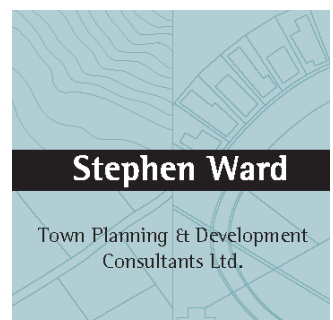


# EIA Preliminary Examination

Residential Development with Crèche at Hill Street/Dublin Road, Dundalk, Co. Louth



Prepared on behalf of  
Zirbak DLK Ltd



**CONTENTS**

1.0 Introduction ..... 3

2.0 EIA Legislation and Guidance..... 3

3.0 Proposed Development ..... 3

4.0 Environmental Reports ..... 4

    4.1 Screening Report for Appropriate Assessment ..... 4

    4.2 Ecological Impact Assessment ..... 4

    4.3 Site Specific Flood Risk Assessment..... 5

5.0 Preliminary Examination..... 5

6.0 Conclusion ..... 8

## 1.0 INTRODUCTION

Stephen Ward Town Planning and Development Consultants Limited has been appointed to undertake an Environmental Impact Assessment (EIA) Preliminary Examination for a proposed residential development of 194no. apartments and childcare facility at Hill Street/Dublin Road, Dundalk, Co. Louth.

Directive 2014/52/EU requires that an assessment of the likely significant effects a project will have on the environment is carried out, where relevant, prior to development consent being granted. This Directive is transposed into Irish legislation by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

An EIA Preliminary Examination considers the nature, size and location of a proposed development to determine the likelihood of significant effects on the environment and whether or not Environmental Impact Assessment (EIA) is required. The purpose of this Preliminary Examination is to conclude either that:

- 1) There is **no real likelihood of significant effects** on the environment arising from the proposed development;
- 2) There is **significant and realistic doubt in regard to the likelihood of significant effects** on the environment arising from the development; or
- 3) There is **a real likelihood of significant effects** on the environment arising from the proposed development.

## 2.0 EIA LEGISLATION AND GUIDANCE

The following legislation and guidance documents were referenced during the preparation of this report -

- Planning and Development Act 2000 as amended
- Planning and Development Regulations 2001 as amended
- Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017.
- Guidelines on the information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency, 2022.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, Department of Housing, Planning and Local Government, 2018.
- OPR Practice Note PN02 Environmental Impact Assessment Screening, June 2021).

## 3.0 PROPOSED DEVELOPMENT

The proposed development will consist of 194no. apartments in 8no. distinctive blocks (A to H) ranging in height from one to five storeys in height across the site together with a crèche and all associated public, communal and private open space, car parking, cycle parking, site development works and site services. The application site extends to 3.05ha and is zoned for residential development under the provisions of the Louth County Development Plan 2021-2017 (as amended).

Schedule 5 of the Planning and Development Regulations 2001 (as amended) lists development for the purposes of Part 10 (Environmental Impact Assessment) of the said Regulations. It sets out both classes of development and their respective thresholds for EIA.

Item 10(b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500no. dwellings;
- 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 involves the construction of 194 No. dwelling units. Therefore, while the proposed development is of a Class listed in Part 2 of Schedule 5, it is sub-threshold for the purposes of mandatory EIA, comprising fewer than 500 dwellings.***

***The threshold cited under Class 10(b)(iv) in the Act is '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 would be accommodated on a site of 3.05ha. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA. The development is not located in a business district.***

## 4.0 ENVIRONMENTAL REPORTS

This section considers the environmental studies undertaken for the proposed development by the applicant.

### 4.1 SCREENING REPORT FOR APPROPRIATE ASSESSMENT

A screening report for Appropriate Assessment was undertaken by Enviroguide which identifies a hydrological pathway, albeit a weak pathway, from the application site downstream to the Dundalk Bay Special Area of Conservation and Dundalk Bay Special Protection Area via the River Blackwater. Having considered the potential impacts during both construction and operational phases of the proposed development, it is concluded that due to the distance between the site and the European sites identified (3.9km), any potential pollutants that may enter from the site would be diluted to indiscernible levels. On this basis this hydrological pathway is deemed insignificant. The AA screening report forms part of and accompanies the planning application under separate cover. **The approach of the applicant with respect to AA follows that as set out in the OPR Guideline Document – Appropriate Assessment Screening for Development Management (PN01), March 2021.**

### 4.2 ECOLOGICAL IMPACT ASSESSMENT

Enviroguide has undertaken an Ecological Impact Assessment Report that accompanies the planning application under separate cover. This report identifies a weak hydrological link between the site and Dundalk Bay proposed Natural Heritage Area (pNHA). The potential impact is deemed insignificant due to the distance and dilution of any potential contaminants entering the water.

The Site is not considered to offer significant suitable ex-situ habitat for the SCI bird species associated with Dundalk Bay SPA and Dundalk Bay pNHA due to the dense nature of much of the scrub and grassland habitat on Site.

The application site was inspected by Enviroguide; one Medium Impact invasive species, sycamore (*Acer pseudoplatanus*), and one High Impact invasive species, Japanese knotweed (*Reynoutria japonica*), was recorded on the Site of the Proposed Development. Mitigation measures for the management of the invasive species with monitoring are provided. It is recommended that a combined physical and chemical method is used on site for eradicate the Japanese knotweed. In order to prevent the further spread of Japanese knotweed mitigation measures are provided for the construction phase including fencing off areas affected with clear signage and provision of wheel wash facilities. All mitigation measures have been incorporated into the preliminary construction management plan and EMP by O'Connor Sutton Cronin Consulting Engineers (OCSC) provided under separate cover.

