of a change in the environment cannot be described.

	Irreversible Effects When the character, distinctiveness, diversity or reproductive capacity of an environment is permanently lost.
	Residual Effects The degree of environmental change that will occur after the proposed mitigation measures have taken effect.
	Synergistic Effects Where the resultant effect is of greater significance than the sum of its constituents, (e.g. combination of SOx and NOx to produce smog).

Appendix II - Competency of Authors

Paul Fingleton, the lead author, has an MSc in Rural and Regional Resources Planning (with specialisation in EIA) from the University of Aberdeen. Paul is a member of the International Association for Impact Assessment as well as the Institute of Environmental Management and Assessment. He has over twenty-five years' experience working in the area of Environmental Assessment. Over this period, he has been involved in a diverse range of projects including contributions to, and co-ordination of, numerous complex EIARs and EIA screening reports. He has also contributed to and supervised the preparation of numerous AAs and AA screenings.

Paul is the lead author of the current EPA Guidelines⁴ and accompanying Advice Notes⁵ on EIARs. He has been involved in all previous editions of these statutory guidelines. He also provides a range of other EIA related consultancy services to the EPA. Paul is regularly engaged by various planning authorities and other consent authorities to provide specialised EIA advice.

Clodagh Ryan, Environmental Assistant has a BSc in Environmental Management, Dublin Institute of Technology, 2021. Clodagh liaises with various government agencies and local authorities in order to assimilate the environmental baseline information that is used in EIAs and AAs and assists in the preparation of the various EIA and AA related documentation

⁴ *Guidelines on the information to be contained in Environmental Impact Assessment Reports*, EPA, 2022

⁵ *Advice notes on current practice in the preparation of Environmental Impact Assessment Reports*, EPA, 2003