



Comhairle Chontae Liatroma Leitrim County Council

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Cora Droma Rúisc
Contae Liatroma

Áras an Chontae
Carrick on Shannon
Co. Leitrim

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This matter is being dealt with by: **Bernard Greene**

(071) 9620005 EXT. 502

04 August 2023

Mr. Joseph Gilhooly,
Deputy Chief Executive & Director of Services,
Economic Development, Planning & Infrastructural Services,
Leitrim County Council

RE: Appropriate Assessment and Environmental Impact Assessment Screening Determination – Proposed Construction of 18 no. dwellings at Kilboderry, Carrick-on-Shannon, Co. Leitrim

Dear Joseph,

Introduction

Leitrim County Council proposes to construct 18 no. dwellings consisting of 12 no. 2 bedroom dwellings (in 2 no. terraced blocks) and 6 no. 1 bedroom apartments (in 2 no. blocks) on lands in the Council ownership at Kilboderry, Carrick-on-Shannon. It is intention of the Housing Authority to avail of the new provisions of Section 179A of the Planning & Development Act 2000, as amended, whereby the proposed development would not be subject to the requirements of having to undertake a Part 8 public consultation process. The Planning Department have been involved from the outset of this project and have assisted the Housing Authority in the development of the proposal which adheres in all aspects to the proper planning and sustainable development of the area.

Habitats Directive (Appropriate Assessment)

I have considered the submitted Habitats Directive (Appropriate Assessment) Screening Report prepared by Noeleen McLoughlin, Whitehill Environmental Consultants on behalf of Leitrim County Council with respect to the proposed development.

Ms. McLoughlin has extensive experience in the undertaking of Appropriate Assessment screening reports and in preparing Stage II Natura Impact Statements. Ms. McLoughlin undertook a site inspection on 13th October 2022. A separate report on Invasive Species was also undertaken by Whitehill Environmental Consultants which noted the presence of no invasive species within the proposed development site. The site does not lie within or adjacent to any area that has been designated for nature conservation purposes with the field currently in agricultural use. There are no drains or streams within or adjacent to the site. There is no connectivity presently between the site and the Attifinlay Stream (circa 400 metres south) or to any other watercourse. It is considered that the surface water drainage from the proposed development would ultimately find its way to the River Shannon via the storm drainage network. It is not considered that such a pathway – receptor linkage between the proposed development and the Lough Forbes Special Area of Conservation (SAC - Site Code 001818) would likely to result in a significant effect on the special conservation interests or objectives of the SAC by reason of distance / dilution effects as the SAC is 34km downstream.

I am satisfied that the evaluation submitted is based on available information and using best scientific knowledge. The submitted report conclude that there is no potential likelihood for significant effects from the proposed development on any European sites, whether arising from the project alone or in combination with other plans and projects. In reaching this conclusion, the nature of the project and its potential relationship with all European sites within the zone of influence, and their conservation objectives, have been fully considered. It is the opinion of the authors that the proposed works do not require Stage II Appropriate Assessment, namely the preparation of a Natura Impact Statement (NIS).

Conclusion

Having reviewed the documentation submitted, I am satisfied on the basis of the Appropriate Assessment Screening Report undertaken by Whitehill Environmental Consultants and my own assessment which also considered the issue of surface water discharge that the proposed development of 18 no. dwellings on lands at Kilboderry, Carrick-on-Shannon would not be likely to have a significant effect on the qualifying interests or conservation objectives of any Natura 2000 site. I am also satisfied that no mitigation measures of the project were considered in the submitted Screening Report or in reaching this conclusion. The proposed development of 18 no. dwellings on lands in the Council ownership at Kilboderry, Carrick-on-Shannon does not, in my opinion, require a Stage II Appropriate Assessment to be undertaken.

Environmental Impact Assessment

I have considered the submitted Environmental Impact Assessment Screening Report prepared by Nevin Traynor, Traynor Environmental Ltd. on behalf of Leitrim County Council with respect to the proposed development. The proposed development is a sub threshold development against the specified categories of developments and their thresholds as outlined in Schedule 5 (Development for the Purposes of Part 10) of the Planning & Development Regulations, 2001, as amended. The relevant categories are Part 2 of Schedule 5 is Class 10 (b)(ii) (Infrastructure Projects) *Construction of more than 500 dwelling units* or (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.* A 'business district' means a district within a city or town in which the predominant land use is retail or commercial use. The site of the proposed development extends to 0.57 hectares in area. The proposal seeks to construct 18 no. dwellings within a built-up area but not within a business district. There is no mandatory requirement therefore to undertake an Environmental Impact Assessment (EIA) for a development of this scale and nature.

The submitted Screening Report has utilised a methodology that adheres to the guidance produced by the Department of Housing, Local Government and Heritage and in particular, to the requirements of Schedule 7 of the Planning & Development Regulations, 2001, as amended, relating to the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA and Schedule 7A relating to the information which has to be provided for the purposes of screening a sub-threshold development for EIA. The report makes reference in Section 6.0 *Findings and Conclusions* that An Bord Pleanála is required to assess whether the proposed development is likely to have significant effects on the environment in order to determine whether the submission of an EIAR is required. This is consistent with the guidance documents produced by the Department of Housing, Local Government and Heritage with respect to Section 179A of the Planning & Development Act 2000, as amended. This is however incorrect. It is the role of the Local Authority to determine as competent authority in this first instance as to whether such an undertaking is required.

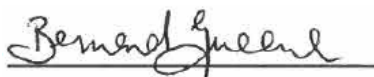
I am satisfied that the submitted Environmental Assessment Screening Report has adequately evaluated and assessed the potential for the proposed development to have a significant environmental effect. I note the need for a Construction Environmental Management Plan at construction stage and a Resource and Waste Management Plan and Operational Waste Management Plan at construction and operational stage of the development. The submitted Screening report relies on compliance with measures which will be contained therein.

Conclusion

Having reviewed the documentation submitted, I am satisfied on the basis of the Environmental Impact Assessment Screening Report undertaken by Traynor Environmental Ltd. and my own assessment that the proposed development of 18 no. dwellings on lands at Kilboderry, Carrick-on-Shannon would not be likely to have a significant effect on the receiving environment either directly, indirectly or cumulatively with other developments in the area. The proposed development of 18 no. dwellings on lands in the Council ownership at Kilboderry, Carrick-on-Shannon does not, in my opinion, require the preparation of an Environmental Impact Assessment.

Recommendation

On the basis of the foregoing, I am satisfied that the proposed development of 18 no. dwellings on lands at Kilboderry, Carrick-on-Shannon, Co. Leitrim can be screened out for the need to prepare either a Natura Impact Assessment under the Habitats Directive and to prepare an Environmental Impact Assessment Report under the Environmental Impact Assessment Directive. I am therefore satisfied that the proposed development on lands within the ownership and control of Leitrim County Council satisfies the requirements to avail of the provisions of Section 179A of the Planning and Development Act 2000, as amended. It is appropriate therefore for a determination to be made by Leitrim County Council in this regard.

A handwritten signature in cursive script, reading "Bernard Greene", written over a horizontal line.

**Bernard Greene,
Senior Planner,
Planning Department.**