2.0 INTRODUCTION TO PROJECT AND LEGISLATIVE CONTEXT

2.1 Legislative Background

The EIA Directive, Council Directive 85/337/EEC of 1985 was first introduced into Irish law by the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989) which amended the Local Government (Planning and Development) Act 1963. The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 transpose the requirements of the 2014 EIA Directive into existing planning consent procedures.

An Environmental Impact Assessment Report (EIAR) is an important tool used to determine the possible effects of new projects on the environment and where impacts are predicted to minimise these through appropriate mitigating measures. The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 define an EIAR as –

> *"a report of the effects, if any, which proposed development, if carried out, would have on the environment and shall include the information specified in Annex IV of the Environmental Impact Assessment Directive*".

The fundamental principles to be followed when preparing an EIAR are outlined by the EPA[1] as:

- Anticipating, avoiding and reducing significant effects
- Assessing and mitigating effects
- Maintaining objectivity
- Ensuring clarity and quality
- Providing relevant information to decision makers
- Facilitating better consultation

This EIAR consists of a systematic analysis and assessment of the potential effects of a proposed project on the receiving environment. This EIAR is prepared in accordance with the Planning and Development Act (2000) (As Amended) and Planning and Development Regulations (2001) (As Amended). The EIAR is also informed by the EPA documents *'Advice on Current Practice (in the preparation of Environmental Impact Statements*) (EPA, 2003), 'Draft Advice Notes for preparing Environmental Impact Statements (EPA, September 2015) '*Draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* (EPA, August 2017) as well as *'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment'* (Department of Housing, Planning and Local Government, 2018). The following documents were also referred to in the preparation of this document- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (Department of Environment, Heritage and Local Government, 2003) and 'Environmental Impact Assessment of Projects-Guidance on the preparation of the environmental impact assessment report (EU,2017). As required under Section 94 (d) of the 2000 Act, this EIAR

[1] EPA Guidelines on the information to be contained in Environmental Impact Assessment Reports – Draft 2017

contains a reference list detailing the sources used for the descriptions and assessments included in this Report at the end of each chapter.

2.2 Need for Environmental Impact Assessment

Schedule 5 of the Planning and Development Regulations 2001 as amended, contains types of development that require an environmental impact assessment. Article 92 of the Regulations defines 'sub-threshold development' as follows-

> *" 'sub-threshold development' means development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case maybe, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development*

Section 15 of Part 2 of Schedule 5 states –

> *"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."*

Having regard to Schedule 7, given the nature of the development proposed which is sub-threshold by a small degree[2], and given the nature of permitted/planned development nearby (including P.A. Ref. 17/387), it is considered prudent to carry out an EIAR in order that the cumulative impacts of planned/proposed developments in this area are accounted for.

2.3 Content of Environmental Impact Assessment

Scoping is a process of deciding what information should be contained in an EIAR and what methods should be used to gather and assess that information (EPA, 2017). Scoping is defined in EC guidance[3] as-

"*determining the context and extend of the matters which should be covered in the environmental information to be submitted in the EIAR*".

The amended EIA Directive prescribes a range of environmental factors which are used to organise descriptions of the environment and these factors must be addressed in the EIAR. The minimum information to be provided by a developer is set out at Article 5 (1) and Annex IV. This information is contained in Schedule 6 of the Planning and Development Regulations 2001 (as amended). This EIAR has been prepared in line with Schedule 6. In this context the environmental factors assessed are-

- Population and human health
- Biodiversity, with particular attention to species and habitats protected under the Habitats and Birds Directives

[2] Section 10(b)(i) of Part 2 of Schedule 5 requires an EIAR for projects involving 500 dwelling units or more
[3] Guidance on EIA Scoping, EC,2001

- Land, Soil, Water, Air and Climate
- Material Assets, Cultural Heritage including archaeological aspects, and
- the Landscape
- The interaction between the above listed environmental factors

A non-technical summary of the information required under Schedule 6 forms Chapter 1 of this EIAR.