#### 4.3 SITE SPECIFIC FLOOD RISK ASSESSMENT

A site specific flood risk (FRA) assessment has been undertaken by OCSC including a justification test. The FRA does not identify any significant residual flood risk to the proposed development with mitigation measures in place. Finished floor levels have been set at 5mAOD, beyond the 1 in 100 year flood event including an allowance of 30% for climate change. This will require the site to be raised. It is also proposed to provide an overflow area to provide compensatory flood storage for the River Blackwater. This comprises partly of a seasonal recreation area that will accommodate water in the event of a flood event in the area. Additional flood waters, only from the river and not from the surface water network will be stored in underground tanks until the waters subside.

#### 5.0 PRELIMINARY EXAMINATION

Section 172(1) of the Planning and Development Act 2000 (as amended) ('the Act') states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Act, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

Article 103 (1) states "*Where a planning application for sub-threshold development is not accompanied by an EIAR, the planning authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development*".

It is recognised that Louth County Council is the competent authority for undertaking a preliminary examination as to whether or not significant effects are likely to arise as a result of the proposed development. The table below is provided to assist the planning authority in this examination.

PRELIMINARY EXAMINATION		
	Comment	Yes / No / Uncertain
<p><b>Nature of the development:</b> <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	<p>The site is located in an established residential area which is served by public transport and existing social infrastructure. The proposed development is in keeping with the character of the area and zoning objective applied by the Louth County Development Plan 2021-2027 (as amended).</p> <p>The scale of the development is not out of keeping with the location of the site in a built-up area of Dundalk and the existing pattern of development in the area.</p> <p>The application site has been zoned for residential development through many development plan cycles.</p> <p>The removal of soil, infilling of parts of the site with stone and removal of construction waste will be managed by a Resource and Waste Management Plan to be agreed in writing with the Planning Authority.</p> <p>Construction related impacts will be local and temporary. A Construction Environmental Management Plan will be agreed in writing with the planning authority for management of construction traffic and environmental issues including noise and dust control as well as the management of invasive species identified on site.</p> <p>It is not expected for there to be any emissions or pollutants during the operational stage of the development other than those normally associated with a residential development.</p> <p>Provision has been made for the management of domestic waste on site which will be collected by a licenced operator in the area.</p>	<p><b>No</b></p> <p><b>No</b></p>

	<b>Comment</b>	<b>Yes / No / Uncertain</b>
<p><b>Size of the development:</b></p> <p><i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p>	<p>The size of the development is not exceptional in the context of the existing built-up urban environment of Dundalk.</p>	<b>No</b>
<p><b>Size of the development:</b></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	<p>There are no existing or permitted projects on or abutting the application site. The AA Screening Report prepared by Enviroguide considers potential for in-combination effects from development permitted within 500m of the application site. It is noted that the application site is zoned for residential development under the Louth County Development Plan 2021-2027(as amended) which underwent a Strategic Environmental Assessment and Appropriate Assessment including the consideration of in-combination/cumulative effects.</p>	<b>No</b>
<p><b>Location:</b></p> <p><i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?<sup>1</sup></i></p>	<p>The potential for the proposed development to impact upon the Dundalk Bay SPA and Dundalk Bay SAC has been considered as part of the Appropriate Assessment screening report prepared by Enviroguide under separate cover. It has been concluded that there is on the basis of the best scientific knowledge available and objective information that the possibility of any significant effects on the listed European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded in light of the listed European sites' conservation objectives. Thus, there is no requirement to proceed to Stage 2 of the AA process and the preparation of a NIS is not required.</p>	<b>No</b>

<sup>1</sup> Sensitive locations or features includes European sites, NHA/pNHA, Designated Nature Reserves, land designated as a refuge for flora and fauna, and any other ecological site which is the objective of a CDP/LAP (including draft plans).

<i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>	The development site it is not located within any environmentally sensitive natural or manmade environment such an Architectural Conservation Area and will not impact upon the setting of the closest protected structure c.100m east of the site – Ladywell Shrine (ID_D184).	<b>No</b>
<b>PRELIMINARY EXAMINATION CONCLUSION</b>		
<b>Based on a preliminary examination of the nature, size or location of the development.</b> <b>(Tick as appropriate)</b>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is <b>no real likelihood</b> of significant effects on the environment. EIA is not required.	There is <b>real likelihood</b> of significant effects on the environment. An EIAR is required.	There is <b>significant and realistic doubt</b> regarding the likelihood of significant effects on the environment. Request the applicant to submit the information specified in Schedule 7A for the purpose of a screening determination. Proceed to Screening Determination.

## 6.0 CONCLUSION

Following preliminary examination, it is a requirement that one of the following conclusions be recorded:

1. No real likelihood of significant effects on the environment;
2. Significant and realistic doubt in regard to the likelihood of significant effects on the environment; and
3. A real likelihood of significant effects on the environment.

The nature and scale of the proposed development is significantly under the threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) and Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001 (as amended). It is submitted that based on the information provided with the planning application and the preliminary examination carried out in this report, there is sufficient evidence to conclude that there is no real likelihood of any significant effects on the environment arising from the proposed development and an EIA of the proposed development is not required. It is recognised that the formal screening determination is a matter for the Competent Authority.