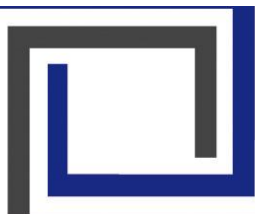


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# ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REPORT

FOR PROPOSED HOUSING DEVELOPMENT AT ST. JOHN'S CONVENT, NEW STREET, RATHANGAN, CO. KILDARE

Prepared on behalf of

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## 1.0 INTRODUCTION

This *Environmental Impact Assessment Screening Report* (henceforth 'EIA Screening Report') has been prepared by The Planning Partnership on behalf of Sophia Housing (the applicant) in support of the proposed residential development at St John's Convent, Rathangan, Co. Kildare, under the provisions of Part XI of the *Planning and Development Act 2000* (as amended) and Part 8 of the *Planning and Development Regulations 2001* (as amended).

The proposed development will involve the demolition of existing structures, the construction of 24 no. apartments and 1 no. community room, car and secure bicycle parking spaces, and associated works.

The scheme is an opportunity to deliver much-needed housing in Rathangan and presented as being plan-led in alignment with the policies and objectives contained within the *Kildare County Development Plan 2023 – 2029*, as includes *Volume 2 Part 1 Small Towns & Environs 'Small Town & Environs Plan'* for Rathangan with associated Land Use Zoning Map and Objectives Map.

The following EIA Screening Report is presented in support of the proposed scheme. The screening exercise assesses the development with regard to; a) mandatory EIA and b) sub-threshold development, to enable Kildare County Council as Competent Authority to confirm the requirement or otherwise of whether an EIA needs to be undertaken or not.

*'The screening procedure should ensure that an environmental impact assessment is only required for projects likely to have significant effects on the environment.'*

**Recital (27) of Directive 2014/52/EU**

## 1.1 Purpose of this Report

Since the transposition into Irish law of *Directive 2011/92/EU* as amended by *Directive 2014/52/EU* (the EIA Directive), the principles and associated practice of the EIA process has been described in the EPA (2022) *Guidelines on the information to be contained in Environmental Impact Assessment Reports* (henceforth 'the 2022 Guidelines'), a statutory document that should be regarded by developers, practitioners, and Competent Authorities.

The responsibilities of planning authorities and An Bord Pleanála as Competent Authorities in carrying out their environmental impact assessments are further described in Department of Housing, Planning and Local Government (2018) *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment* (henceforth 'the 2018 Guidelines').

In this instance we respectfully present that the proposed development does not fall within the 'project' categories of development as defined by the EIA Directive and understood by the 2022 Guidelines and 2018 Guidelines, and that the Competent Authority is therefore enabled to 'screen out' the requirement for an EIA.

The types of development to be determined under the Annexes of the EIA Directives and as transposed into Irish law under the *Planning and Development Regulations 2001* (as amended) Schedule 5 'Development for the Purposes of Part 10', are quite specific in terms of the likely environmental effects via emissions and outputs as effecting the environment or are of such a scale and location that they have a consequential impact on a particular and sensitive receiving environment.

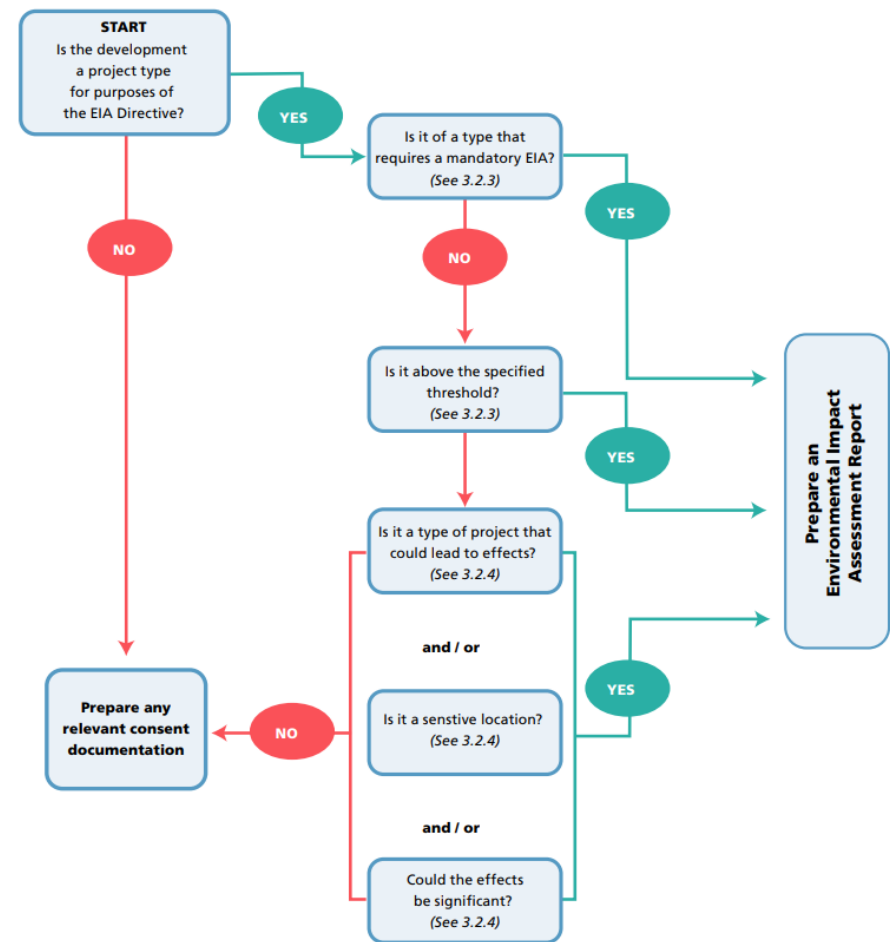
This screening exercise is undertaken to determine the likely 'significant environmental effects' which may arise due to the location or characteristics of the proposed development. A step-by-step guide to the main steps involved in screening is presented opposite and further elaborated in **Section 5.1 Methodology**.

### 1.2 Summary of Results

In summary, it is our professional planning opinion that the subject proposed residential development in Rathangan does not fall within the types of projects as requiring an EIAR, and likewise the proposed development and construction operations associated with same are unlikely to have any particular 'environmental impact' occurring. We present in this instance, and without evidence to the contrary, that no obvious or likely significant environmental effects would occur as a result of the proposed development that would necessitate an EIAR.

Accordingly, and whilst undertaking the requisite screening exercise, it has been found, using the requisite professional judgement as relying on the available information, that no significant negative effects have been found or identified as to cause the requirement for an Environmental Impact Assessment.

### Main steps of EIA Screening process



Source: EPA (2022)

### 1.3 Statement of Competency

*'the developer shall ensure that the environmental impact assessment report is prepared by competent experts'*

**Article 5(3)(a) of the EIA Directive (as amended)**

*'Experts involved in the preparation of environmental impact assessment reports should be qualified and competent. Sufficient expertise, in the relevant field of the project concerned, is required for the purpose of its examination by the competent authorities in order to ensure that the information provided by the developer is complete and of a high level of quality.'*

**Recital (33) of Directive 2014/52/EU**

This EIA Screening Report has been presented and undertaken by Mark Brindley, of **The Planning Partnership**, a practice of chartered Town Planners operating throughout Ireland since June 2011. Mark Brindley holds a primary degree in Town Planning (BA Hons), is a Corporate Member of the Irish Planning Institute (MIPI), holds an Advanced Diploma in Planning and Environmental Law (King's Inns, 2018). Having in excess of 30 years' experience in planning in both public and private sector in UK and Ireland, Mark has significant experience in large scale residential and urban development projects in both jurisdictions and has been involved in preparation of Environmental Impact Assessment Reports (formerly EIS) and the consideration of same from the local authority side as a public sector planning professional.