This EIAR focusses on the likely significant effects on the environment. The assessment of direct and indirect effects includes those derived from the vulnerability of the proposed development to risks of major accidents and disasters that are relevant to the proposed project.

Effects are not considered in isolation but also in terms of their interrelationship and cumulatively. The Directive[4] requires that that EIA describes the cumulation of effects. Cumulative effects may arise from:

- The interaction between the various impacts with a single project
- The interaction between all of the different existing and/or approved projects in the same area as the proposed project.

This EIAR takes into consideration a permitted residential development to contain 133no. houses on lands in the control of the applicant to the east of the application site. This development is to be served via the same access road onto Marsh Road as the proposed development.

This EIAR includes description of the reasonable alternatives studied by the developer and the main reasons for the option chosen.

According to EPA Guidance[5], the scoping process should consider any other assessments that may address some types of effects that apply to a project and reduce coverage of these issues in an EIAR accordingly. The following additional assessments have been undertaken and are available under separate cover. Where relevant, these studies are referred to within the text of this EIAR e.g. within the context of mitigation measures.

- Traffic and Transportation Impact Assessment and Mobility Management Plan
- Road Safety Audit
- COMAH Land Use Planning Assessment
- Appropriate Assessment Screening & Natural Impact Statement
- Bat Survey
- Daylight, Sunlight and Overshadowing Analysis
- Archaeological Testing

[4] Annex IV, point 5(e) of the Directive and Schedule 6 (2)(e)(i)(V) to the Regulations
[5] Guidelines on the Information to be contained in EIAR (Draft, August 2017)

2.4 Structure of Environmental Impact Assessment Report (EIAR)

The structure of this EIAR has regard to the information required by legislation as outlined above and follows a grouped format. Each environmental topic is examined in a separate section of the EIAR. A summary of the methodology is as follows-

- Description of the receiving environment (baseline) and examination of 'do-nothing scenario'
- Description of forecasting methods/baseline data collection
- Description of likely significant impacts of the development on the relevant environmental factor
- Description of mitigation measures and residential impacts (if any)
- Difficulties encountered in compiling information

2.4.1 Descriptions of Effects

A consistent method of description is adhered to in the interest of clarify. The descriptive terminology follows EPA Guidelines[6] as follows-

Quality of Effects *It is important to inform the non-specialist reader whether an effect is positive, negative or neutral*	**Positive Effects** A change which improves the quality of the environment (for example, by increasing species diversity; or the improving reproductive capacity of an ecosystem, or by removing nuisances or improving amenities).
	Neutral Effects No effects or effects that are imperceptible, within normal bounds of variation or within the margin of forecasting error.
	Negative/adverse Effects A change which reduces the quality of the environment (for example, lessening species diversity or diminishing the reproductive capacity of an ecosystem; or damaging health or property or by causing nuisance).

[6] Table 3.3 Guidelines on the information to be contained in Environmental Impact Assessment Reports – Draft – August 2017

Describing the significance of effects ''*Significance' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful (also see Determining Significance below.).*	**Imperceptible** An effect capable of measurement but without significant consequences.
	Not Significant An effect which causes noticeable2 changes in the character of the environment but without significant consequences.
	Slight Effects An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.
	Moderate Effects An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.
	Significant Effects An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment.
	Very Significant An effect which, by its character, magnitude, duration or intensity significantly alters most of a sensitive aspect of the environment.
	Profound Effects An effect which obliterates sensitive characteristics
Describing the Extent and Context of Effects *Context can affect the perception of significance. It is important to establish if the effect is unique or, perhaps, commonly or increasingly experienced.*	**Extent** Describe the size of the area, the number of sites, and the proportion of a population affected by an effect.
	Context Describe whether the extent, duration, or frequency will conform or contrast with established (baseline) conditions (is it the biggest, longest effect ever?)