It is presented that Mark Brindley and the Design Team possess the qualifications and experience required to prepare this EIA Screening Report, including an understanding of the legal context of the decision-making process and environmental factors, per Section 2.5 'Competency

of Experts' of the 2022 Guidelines and Section 4.8 to 4.11 of the 2018 Guidelines.

### 1.4 Consideration of other assessments

*'The developer shall take into account, where relevant, the available results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive.'*

**Article (4) of Directive 2014/52/EU**

In accordance with Section 3.3.5 of the 2022 Guidelines, this EIA Screening Report is informed by the specialist drawings and reports of the wider Design Team as includes Ecologist, Architectural and Archaeological Built Fabric Specialists as well as architectural design and engineering specialisms.

In considering the proposals in their entirety, we have had full regard to the aspects of the environment as include EU Designated (Natura 2000) Sites. The *Screening for Appropriate Assessment Report* by **NM Ecology** and the *Site Specific Flood Risk Assessment* by **IE Consulting** in association with this EIA Screening Report present the Competent Authority (Kildare Co. Co.) with the relevant components for determining the Part 8 application under the respective European Directives and relevant Irish legislative provisions.

We respectfully present that the information provided can allow Kildare County Council as Competent Authority to form an understanding of the nature of the project, site and the types of potential effects – direct, indirect, and cumulative – for their determination.

**2.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT**

**2.1 Site Location and Context**

The subject proposed development is for a ‘brownfield site’ of approximately 0.68 ha at St John’s Convent, New Street, Rathangan, Co. Kildare. The site currently features an existing two-storey building formerly used by the Sisters of Mercy, which has been unoccupied since 2017, with associated landscaping and structures (gardens, mature trees, and some former garden storage areas).

The site is positioned at a prominent location in the town, bounded by New Street (R414) to the south, the grounds of the former St. John’s Convent to the east (National Inventory of Architectural Heritage Reg. Ref. 11810039), a residential property to the west, and greenfield agricultural land to the north. The surrounding area can be characterised as a town centre with mixed land use, including low-rise housing, retail, community and education services, and open space south of the River Slate.

The subject site is categorised as ‘**A. Town Centre**’ land use zoning in the *Kildare County Development Plan 2023 – 2029*, with the following Land-Use Zoning Objective as defined in *Volume 2 Part 1 Small Towns & Environs*:

*To provide for the development and improvement of appropriate town centre uses including residential, commercial, office and civic use. The purpose of this zoning is to protect and enhance the special character of the town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town. It will be an objective of the Council to encourage the use of buildings and backlands and especially the full use of upper floors. The size and scale of all new developments shall not be out of character with the already established town centre area. Retail developments shall have regard to Chapter 8 of Volume 1. Warehousing and other industrial uses will generally not be permitted in the town centre.*

**Site Location Plan**



Source: Walsh Associates (2023)

**Extract from Rathangan Land Use Zoning Map**



Source: Kildare County Council (2023)



The subject site is located in an urban area, with an underlying limestone bedrock. The Groundwater Vulnerability is classed as Moderate. The Teagasc Irish Soil Information System identifies the main soil type as Elton series (1000ET) free-draining 'fine loamy drift with limestones'.

The subject site is located within the River Slate sub-catchment, part of the River Barrow catchment. The River Slate is located ca. 20 m south of the subject site, on the opposite side of New Street (R414). The River Slate flows in a south-westerly direction for ca. 8 km, before joining the River Figle.

The River Slate has been designated 'Moderate' water quality status, per the Water Framework Directive.

## 2.2 Overview of the Proposed Development

The development comprises of the demolition and removal of existing redundant two-storey building and garden stores, and the construction of 2 no. apartment block buildings with ancillary infrastructure and associated site development works, consisting of:

- 24 no. residential units (11 no. 1-bed, 13 no. 2-bed),
- 1 no. community room,
- 32 no. car parking spaces (including 6 no. visitor, 2 no. designated, 7 no. charging spaces plus 1 no. minibus drop off space)
- 37 no. long-stay secured bicycle parking spaces and 14 no. short-stay bicycle parking stands
- New road access point from New Street (R414), and
- Retention of existing gardens and mature trees complemented by landscaping in all other areas.



Source: Walsh Associates (2023)

Importantly and significantly, established tree groupings are retained and the scale of development and built footprint of same presents a neutral visual impact and a form and layout of development not uncharacteristic of the locale.

### 3.0 LEGISLATIVE CONTEXT

#### 3.1 EU Directives

The original EIA *Directive 85/337/EEC* (adopted 27<sup>th</sup> June 1985) provides for the assessment of the effects of certain public and private projects on the environment. The originating Directive was subsequently amended by further Directives in 1997, 2003 and 2009 then ultimately these amendments were consolidated in 2011 by *Directive 2011/92/EU*. The current *Directive 2014/52/EU* amends the 2011 Directive but does not replace it, and where there is retained emphasis to ensure a high level of protection of the environment and human health.

The screening process is recognised by the EIA Directive (as amended) as being necessary to understand whether an EIA needs to be undertaken or not:

*'In order to enable the competent authority to determine whether projects listed in Annex II to Directive 2011/92/EU, their changes or extensions, are to be subject to an environmental impact assessment (screening procedure), the information which the developer is required to supply should be specified, focussing on the key aspects that allow the competent authority to make its determination. That determination should be made available to the public.'*

**Recital (26) of Directive 2014/52/EU**

*'The screening procedure should ensure that an environmental impact assessment is only required for projects likely to have significant effects on the environment.'*

**Recital (27) of Directive 2014/52/EU**

*'When determining whether significant effects on the environment are likely to be caused by a project, the competent authorities should identify the most relevant criteria to be considered and should take into account information that could be available following other assessments required by Union legislation in order to apply the screening procedure effectively and transparently. In this regard, it is appropriate to specify the content of the screening determination, in particular where no environmental impact assessment is required. Moreover, taking into account unsolicited comments that might have been received from other sources, such as members of the public or public authorities, even though no formal consultation is required at the screening stage, constitutes good administrative practice.'*

**Recital (29) of Directive 2014/52/EU**

Amendments to Article 4 of the EIA Directive under 2014/52 are noted as relate to the information expected to be provided by the developer.

*'Where Member States decide to require a determination for projects listed in Annex II, the developer shall provide information on the characteristics of the project and its likely significant effects on the environment. The detailed list of information to be provided is specified in Annex IIA. The developer shall take into account, where relevant, the available results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive. The developer may also provide a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.'*

**Article (4) of Directive 2014/52/EU**



The information as to be provided by the developer is specified by the EIA Directive, which is in effect reflected in Schedule 7A of the *Planning and Development Regulations 2001* (as amended):

1. A description of the project, including in particular:

- (a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;
- (b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the project.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:

- (a) the expected residues and emissions and the production of waste, where relevant;
- (b) the use of natural resources, in particular soil, land, water and biodiversity.