Describing the Probability of Effects *Descriptions of effects should establish how likely it is that the predicted effects will occur – so that the CA can take a view of the balance of risk over advantage when making a decision.*	**Likely Effects** The effects that can reasonably be expected to occur because of the planned project if all mitigation measures are properly implemented.
	Unlikely Effects The effects that can reasonably be expected not to occur because of the planned project if all mitigation measures are properly implemented.
Describing the Duration and Frequency of Effects *'Duration' is a concept that can have different meanings for different topics – in the absence of specific definitions for different topics the following definitions may be useful.*	**Momentary Effects** Effects lasting from seconds to minutes
	Brief Effects Effects lasting less than a day
	Temporary Effects Effects lasting less than a year
	Short-term Effects Effects lasting one to seven years.
	Medium-term Effects Effects lasting seven to fifteen years.
	Long-term Effects Effects lasting fifteen to sixty years.
	Permanent Effects Effects lasting over sixty years
	Reversible Effects Effects that can be undone, for example through remediation or restoration
	Frequency of Effects Describe how often the effect will occur. (once, rarely, occasionally, frequently, constantly – or hourly, daily, weekly, monthly, annually)

Table 2.1 - Descriptions of Effects

2.4.2 Indirect, Secondary and/or Cumulative Impacts

This EIAR considers the likely future environmental loadings arising from the development of zoned lands in the immediate environs of the proposed project.

The proposed development will be accessed via a road permitted under P.A. Ref. 17/387 from the Marsh Road to the north to the permitted development to the south east that will contain 133no. dwellings. This road has LIHAF funding and is at design stage. This project is considered integral to the project proposed and has been included in the assessment of environmental factors in this EIAR.

2.5 Competency of Experts

The 2001 Regulations (as amended)[7] require the EIAR to contain a list of the experts who contributed to the preparation of the EIAR, identifying for each such expert-

i. The part or parts of the report which he or she is responsible for or to which he or she contributed

ii. His or her competence and experience including relevant qualifications, if any, in relation to such parts, and

iii. Such additional information in relation to his or her experience that the person or persons preparing the EIAR consider demonstrates the expert's competence in the preparation of the report and ensures its completeness and quality.

Table 2.2 provides details of the experts and the sections of the EIAR they contributed to with full details of the experts and their competency below.

Chapter	Aspect of the Environment Assessed	Contributor	Contact Name
1	Non-technical Summary	Stephen Ward Town Planning & Development Consultants Limited	Judith Horgan Stephen Ward
2	Introduction and Regulatory Matters		
3	Introduction to Site and Context		
4	Population and Human Health	Stephen Ward Town Planning & Development Consultants Limited	Judith Horgan Stephen Ward
	(including Seveso/COMAH)	AWN Consulting Limited	Maeve McKenna
5	Biodiversity	Openfield	Pádraic Fogarty
6	Land, Soils &Hydrogeology	AWN Consulting Limited	Paul Conaghan
7	Hydrology	AWN Consulting Limited	Paul Conaghan
8	Air Quality and Climate including Odour	AWN Consulting Limited	Ciara Nolan
9	Noise, Vibration & Inward Impact	AWN Consulting Limited	Jennifer Harmon
10	Material Assets – Traffic and Built Services	Waterman Moylan	Joe Gibbons Bradley Warren
11	Material Assets – Waste Management	AWN Consulting Limited	Elaine Neary Chonaill Bradly
12	Cultural Heritage including Archaeology	ACSU	Donald Murphy
13	Landscape and Visual	Ronan Mac Diarmada & Associates Ltd.	Ronan MacDiarmada

[7] Section 94 (e)

14	Summary of Impacts and Interactions	Stephen Ward Town Planning & Development Consultants Limited	Judith Horgan Stephen Ward
15	Mitigation, Monitoring and residual impacts (if any)	Stephen Ward Town Planning & Development Consultants Limited	Judith Horgan Stephen Ward

Table 2.2 – Chapter Responsibility

Stephen Ward - B.A.Mod (Hons),MRUP,MIPI

Stephen Ward Town Planning & Development Consultants Limited

Stephen Ward has over 30 years' experience working in planning and development gained within the public and private sectors in Ireland and the UK. Prior to establishing Stephen Ward Planning Consultants in 1997 Stephen held the position of Senior Planner in Dundalk Town Council. He has an in-depth understanding and knowledge of the planning system. Stephen has worked in conjunction with national and international architects, urban designers and other built environment professionals on the preparation of Local area Plans, Framework Plans and Master Plans on behalf of local authorities across Ireland.

Judith Horgan - B.A. Mod (Hons), MRUP, MIPI

Stephen Ward Town Planning & Development Consultants Limited

Judith Horgan graduated in 2005 with a Masters in Regional and Urban Planning from University College Dublin and has significant experience in development management and design elements of planning applications. Judith has been responsible for coordinating a range of residential and commercial developments on both greenfield and brownfield sites in both Ireland and the UK. Judith has also managed, co-ordinated and complied Environmental Impact Assessment Reports including a retail-led mixed use development proposal on c.6ha brownfield site on the Warrenpoint Road in Newry, Co.Down and a mixed use brownfield site on the South Quays in Drogheda, Co.Louth.

Maeve McKenna - BEng in Chemical Engineering Masters of Engineering Science in Water and Environmental Engineering

AWN Consulting

Maeve is a Chartered Engineer and a Member of Engineers Ireland and an Associate Member of the Institution of Chemical Engineers. She has over 10 years' experience in environmental assessment and management projects, including Seveso Assessments of IPPC licensed sites. Maeve McKenna has experience in providing consultancy services to the operators of lower and upper tier COMAH establishments. Her experience includes the preparation and submission of notification documents, preparation and review of MAPP and SMS, Hazard Identification, consequence modelling and quantitative risk assessment of major accident scenarios, preparation of Safety Reports and Internal Emergency Plans, liaison with the HSA and other competent authorities. Maeve has also completed numerous land use planning assessments of individual and societal risk for development proposals in the vicinity of COMAH establishments

Paul Conaghan – Degree in Environmental Science from the University of Limerick and a masters in Environmental Engineering from Queens University Belfast **AWN Consulting**
Paul is an Environmental Consultant with over 8 years' experience working in the environmental science and environmental engineering fields. Paul has worked on a wide range of projects including hydrogeology, contaminated land, project management, site geotechnical evaluations and site assessments. Paul is a member of the International Association of Hydrogeologists.
Elaine Neary BA in Natural Sciences from Trinity College Dublin and a Masters in Applied Science in Environmental Science from UCD **AWN Consulting**
Elaine Neary is Associate (Environment) and Chartered Waste Manager with AWN. She is a full Member of the Chartered Institute of Waste Management (CIWM) and an affiliate member of the Institute of Environmental Management and Assessment (IEMA). She has over 15 years' experience in the provision of waste management consultancy services specialising in detailed waste design, preparation of construction and demolition waste management strategies, operational waste management plans, waste auditing, waste service procurement and supervision of waste removal/disposal operations. Her experience ranges from work on residential, shopping centres and mixed-use developments to large industrial and infrastructure projects for both the public and private sector.
Chonaill Bradley - BSc in Environmental science **AWN Consulting**
Chonaill Bradley is an Environmental Consultant with AWN Consulting with ongoing roles in waste management, waste design, environmental licensing, site investigation and environmental impact assessment. Chonaill is a Graduate member of the Charted Institute of Waste Management (GradCIWM). Chonaill has completed numerous waste management strategies and EIAR chapters for residential, commercial and industrial developments in Dublin area and has experience in developing waste strategies, detailed waste design and conducting waste audits.
Ciara Nolan - BSc (Hons) in Energy Systems Engineering, MSc in Applied Environmental Science **AWN Consulting**
Ciara is an Associate Member of the Institute of Air Quality Management (AMIAQM). She specialises in the fields of ambient air monitoring, indoor air monitoring and EIA.
Jennifer Harmon - BSc in Environmental Science and a Diploma in Acoustics and Noise Control **AWN Consulting**
Jennifer has worked as a consultant specialising in acoustics since 2001. She is a member of the Institute of Acoustics and has extensive knowledge in the field of environmental noise and vibration impact assessment, room acoustics, sound insulation and inward impact assessments. She has developed numerous noise models and mitigation assessments for industrial and infrastructural projects throughout the country.