4. The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.

**Annex II.A of Directive 2014/52/EU**

### 3.2 National Provisions for Transposing EU Legislation

The provisions of the EIA Directive have been transposed into Irish Legislation via the planning legislation under both the *Planning and Development Act 2000* (as amended) [Part X Environmental Impact Assessment] and its delivery document the *Planning and Development Regulations 2001* (as amended) [Part 10 Environmental Impact Assessment] and the consequential *European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018*.

The *European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018* (S.I. No. 296 of 2018), transpose the requirements of Directive 2014/52/EU, amending previous Directive 2011/52/EU, on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) into planning law.

The types of projects referred under the EIA Directive Annexes I and II, as meriting EIA due to nature, scale and location of development are found under Schedule 5 Parts 1 and 2 of the *Planning and Development Regulations 2001* (as amended). Those listed in Part 1 of Schedule 5 are automatically subject to EIA. Those listed in Part 2 of Schedule 5 are also likely to have significant environmental effects based on the nature and size of the development set out by threshold criteria.

Schedule 7 of the *Planning and Development Regulations 2001* (as amended) details the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA. Schedule 7A details the information to be provided for the purposes of screening sub-threshold development for the purposes of EIA.

Further referral as appropriate to the *Planning and Development Act 2000* (as amended) and *Planning and Development Regulations 2001* (as amended) are detailed in **Section 5.1 Methodology** below.

### 3.3 Relevant EIA Guidance

The Environmental Protection Agency (2022) *Guidelines on the information to be contained in Environmental Impact Assessment Reports* were published to facilitate compliance with the EIA Directive, with the primary objective of improving the quality of Environmental Impact Assessment Reports.

We refer to the 2022 Guidelines, which states under Section 3.2 'Screening':

*Screening involves deciding whether an EIA needs to be undertaken or not. At the outset, it needs to be determined whether the proposal is a project as understood by these Guidelines. For the purposes of the Guidelines, the term project is used to encompass all of the various forms of development, works and activity which are subject to EIA requirements, as set out in the relevant legislation and as understood by the Directive.*

*The decision-making process then proceeds by examining the relevant legislation which transposes Annexes I and II of the Directive. If this does not provide a clear screening outcome then the nature and extent of the project, site and the types of potential effects are examined. The totality of the project is considered, including off-site and secondary projects as well as indirect, secondary and cumulative impacts.*

We note the following statement from European Commission (2017) *Environmental Impact Assessment of Projects Guidance on the preparation of the Environmental Impact Assessment Report (Directive 2011/92/EU as amended by 2014/52/EU)*:

*Screening is not necessary for Projects listed under Annex I to the Directive, and the Directive only foresees Scoping to be mandatory when it is requested by the Developer to the Competent Authority.*

We refer also to European Commission (2015) *Interpretation of Definitions of project categories of Annex I and II of the EIA Directive*, which aims to "reduce the uncertainty surrounding the scope of the EIA Directive and the meaning of certain project definitions" in the EIA Directive, so as to "ensure that those projects likely to have significant effects on the environment do not fall outside the scope of the Directive due to issues of interpretation". The relevance of this document is important in the EU's attempts to assist member states in reducing the administrative burden of potentially unnecessary EIAR process (EIS at that time), as stated:

*this guidance document does not address the issue of how the screening of Annex II projects should be carried out. It aims to help in deciding whether specific projects fall within the scope of the EIA Directive, but not (for Annex II projects) whether they should undergo an EIA.*

Reference is also made to Department of the Environment, Heritage and Local Government (2003) *Guidance for Consent Authorities regarding Sub-Threshold Development* as being of relevance for considering sub-threshold development.

This EIA Screening exercise and report has complied with relevant legislation and guidance, and is respectfully presented as enabling the Competent Authority to conclude that there is no real likelihood of significant effects on the environment.

#### 4.0 ADDITIONAL INFORMATION

As referred to above in **Section 1.3 Consideration of other assessments**, per Article 4 of the EIA Directive (as amended) and Section 3.3.5 of the 2022 Guidelines, this EIA Screening Report is informed by the specialist drawings and reports of the wider Design Team. Following examination of the relevant information in these drawings and reports, we respectfully present that no likely significant effects on the environment will result from the plans and particulars presented, either directly, indirectly, or in combination with each other.

##### 4.1 *Screening for Appropriate Assessment*

prepared by NM Ecology Ltd (Consultant Ecologists)

We refer to the concluding screening statement of **NM Ecology Ltd** (Consultant Ecologists), who state:

#### 5 *Screening Statement*

*In Section 3 of the OPR guidance (OPR 2021), it is stated that the first stage of the AA process can have two possible conclusions:*

1. ***No likelihood of significant effects*** - *Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.*
2. ***Significant effects cannot be excluded*** - *Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.*

*Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is no likelihood of significant impacts on any European sites. Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site. Therefore, we conclude that Appropriate Assessment is not required.*

*In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.*

This document provides supporting information to assist the competent authority with an Appropriate Assessment screening exercise, including: a description of the proposed development, a map and list of European sites within the potential zone of impact, and a review of potential source-pathway-receptor links.

As demonstrated, there is no risk of direct impacts on European sites. Potential pathways for indirect impacts were considered, but none were found to be feasible. Therefore, it is concluded that the proposed development will not cause direct or indirect impacts on any European sites, and thus that Appropriate Assessment is not required.

#### 4.2 **Site Specific Flood Risk Assessment**

prepared by IE Consulting (Hydrological Engineers)

We note *Kildare County Development Plan 2023 – 2029 Volume 2 Part 1 Small Towns & Environs* 'Small Town & Environs Plan' for Rathangan has the following objective:

**ST R36:** *It is an objective of the Council to ensure that development proposals for lands identified by the dashed pink line on Map V2 – 1.5b shall be subject to a site-specific flood risk assessment appropriate to the type and scale of development being proposed.'*

The flood risk assessment study was undertaken in consideration of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (DOEHLG, 2009). We refer to the concluding comments of **IE Consulting** (Hydrological Engineers), who state:

#### **8 Summary Conclusions**

*In consideration of the findings of this Site Specific Flood Risk Assessment and analysis the following conclusions are made in respect of the proposed development site:*

*A Site Specific Flood Risk (SSFRA) assessment, appropriate to the type and scale of development proposed, and in accordance with 'The Planning System and Flood Risk Management Guidelines – DoEHLG-2009' has been undertaken.*

*The proposed development site has been screened, scoped and assessed for flood risk in accordance with the above guidelines.*

*The primary flood risk to the proposed development site can be attributed to an extreme fluvial flood event in the Slate River located beyond the southern boundary of the site.*

*The site is not at risk of pluvial or groundwater flooding.*

*In the context of the 'Planning System and Flood Risk Management Guidelines, DOEHLG, 2009' the assessment and analysis undertaken a part of this Site Specific Flood Risk Assessment indicates that the proposed development site, and areas of the site where development is proposed, does not fall within a predictive present day scenario, mid-range future climate change scenario or high-end climate change scenario Flood Zone 'A' or Flood Zone 'B'.*

*The area of the site where development is proposed falls within Flood Zone 'C'.*

*The development as proposed shall incorporate an appropriate stormwater management system designed in accordance with the requirements and standards of the relevant Kildare County Council Drainage Policy.*

*In consideration of the findings of this Site Specific Flood Risk Assessment and the incorporation of an appropriate stormwater management system, the development as proposed is not expected to result in an adverse impact to the existing hydrological regime of the area or increase fluvial or pluvial flood risk elsewhere. The development as proposed is therefore considered to be appropriate from a flood risk perspective.*

This document provides important supporting information to assist the competent authority with the EIA screening exercise. As demonstrated, it can be concluded that the proposed development will not cause direct or indirect impacts in terms of flood risk by way of appropriate mitigation measures.

## 5.0 EIA SCREENING EXERCISE

### 5.1 Methodology

We build upon previous referral to Section 3.2 'Screening' of the 2022 Guidelines and the main steps involved in screening as illustrated on page 2 of this report (see **Section 1.1** above). We highlight the following guidance from the 2022 Guidelines as being the basis for our screening procedure for the subject report:

#### 3.2.2 PROJECT TYPE

*The first step is to examine whether the proposal is a project as understood by the Directive. Projects requiring environmental impact assessment are defined in Article 4, and set out in Annexes I and II, of the Directive. If a proposed project is not of a type covered by the Directive, there is no statutory requirement for it to be subject to environmental impact assessment. However, this is a complex issue and regard should be had to the Directive's 'wide scope and broad purpose'. In determining if the proposed project is of a type covered by the Directive it may be necessary to go beyond the general description of the project and to consider the component parts of the project and/or any processes arising from it. If any such parts or processes are significant and, in their own right, fall within a project type covered by the Directive, the proposed project as a whole may fall within the requirements of the Directive. The Commission document Interpretation of definitions of project categories of annex I and II of the EIA Directive provides useful guidance on project interpretation. Where doubt remains, consultation with the CA may be useful.*

The next screening step is to determine whether the project exceeds a specific threshold, as discussed in Section 3.2.3 of the 2022 Guidelines:

*Thresholds are set out in the relevant legislation. The only types of projects to which thresholds do not apply are those that are considered to always be likely to have significant effects; Integrated works for the initial smelting of cast iron and steel, for example.*

*Where a project is of a specified type but does not meet, or exceed the applicable threshold then the likelihood of the project having significant effects on the environment needs to be considered. Both the adverse and beneficial effects are considered. This is done by reference to the criteria specified in Annex III of the amended Directive.*

*The CA is also obliged to screen applications for consent for subthreshold projects by reference to these criteria. Detailed guidance on this is given in the guidance for CAs regarding sub-threshold development. While that guidance is intended for consent authorities, the same considerations are relevant to developers or any parties involved in the EIA process.*

*The project needs to be considered in its entirety for screening purposes. This means that other related projects need to be identified and assessed at an appropriate level of detail. This will identify the likely significance of cumulative and indirect impacts, thus providing the CA with a context for their determination.*

*Dividing the project into separate parts so that each part is below an applicable threshold needs to be avoided. This is project-splitting and is not compliant with the Directive. (Ref. summary of C-142/07 below.)*

*Off-site or secondary projects also need to be considered at the screening stage.*

We also further clarify the appropriate national legislative and regulatory requirements, as briefly referred to in Section 3.2 above, that are applicable to the subject proposal and as such inform the screening approach. We refer initially to Section 172 'Requirement for environmental impact statement' of the *Planning and Development Act 2000* (as amended), which informs the requirement for an environmental impact statement:

**172.— (1)** *An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either—*

*(a) the proposed development would be of a class specified in—*

*(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—*

*(I) such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or  
(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,*

*or*

*(ii) Part 2 (other than subparagraph (a) of paragraph 2) of Schedule 5 of the Planning and Development Regulations 2001 and either—*

*(I) such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or  
(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,*

*or*

*(b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part, and  
(ii) it is concluded, determined or decided, as the case may be,—*  
...  
*that the proposed development is likely to have a significant effect on the environment.*

*(1A) In subsection (1)—*

*(a) "proposed development" means—*

*(III) development that may be carried out by a local authority under Part X or development that may be carried out under Part XI;*

*(b) "consent for proposed development" means, as appropriate—*

*(iv) consent to development that may be carried out by a local authority under Part X or development that may be carried out under Part XI;*

*(1B) An applicant for consent to carry out a proposed development referred to in subsection (1)(a) shall furnish an environmental impact assessment report, which shall be prepared by experts with the competence to ensure its completeness and quality, to the planning authority or the Board, as the case may be, in accordance with the permission regulations.*

Section 179 'Local authority own development' of the *Planning and Development Act 2000* (as amended) informs the requirements for EIA as relate to the subject development [**our emphasis**]:



**179.**—(1) (a) The Minister may prescribe a development, **other than development to which section 179A applies**, or a class of development for the purposes of this section where he or she is of the opinion that by reason of the likely size, nature or effect on the surroundings of such development or class of development there should, in relation to any such development or development belonging to such class of development, be compliance with the provisions of this section and regulations under this section.

(d) This section shall also apply to proposed development which is carried out within the functional area of a local authority which is a planning authority, on behalf of, or in partnership with the local authority, pursuant to a contract with the local authority.

By nature of the subject residential development application, the above indicates that Section 179A 'Local authority own housing development' is the appropriate legislation by which to understand the requirements for EIA. Section 179A states:

**179A.** (1) This section applies to housing development—

(a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,

(d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,

(3) The Minister may make regulations providing for any or all of the following matters in respect of development to which this section applies:

(f) procedures for determining, through a case-by-case basis examination or by reference to prescribed thresholds or criteria, whether the development is one which should be made subject in accordance with the Environmental Impact Assessment Directive to a requirement for an assessment with regard to its effects on the environment, the information to be provided for the purposes of such a determination, the basis on which such a determination is to be made, the time for such a determination, the contents of such a determination, and the making available to the public of such a determination;

The regulations referred above fall under Part 8 'Requirements in respect of specified development by, on behalf of, or in partnership with local authorities' of the *Planning and Development Regulations 2001* (as amended). Article 81A 'Notice of Development under Section 179A of the Act' states:

81A. (5) (a) Where a local authority proposes to undertake a housing development under Section 179A of the Act of a class standing specified in Part 2 of Schedule 5 and does not equal or exceed, as the case may be, the relevant quantity, area or other limit standing specified in that Part, it shall carry out in respect of the housing development a screening for environmental impact assessment

(b) Prior to or when carrying out a screening under paragraph (a) the local authority may at its discretion request information from any person the authority considers necessary.

(c) Before making a determination on the screening for environmental impact assessment of a proposed housing development under section 179A of the Act, the local authority shall –

*(i) consider the criteria for determining whether a housing development would or would not be likely to have significant effects on the environment, as set out in Schedule 7,*

*(ii) take into account a description of the nature and extent of the proposed housing development, its characteristics, its likely significant effects on the environment (including the information specified in Schedule 7A) including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.*

*(d) A local authority shall include, or refer to, in its screening determination for environmental impact assessment made under this article the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which such determination is based.*

*(e) (i) Where the local authority screening determination for environmental impact assessment made under this article is that the proposed housing development would not be likely to have significant effects on the environment, the proposed housing development complies with the requirements of section 179A(1) of the Act,*

*(ii) Where the local authority screening determination for environmental impact assessment made under this article is that the proposed housing development may have significant effects on the environment, the local authority shall determine that an Environmental Impact Assessment is required and that the housing development does not comply with the requirements of section 179A(1) of the Act.*

Furthermore, as the proposed scheme is presented as a sub-threshold Local Authority development, Article 120 'Sub-threshold EIAR' of the *Planning and Development Regulations 2001* (as amended) refers, as follows:

**120.** (1) (a) *Where a local authority proposes to carry out a subthreshold 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.*

## 5.2 Project Type

Schedule 5 of the *Planning and Development Regulations 2001* (as amended) details the prescribed classes of development which are subject to Environmental Impact Assessment. Those listed in Part 1 of Schedule 5 are automatically subject to Environmental Impact Assessment. Those listed in Part 2 of Schedule 5 are also likely to have significant environmental effects based on the nature and size of the development set out by threshold criteria.