Pádraic Fogarty MSc MIEMA **Openfield**
Pádraic Fogarty has worked for over 20 years in the environmental field and in 2007 was awarded an MSc from Sligo Institute of Technology for research into Ecological Impact Assessment (EcIA) in Ireland. OPENFIELD is a full member of the Institute of Environmental Management and Assessment (IEMA).
Joe Gibbons - Chartered Engineer Dip Eng, CEng MICE, MIEI **Waterman-Moylan Consulting Engineers**
Joe is a Chartered Civil Engineer with over 30 years' experience. Joe's expertise encompasses project management together with the lead roles in Civil/Structural and traffic teams on a wide range of projects throughout Ireland. This includes traffic/transportation, roads, access, and parking design, drainage design, SUDs and infrastructure works.
Bradley Warren - Bachelor of Engineering (Honours), MIEI **Waterman-Moylan Consulting Engineers**
Bradley Warren is a member of Engineers Ireland (MIEI) with 5 years of experience working in Civil Engineering consultancies. He has worked on major projects including Strategic Housing Developments and projects requiring EIA.
Donald Murphy MA, MIAI **Archaeology Consultancy Services Unit**
Donald has over 20 years' experience in the management of archaeological projects throughout Ireland. He has acted as Senior Archaeologist & Project Manager on some of the largest infrastructural schemes ever carried out in Ireland including the M1 Northern Motorway Project, N22 Ballincollig Bypass Project, M3 Clonee to North of Kells Motorway Scheme and M4 Kinnegad Enfield Kilcock PPP Scheme
Ronan MacDiarmada (B.Agr.Sc (Land.Hort.) **Ronan MacDiarmada and Associates Limited**
Ronan is an experienced landscape architect and has undertaken Landscape and Visual Impact Statements for developments including Housing Developments in Navan, Co.Meath and Saggart, Co.Dublin.

2.6 EIA Portal

Section 172A of the Planning and Development Act 2000 (as amended) introduces the operation of the EIA Portal. Under Section 172B an applicant for consent for proposed development shall, within the period of 2 weeks before the making of an application for such consent which is to be accompanied by an environmental impact assessment report, provide the prescribed information in electronic form to the EIA portal in the manner set out on the portal. Article 22 (2) (ga) requires that where the application is accompanied by an EIAR, a copy of the confirmation notice issued by the DHPLG acknowledging receipt of the required information on to the Portal. Please find the confirmation notice for the subject planning application and EIAR attached at Appendix 2.1.

This EIAR accompanies a planning application for Strategic Housing Development. As such, an electronic copy of this EIAR is available for public viewing on a website produced by the applicant (www.newtownmarshroadshd.ie).

2.7 Errors

This EIAR has been prepared by experienced and competent environmental specialists to ensure the EIAR is robust and objective. No difficulties were encountered in compiling any of the specialist information contained in this EIAR. Where any specific difficulties were encountered these are stated in the relevant chapter. While every effort has been made to ensure that the content of this EIAR document is error free and consistent there may be instances in this document where typographical errors and/or minor inconsistencies do occur. These typographical errors and/or minor inconsistencies are unlikely to have any material impact on the overall findings and assessment contained in this EIAR.

References

- Advice on Current Practice (in the preparation of Environmental Impact Statements) (EPA, 2003)
- Draft Advice Notes for preparing Environmental Impact Statements (EPA, September 2015)
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (Department of Environment, Heritage and Local Government, 2003)
- Environmental Impact Assessment of Projects-Guidance on the preparation of the environmental impact assessment report (EU,2017)
- Guidance on EIA Scoping (EC,2001)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)
- Guidelines on the Information to be Contained in EIAR (Draft, EPA, 2017)
- Planning and Development Act (2000, as amended)
- Planning and Development Regulations (2001, as amended)
- The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018

APPENDIX 2.1

EIA Portal Confirmation