Development similar to that as proposed as part of the development, i.e. residential development, is **not** listed in Part 1 of Schedule 5 of the Regulations, and as such Part 1 is not relevant in this instance.

Referring to Part 2 of Schedule 5 of the Regulations, the only reference to the provision of residential development is found under Class 10 'Infrastructure Projects' as follows [**our emphasis**]:

### 10. Infrastructure projects

(a) *Industrial estate development projects, where the area would exceed 15 hectares.*

(b) (i) **Construction of more than 500 dwelling units.**

(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.*

(iii) *Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.*

(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.**

The proposed development of 24 no. dwelling units does not exceed the 500+ dwelling unit threshold as indicated. In relation to *Urban Development* under Infrastructure Projects, the proposed development does not involve an area in excess of 10 ha in a built-up area, being approximately 0.68 ha in extent, and is considered sub-threshold.

Development similar to that as proposed as part of the development, i.e. residential, is **not** listed elsewhere in Part 2 of Schedule 5 of the *Planning and Development Regulations 2001* (as amended), and as such only Class 10 would be of relevance in this instance.

There is clearly no mandatory requirement for the subject proposal to undertake EIA or provide an EIA Report.

## 5.3 Sub-Threshold Considerations and EIA Screening Exercise

Notwithstanding the above, we note Class 15 of Part 2 of Schedule 5 of the *Planning and Development Regulations 2001* (as amended), which states:

15. *Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.*

This requirement is confirmed by the 2022 Guidelines, as referred above in Section 5.1 Methodology:

*Where a project is of a specified type but does not meet, or exceed the applicable threshold then the likelihood of the project having significant effects on the environment needs to be considered. Both the adverse and beneficial effects are considered. This is done by reference to the criteria specified in Annex III of the amended Directive.*

This requirement is also confirmed through Article 81A 'Notice of Development under Section 179A of the Act' and Article 120 'Sub-threshold EIAR' of the *Planning and Development Regulations 2001* (as amended), as previously referred.

We highlight also the following statements as provided in the 2018 Guidelines as being of relevance for the purposes of this part of the screening process:

*3.10. To enable a screening determination to be carried out where there is a significant and realistic doubt in regard to the likelihood of significant effects on the environment, the competent authority must have access to the information listed in Schedule 7A to the 2001 Regulations, as amended; this is a new requirement introduced by the 2014 Directive. In providing this information the developer must take into account relevant available results of other assessments on the effects on the environment carried out under other Union legislation (e.g. SEA Directive). The developer may also describe features of the project and/or mitigation measures envisaged to avoid or prevent what might otherwise be significant adverse effects on the environment, and this forms part of the information on which the determination is to be based. Compensation measures are not considered in the screening determination process. The information provided may be only of a preliminary and/or rough nature and not in any way constitute a full account of any potential significant impacts. Where the competent authority considers that the*

*information supplied by the developer is not sufficient, the authority may request further information.*

*3.12. The screening determination by the competent authority must be based on the information provided by the developer and considered in light of the precautionary principle. Criteria to determine whether projects by virtue, inter alia, of their nature, size or location should be subject to EIA, are set out in Schedule 7 to the 2001 Regulations, as amended (Annex III of the 2014 Directive); Annex III is amended from the 2011 Directive. The determination made by the competent authority must include reasons with reference to Schedule 7 criteria and make reference to any mitigation features or design factors influential to the making of the determination. Particular attention should be given to potential significant impacts on sensitive areas (e.g. areas identified as important to nature conservation and/or areas of particular archaeological interest in the relevant Development Plan), and also to cumulative effects with relevant existing and/or approved projects.*

The Screening Exercise presented herein below represents a combination of the Schedule 7 and Schedule 7A Criteria listed in the *Planning and Development Regulations 2001* (as amended) and incorporating the EU EIA Screening Guidelines as referred under the weblink presented below.

[http://ec.europa.eu/environment/archives/eia/eia-guidelines/screening\\_checklist.pdf](http://ec.europa.eu/environment/archives/eia/eia-guidelines/screening_checklist.pdf)

The descriptive terminology utilised in this assessment is that recommended by the 2022 Guidelines, i.e. Table 3.4 'Descriptions of Effects'.

**Table 5.1: Screening Checklist**

<p><b>SCHEDULE 7 - CRITERIA FOR DETERMINING WHETHER DEVELOPMENT LISTED IN PART 2 OF SCHEDULE 5 SHOULD BE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT</b></p>		
<p><b>1. Characteristics of the Proposed Development</b></p>		
<p><b>Question considered</b></p>	<p><b>Subject of Environmental Impact</b> Yes / No? Briefly describe</p>	<p><b>3. Types and Characteristics of Potential Impacts</b></p>
<p>1. Is the scale, size and design of the proposed development significant?</p>	<p>No. The design and scale reflects the existing scale of development locally. The land use of the proposed development reflects the existing brownfield nature and 'A. Town Centre' land use zoning. It should also be noted that much of the existing site, including gardens and trees, are to be retained and have appropriately informed the site layout and design (including, <i>inter alia</i>, the block layout, public and communal open space, shared surface road layout, street design, public realm).</p> <p>As previously highlighted, the proposed development <u>does not</u> fall within the assigned classes or quantum of development that require EIA set out in Parts 1 and 2 of Schedule 5 of the <i>Planning and Development Regulations 2001</i> (as amended).</p>	<p>The likely impact is an improved residential environment, with a high-quality design and layout, and better use of currently vacant urban lands. This will overall represent a positive contribution to the existing townscape.</p> <p>The proposed development would result in <b>Positive Slight Effects</b> at a single site of 0.68 ha in Rathangan town, which conforms with established conditions of the surrounding context, and will result in <b>Likely Long-term Residual Effects</b>.</p> <p>Overall, the scale, size and design of the proposed development <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
<p>2. Is there potential for cumulative impacts with other existing or planned development locally?</p>	<p>No. A search has been conducted of other existing or proposed residential developments in Rathangan (as include, <i>inter alia</i>, KCC 23/673, KCC 21/586, KCC 20/717, and KCC 16/955), and the resultant quantum of residential development would not exceed accepted thresholds, i.e. &lt;500 units in combination with the proposed development.</p> <p>As such, the resultant cumulative quantum of development <u>would not</u> exceed the thresholds listed in Part 2 of Schedule 5 of the <i>Planning and Development Regulations 2001</i> (as amended), and development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The proposed scale of residential development is appropriate for the carrying capacity of the brownfield site, taking into account relevant density targets, and will result in a positive use of available and serviced urban land. The cumulative impacts are considered to be <b>Likely Long-term Positive Effects</b> which are <b>Not Significant</b> in the broader context of Rathangan town.</p> <p>Overall, the cumulative effects of the proposed development <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
<p>3. If the development includes demolition works are these considered significant?</p>	<p>No. Whilst there is an element of demolition in association with vacant structures on the site, the scale of demolition and resulting impact are considered low and where the vacant uses are being replaced by a new community room and housing units within the site. The existing structures will be disassembled, and materials transported for safe disposal at an Authorised Waste Facility.</p> <p>As such, the demolition works are not significant and <u>would not</u> raise issue of Environmental Impact.</p>	<p>There are no resulting environmental impacts from the proposed demolition. Any necessary ground workings associated with the development will follow best practice Construction and Demolition Waste Management Procedures. Demolition waste will be transported for safe disposal at an Authorised Waste Facility.</p> <p>Demolition works associated with the proposed development are considered to be <b>Positive Slight Effects</b> that slightly change the character of the environment without affecting its sensitivities and instead improve the amenity of the area through the removal of vacant structures. These works are localised to the site itself and will result in <b>Likely Brief Effects</b>.</p> <p>Taking into account the results of accompanying specialist reports, including <i>Screening for Appropriate Assessment</i> prepared by <b>NM Ecology Ltd</b>, we maintain that the effect of demolition works associated with the proposed development <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
<p>4. Does the proposed development represent a good use of existing natural resources (i.e. land, water)?</p>	<p>Yes, and as such <u>does not</u> raise issues of Environmental Impact. The subject application addresses the negative effects of the existing redundant structures. The proposed development represents the better use of under-utilised serviced urban lands for much needed residential accommodation as readily supplied by infrastructural investment and service provision locally.</p> <p>The Water Supply Zone (WSZ) of Rathangan has achieved a consistently high number of tests within the exceedance limit as established by the European Union Drinking Water Regulations S.I. No. 99/2023. The</p>	<p>Any potential impacts associated with the proposed development represent the best use of lands and water where infrastructural capacity exists. A '<b>Do Nothing</b>' Scenario would, by contrast, represent a significantly worse use of the available resources.</p> <p>The improved infrastructure, together with the replacement of existing redundant structures with the upgraded enhanced infrastructure that would form part of the proposed development (e.g. drainage) are considered to be <b>Positive Slight Effect</b> and will result in <b>Likely Brief Effects</b> on the use of land and water at the subject site and surrounds.</p>



Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
	<p>location chosen thus ensures the availability of an adequate and high-quality water supply to the proposed development.</p> <p>Similarly, the Uisce Éireann Wastewater Treatment Capacity Register indicates that the Rathangan Wastewater Treatment Plant has potential spare capacity.</p>	<p>Overall, the proposed development represents a good use of existing natural resources that <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
<p>5. Will the project produce significant waste during construction, operation or decommissioning?</p>	<p>No, the proposed development will not result significant waste during its construction or operational phases. The implementation of the project will result in wastes generated from short-term construction and minor-scale demolition works, as well as civic waste streams emanating from the community room and residential units.</p> <p>Waste streams resulting from the proposed development <u>would not</u> raise issues of Environmental Impact</p>	<p>The types and characteristics of the construction and demolition waste streams / impacts from the proposed development will result in <b>Likely Brief Effects</b>, which are manageable and through construction and demolition waste best practice. As previously stated, demolition works associated with the proposed development are considered to be <b>Positive Slight Effects</b> that slightly change the character of the environment without affecting its sensitivities and instead improve the amenity of the area through the removal of vacant structures. Effects of a similar level of significance are anticipated for the decommissioning of the proposed development at the end of its operational life.</p> <p>With regard to operational waste, civic waste streams from this development are considered to be <b>Neutral Not Significant Effects</b>, taking note of a local Bring Bank at the Roman Catholic Church Car Park and local authorised waste collection services as indicated by mywaste.ie. Operational waste streams will result in <b>Likely Long-term Effects</b>.</p> <p>Overall, waste streams associated with the construction, operation, and decommissioning of the proposed development <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
<p>6. Will the project release pollutants or any hazardous substances to air or receiving waters?</p>	<p>No. The proposed residential / domestic use with associated domestic waste and wastewater infrastructure does not pose any threats to air or receiving waters. Rather, surface water and wastewater systems will be enhanced and connected to existing public services as referred to the supporting civils reports provided by Hayes Higgins Partnership.</p> <p>The development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The characteristics of the proposed residential use do not raise concerns associated with pollutants or hazardous substances being released into air or receiving waters. Any risks associated with the release of such pollutants or substances during the construction phase are minimised by best practice.</p> <p>The proposed development’s release of pollutants or any hazardous substances, is considered to be <b>Neutral Imperceptible Effects</b> which will result in <b>Unlikely Brief Residual Effects</b>.</p> <p>Taking into account the results of accompanying specialist reports, we maintain that that by following best practice management procedures the proposed development is unlikely to release pollutants or hazardous substances to air or receiving waters. It <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
<p>7. Will there be any risks of accidents during construction/operation of project (as might include flood risk)?</p>	<p>Yes/No. While it is impossible to eliminate risk, best practice construction management and health and safety in the workplace guidelines will be operated during construction.</p> <p>With regard to flood risk, we refer to the accompanying specialist reports, including the <i>Site Specific Flood Risk Assessment</i> prepared by <b>IE Consulting</b>, which indicate that the proposed development is not expected to result in an adverse impact to the existing hydrological regime of the area or increase fluvial or pluvial flood risk elsewhere. The proposed development is therefore considered to be appropriate from a flood risk perspective.</p>	<p>The type and form of development always presents risks during the construction stage due to human error. Such risks may be recognised in a ‘Worse-Case Scenario’ as <b>Unlikely Moderate Short Term</b>, but in the understanding that such risks are inherent to all construction activities and <u>not to a degree as to initiate the need for EIA</u>. Any such risks are addressed and appropriately mitigated by best practice during construction, and through design, green and engineered solutions in the operational stage.</p> <p>Taking into account the results of accompanying specialist reports, including the <i>Site Specific Flood Risk Assessment</i> prepared by IE Consulting, we maintain that a more realistic assessment would identify risks of accidents during construction/operation as <b>Neutral Not significant Effects</b> which will result in <b>Unlikely Brief Residual</b></p>

Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
	<p>The drainage / SuDS strategy for the site will include dealing with the surface water at source through permeable surfaces and SuDS features (e.g. swales / bioretention / rain garden / tree pits).</p> <p>The development <u>would not</u> raise issues of Environmental Impact.</p>	<p><b>Effects.</b> Overall, the development does not increase the risk of flooding elsewhere and does not result in displaced waters.</p> <p>As such, it can reasonably be expected that such effects <u>do not occur</u> because of the planned project. Overall, risks associated with accidents during the construction or operation of the proposed development <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
8. Will the project result in social changes, traditional lifestyles, employment etc.?	<p>Yes/No. The proposed residential development will provide residential accommodation, a focal point (community room) for social interaction, and enhanced amenity through improved public open space. The proposed development would improve the quality of the urban environment and enhance the neighbourhood through increased social interactions. The construction phase will provide short-term positive employment benefits.</p> <p>The development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The type and characteristics of the residential development will provide long term positive benefits to the local community and short term positive benefits in construction employment. As such, the proposed development’s impact on social changes, traditional lifestyles, employment etc., can be considered to be <b>Positive Slight Effects</b> which will result in <b>Likely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

**2. Location of Proposed Development – Sensitivity of Geographical Areas**

Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
9. Is the proposed project in keeping with the existing and approved land uses locally?	<p>Yes, and as such <u>does not</u> raise issues of Environmental Impact. The proposed residential development on lands zoned 'A. Town Centre' responds to the objective of said zoning 'to protect and enhance the special character of</p>	<p>The type and characteristics of the proposed development in keeping with existing development do not raise issues of environmental impact other than the <b>Positive Moderate Effects</b> brought about through fulfilment of the relevant land use zoning objective, which will result in <b>Likely Long-Term Effects</b>.</p>

	Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
		the town centre' by way of the scale, layout, and high-quality design.	This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.
10.	Are there any Natura 2000 / EU Designated Sites in proximity or likely affected by the proposals?	<p>The <i>Screening for Appropriate Assessment</i> prepared by <b>NM Ecology Ltd</b> examined any potential indirect impacts by way of source-pathway-receptor links, but none were found to be feasible. It is considered that the proposed development would not cause direct or indirect impacts on any European sites.</p> <p>The development <u>would not</u> raise issues of Environmental Impact.</p>	<p>Foul water will be discharged to an Irish Water combined sewer on New Street to the south of the Site, which will convey it to the Rathangan Wastewater Treatment Works. Rainfall from roofs and other impermeable surfaces will be collected in an attenuation tank and discharged to the Irish Water combined sewer on New Street. Some external surfaces will have permeable paving. Rainfall on green areas of the Site will percolate to ground in situ.</p> <p>In a 'Worse Case Scenario' the type and characteristics of potential impacts could be associated with construction phase and operational phase impacts to receiving waters and potential pathways to Natura sites. However, as stated with referral to the <i>Screening for Appropriate Assessment</i>, such impacts are not evident or likely to occur. A more realistic assessment would therefore identify risks to Natura 2000 sites as <b>Neutral Imperceptible Effects</b> which will result in <b>Unlikely Momentary Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on Natura 2000 sites.</p>
11.	Are there any proximate locally designated conservation sites or areas affected?	<p>No. Consideration has been had of the potential impact of the subject proposals on local designated conservation sites and, including:</p> <ul style="list-style-type: none"> <li>the Grand Canal (Proposed Natural Heritage Area Site Code: 002104)</li> </ul>	<p>The type and characteristics of potential impacts. on locally designated conservation sites such as the Grand Canal are considered tenuous and low risk. In respect of the Rathangan ACA, the only likely impact is that of an improved residential environment, with a high-quality design and layout, and better use of currently vacant urban lands. This will overall represent a positive contribution to the existing townscape, notwithstanding that the subject site does not fall within the boundaries of the ACA.</p>

Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
	<ul style="list-style-type: none"> <li>Rathangan Architectural Conservation Area</li> </ul> <p>In consideration of available information on the above areas (e.g. pNHA Site Synopsis, <i>Kildare County Development Plan 2023-2029 Volume 2 Part 1 Small Towns &amp; Environs</i> 'Small Town &amp; Environs Plan' for Rathangan), and with regard to the reports and drawings as accompany the subject application, it is our professional opinion that the subject proposal <u>would not</u> raise issues of Environmental Impact in relation to proximate conservation sites or areas.</p>	<p>As such, the proposed development's impact on locally designated conservation sites or areas is considered to be <b>Neutral Not Significant Effects</b> which will result in <b>Unlikely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
12. Are there any features or areas of high landscape value proximate as could be affected?	<p>No. Consideration has been made of the potential impact of the subject proposal on areas of high landscape value, as include:</p> <ul style="list-style-type: none"> <li>'Southern Lowlands Landscape Character Area' and 'Landscape Sensitivity Areas', as described in the <i>Kildare County Development Plan 2023-2029</i></li> <li>Scenic Route 18. 'Views of the Grand Canal, River Slate and surrounding countryside along the R414 from Rathangan Bridge to Spencer Bridge.'</li> <li>Scenic Route 34. 'Views along the R403 and R414 from Allenwood to Rathangan.'</li> <li>Scenic Viewpoint GC24</li> </ul> <p>In consideration of available information on the above features and areas, and with regard to the reports and drawings as accompany the subject application, it is our professional opinion that the subject proposal <u>would not</u> raise issues of Environmental Impact in relation to proximate features or areas of high landscape value.</p>	<p>It is recognised that landscapes – and especially urban landscapes – are dynamic environments, in a constant process of change. The characteristics of the proposed development are of a scale and design that positively responds to its setting and effectively integrates within the visual landscape without having a significant impact on its character (visual or otherwise).</p> <p>The proposed development's impact on proximate features of areas of high landscape value, is considered to be <b>Positive Not Significant Effects</b> which will result in <b>Likely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

	Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
13.	Are there any areas proximate of historic, cultural or archaeological significance affected?	<p>No. Consideration has been made of the potential impact of the subject proposal on areas of historic, cultural or archaeological significance, as include:</p> <ul style="list-style-type: none"> <li>• the Record of Monuments and Places (RMP)</li> <li>• the Record of Protected Structures (RPS)</li> <li>• the National Inventory of Architectural Heritage (NIAH)</li> </ul> <p>With regard to the RMP, no RMP record is located within the subject site, but the site is located within the Zone of Notification of <b>KD017-011</b> 'Settlement deserted – medieval', being the medieval settlement of Rathangan. No RPS record is located within the site. The closest RPS records from the subject site include B17-42 former Sally Corn Mill on the opposite side of the River Slate (ca. 140 m) and B17-12 Rathangan Lodge (ca. 600 m). The proposed development would have <u>no effect</u> on these sites.</p> <p>In consideration of available information on the above areas, and with regard to the reports and drawings as accompany the subject application, it is our professional opinion that the subject proposal <u>would not</u> raise issues of Environmental Impact in relation to proximate areas of historic, cultural or archaeological significance.</p>	<p>The proposed residential development is likely to present a permanent beneficial impact on the local historic and built heritage establishing a form and scale of development appreciative of the structures and aspects locally.</p> <p>The brownfield nature of the subject site would mean that any impact on such archaeological remains can be recognised in a 'Worse-Case Scenario' as <b>Unlikely Moderate Effects</b> but <u>not to a degree as to initiate the need for EIA</u>. Comparison is made to other developments within the zone of notification (e.g. KCC 21/1716, KCC 17/655, KCC 14/339, KCC 12/664), in which the location of such developments within the zone of notification <u>did not require an EIA</u>.</p> <p>In summary, the proposed development's impact on proximate features of historic, cultural or archaeological significance, is considered to be <b>Neutral Not Significant Effects</b> which will result in <b>Unlikely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
14.	Is the carrying capacity of the existing available land mass, soil, water and biodiversity affected?	<p>No. The redevelopment of the 'brownfield site', with its existing redundant building and structures can be accommodated on the lands with no negative effects on the abundance, availability, or regenerative effects of the receiving environment.</p>	<p>Taking into account the accompanying drawings and specialist reports, it can be confidently stated that the subject site has the carrying capacity to accommodate the subject development with no significant effect on available land mass, soil, water and biodiversity.</p> <p>The small-scale development, brownfield location, and proposed density together represent an efficient use of appropriately zoned</p>



Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
	<p>The proposed development <u>would not</u> raise issues of Environmental Impact.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>	<p>Town Centre lands that are currently under-utilised for land use objectives of the same. The proposed layout makes use of the full extent and bounds of pre-existing land parcels, i.e. without subdivision or wasted space, and as such positively responds to the morphological context without any impact on the available land mass.</p> <p>No loss of habitat on the subject site is foreseen. In consideration of the existing 'brownfield' nature of the site and the intended retention of existing greenspace garden areas and trees, plus additional provision of green open space and planting, the proposed development can be seen to increase the ecological potential of the site by encouraging wildlife and biodiversity.</p> <p>In summary, the proposed development's impact on the carrying capacity of the existing available land mass, soil, water and biodiversity is considered to be <b>Positive Not Significant Effects</b> which will result in <b>Likely Long-term Residual Effects</b>.</p>
15. Are any recreational land masses affected by way of removal or access to same?	<p>No. Rather, recreational land masses will be enhanced and improved as part of the proposed development, which introduces new public and enhanced communal open space areas. As a result, the surrounding community will benefit from the proposed form of development.</p> <p>The proposed development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The small-scale residential infill and enhancement and improvement of the public realm will permanently positively enhance recreational opportunities. The introduction of new public open space and retention / enhancement of existing greenspace provision is considered to be <b>Positive Slight Effects</b> within the subject site, which will result in <b>Likely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>
16. Is the development likely to affect by way of outlook any large, populated areas?	<p>No. The proposed development is considered to be appropriate for the surrounding urban context, not being capable of being classified in any event as a "large, populated area". The likely impact is an improved</p>	<p>The small-scale infill residential development associated within a wider developed area is predicted to have a permanent moderate beneficial outlook to the neighbouring 'small-scale' populated area.</p>

	Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
		<p>residential environment, with a high-quality design and layout, and better use of currently vacant urban lands. This will overall represent a positive contribution to the existing townscape.</p> <p>The proposed development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The proposed development would result in <b>Positive Imperceptible Effects</b> within the extent of the site itself and surrounding populated area, which will result in <b>Likely Short-term Residual Effects</b> (i.e. any perceived impact will be softened and regularised by the passage of time).</p> <p>Overall, surrounding populated areas would not be affected by the scale, size and design of the proposed development, which <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and presents <u>no real likelihood</u> of significant effects on the environment.</p>
17.	<p>Are any transport routes affected or could the development lead to traffic congestion locally?</p>	<p>Yes/No. The proposed redevelopment <u>will not</u> affect capacity at existing junctions as could lead to traffic congestion. While the proposed development does include provision of 32 no. car parking spaces (including 6 no. visitor and 2 no. car parking spaces), the potential traffic impact is mitigated by measures taken to promote sustainable modal choice (e.g. town centre location, pedestrian-friendly shared surfaces, minibus parking, secure long-stay and short-stay bicycle parking).</p> <p>Primary vehicular and pedestrian access to the proposed development will be via a new access point from New Street. A new pedestrian entrance is proposed adjacent to the main access point, supporting and encouraging sustainable and active modal choice. The proposed access point provides improved sight-lines, safety, and public realm engagement in comparison to the recessed and gated access point that it replaces.</p>	<p>The small-scale residential development has the potential to increase vehicular traffic locally. However, in consideration of the town centre location that provides many services within walking distance, and mitigation measures as include support and prioritisation for active modal choice (pedestrians and cyclists), the flow of vehicles using the local road network is <u>not expected to grow to a degree as to initiate the need for EIA</u>.</p> <p>The improved access point, together with measures taken to encourage sustainable modal choice, and with regard to the potential increase in vehicular traffic associated with provision of car / minibus parking spaces, are together considered to be <b>Positive Moderate Effect</b> and will result in <b>Likely Long-term Residual Effects</b>.</p> <p>Overall, the impact of the proposed development on existing traffic and transport <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

	Question considered	Subject of Environmental Impact Yes / No? Briefly describe	3. Types and Characteristics of Potential Impacts
		The development <u>would not</u> raise issues of Environmental Impact.	
18.	Are there any sensitive neighbouring land uses as could be affected by the development?	<p>No. The established patterns of development locally will not be significantly affected by the design and layout of the proposed development as it represents redevelopment of an existing 'brownfield site' in an appropriately zoned Town Centre location.</p> <p>The development <u>would not</u> raise issues of Environmental Impact.</p>	<p>The type and characteristics of the proposed development is in keeping with the character of the immediate locality. The design and layout present no issues with regard to the potential impact on neighbouring amenity, e.g. overlook / overshadowing. Rather, the design is considered to be a positive contribution to the townscape, by providing enhanced amenity and recreational open space.</p> <p>The proposed development's impact on sensitive neighbouring land uses, is considered to be <b>Positive Slight Effects</b> which will result in <b>Likely Long-term Residual Effects</b>.</p> <p>This <u>would not</u> raise issues of potential impact on the factors specified in Section 171A (b)(i) of the Act, and there is <u>no real likelihood</u> of significant effects on the environment.</p>

#### 5.4 EIA Screening Outcomes

It is concluded that the nature of the proposed development is not considered to have likely significant effects on the environment (direct, indirect, or cumulative).

The proposed development does not fall within the assigned classes or quantum of development that require EIA set out in Parts 1 and 2 of Schedule 5 of the Schedule 5 of the *Planning and Development Regulations 2001* (as amended)

The proposed development will involve the demolition of existing structures, the construction of 24 no. apartments and 1 no. community room, car and secure bicycle parking spaces, and associated works. Therefore, the characteristics of the proposed development are not of a nature and scale that will give rise to significant effects on the environment by way of its size or design.

In terms of other environmental sensitivities, e.g. landscapes/sites of historical, cultural or archaeological significance, the proposed development will not give rise to any significant effects.

From a land use planning perspective, the proposed housing development is on lands that are zoned for residential use and the development will be consistent with the relevant policy provisions of the *Kildare County Development Plan 2023 – 2029*, as includes *Volume 2 Part 1 Small Towns & Environs 'Small Town & Environs Plan'* for Rathangan. The proposed development is consistent with the existing pattern of development in the general area, and is considered to represent a positive long-term impact in terms of the provision of additional housing stock in a suitable location.

The type of characteristics of the potential impacts are not considered likely to have significant effects on the environment during the

construction phase. Good construction site practices will be in place to prevent any risk of pollution to the receiving environment, and temporary disturbance in relation to noise levels, dust and traffic disturbance can similarly be mitigated.

The proposed development site can therefore accommodate the proposed redevelopment of the existing 'brownfield site' without significant impact.

**It is concluded that a detailed Environmental Impact Assessment Report (EIAR) is not required in this instance.**

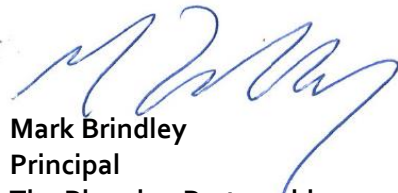
## 6.0 CONCLUSION

The proposed development has been reviewed and considered under the terms of the requisite EU Directives, the respective transposition into Irish Legislation via the *Planning and Development Act 2000* (as amended) and *Planning and Development Regulations 2001* (as amended), and the consequential DHPLG, *Guidelines for Planning Authorities on carrying out Environmental Impact Assessment* (August 2018).

Development similar to that as proposed as part of the development, i.e. residential development, is **not** listed in Part 1 of Schedule 5 of the Regulations, and as such Part 1 is not relevant in this instance. With regard to Part 2, the proposed development of 24 no. dwelling units does not exceed the 500-unit threshold, and furthermore does not involve an area in excess of 10 ha in a built-up area, being approximately 0.68 ha in extent, and is considered sub-threshold. There is clearly no mandatory requirement for the subject proposal to undertake EIA or provide an EIA Report.

To definitively determine for the benefit of the competent authority that the sub-threshold development would not give rise to significant environmental effects, the relevant screening exercise has been undertaken. The exercise has been informed by the proposals and the scheme as supported by a suite of accompanying documentation by the Design Team. Accordingly, based on our own professional judgement and drawing upon the information made available in other assessments, it is presented that no significant negative effects have been found or identified as to cause the requirement for an EIAR to be required.

Yours, faithfully,



**Mark Brindley**  
Principal  
The Planning Partnership