

Environmental Impact Assessment (AA) Screening Determination for proposed Local Authority Development

Project Name:	Residential Development at Rathellen, Far Finisklin, Co. Sligo
Ref No:	

Description:

Sligo County Council intend to apply for planning permission for a proposed residential development at Rathellen, Far Finisklin. The proposed development consists of the construction of 47 no. housing units and associated infrastructure.

Legislative Context:

This determination has considered the relevant legislative context and guidance as set out in the EIA Screening Report including;

- Directive 2014/52/EU (amending Directive 2011/92/EU) on the assessment of the effects of certain public and private projects on the environment;
- Planning and Development Act 2000, as amended ('PDA 2000');
- Planning and Development Regulations 2001, as amended ('PDR 2001');
- Department of Housing, Planning and Local Government (DoHPLG) (2018). Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment;
- Environmental Protection Agency (EPA) (2022). Guidelines on the Information to be contained in
- Environmental Impact Assessment Reports;
- European Commission (2017). Environmental Impact Assessment of Projects – Guidance on Screening; and
- Office of the Planning Regulator (OPR) (2021). OPR Practice Note PN02: Environmental Impact
- Assessment Screening.

Screening Report:

Sligo County Council requested that an Environmental Impact Screening Statement be prepared by Jennings O' Donovan. The Report entitled "Provision of a 47 Unit Housing Development at Rathellen, Finisklin, Co. Sligo – Screening for Environmental Impact" was reviewed and evaluated by Sligo County Council.

The Project (1.76 ha) is located in the townland of Far Finisklin, which is on the south-western outskirts of Sligo Town. To the southwest of the Project is Carbury Cove housing estate, with Sea Road running to the southwest. Towards the south of the Project is further dispersed housing estates, industrial buildings and two childcare centres. The lands to the north and west of the Project are mainly agricultural. The further surrounding land contains housing estates, shops, restaurants, industrial buildings, and agricultural lands. Kevinsfort Mitchel Curley Park is located approx. 2.3km southwest of the project area, which is a popular walkway and children's play area.

Five general habitat types (according to Fossitt, 2000) were noted within the survey area, namely GA1: Improved agricultural grassland BL3: Artificial Surfaces and Stone walls ED3: Recolonising Bare Ground WL1: Hedgerow WL2: Treeline, No Annex I habitat occurs within or adjacent to the Project.

No rare, threatened, or protected species of plants as per the Red Data Book (Curtis and McGough, 1988) were found. No species listed in the Flora Protection Order (2022) were found to be growing within or adjacent to the Project works.

The nearest designated European sites are Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627 and Cummeen Strand SPA (004035) (0.1km).

No surface water features are present onsite. During the construction phase the likelihood of significant inputs of silt or contaminants reaching downstream SACs or SPAs during these works is considered low as the works will be controlled by adhering to best practice.

Foul and surface water will connect to the existing foul and surface water network. Any surface water discharged from the site during the operational phase will be collected via SuDS measures implemented to a design standard. It is noted the SuDS measures proposed do not require any in-stream works or additional mitigation measures during their construction for the protection of downstream SACs or SPAs.

The Project works were not predicted to have the potential to result in visual emissions that could generate disturbance to qualifying species of any European Sites during construction or operation.

Construction and operation disturbance to a European site QI species can occur from removal of foraging/roosting habitat and disturbance. No QI wintering birds were noted utilising the site from the viewpoint surveys or the bird dropping inspection during the winter period either feeding or roosting. Therefore, we conclude that the Site is of no importance for the qualifying interests of the Cummeen Strand SPA, the Drumcliff Bay SPA or any other SPAs.

Human disturbance pathway: The potential for a human disturbance pathway, through which a proposed development could generate activity within European Sites and result in disturbance to qualifying habitats or species was identified as a potential pathway requiring examination. There is a boreen across the road from the proposed Site that leads to the foreshore and the European Sites (Cummeen Strand SPA and Cummeen Strand SAC). Future residents could use this as recreational walking route and dog walking. However, the rock armour along the foreshore is not suitable for dog walking or for walkers. Existing footpaths in the vicinity of the site along with the development of an amenity area (An Bord Pleanála Planning Reference: JP21.311863) close to the site will provide suitable recreational areas for new residents. Therefore, the increase in human activity is unlikely to pose a new or combined significant effect on any qualifying interests or special conservation interests of the nearby European Sites or any other European Site.

With regard to Mandatory EIA, the Screening Report states;

“Classes of development listed in Part 1 of Schedule 5 of the PDR 2001 relate to major industrial and infrastructural projects (e.g. power stations, refineries, metal works, major pipelines and powerlines, and mines). The proposed development does not conform to any of the classes of development and is not a ‘project’ as set out in Part 1 of Schedule 5 of PDR 2001. Therefore, there is no requirement for mandatory EIA under this provision.”

With reference to Part 2 of Schedule 5 of the PDR 2001, the authors state “The pre-screening exercise concludes that the proposed development is ‘sub-threshold’ in respect of development classes 10(b)(i) and 10(b)(iv) as listed in Part 2 of Schedule 5 of the PDR 2001, and therefore should be screened for the requirement for ‘sub-threshold EIA’ in accordance with Article 120 of the PDR 2001, to determine whether there is a likelihood of significant effects and, therefore, whether EIA is required for the proposed development.”

As the development is below the thresholds set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, EIA Guidelines state that a screening determination, in accordance with Criteria set out in Schedule 7 of the 2001 Regulations (as amended), is required to be undertaken by the competent authority with consideration of

1. Characteristics of the Proposed Development,
2. the Location of Proposed Development and
3. the resulting Types and Characteristics of Potential Impacts.

Following consideration of the proposal in accordance with Schedule 7, the EIA Screening Report concludes;

“It is considered that the proposed development would not be likely to have significant negative effects on the environment. The main reasons for this conclusion are as follows:

- The size of the site and the extent of the proposed development are of a small scale and significantly below the stated thresholds of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended at or above which there is a mandatory requirement for EIA.
- The nature of the proposed construction works and of the proposed development itself are not unusual in the context of the receiving environment. The construction phase of the proposed development is expected to give rise to minor, localised environmental effects that are typical of urban construction projects of this nature;
- The location of the proposed development is a previously developed site in an existing urbanised location, which is not particularly sensitive to the environmental effects of development of this nature and scale. There are no designated sites or surface water bodies on the site or in the immediate vicinity. The receiving environment is densely populated, with residential and commercial receptors situated in close proximity; however, appropriate best practise environmental protection measures have been incorporated into the proposal in order to avoid/ minimise impacts insofar as possible;
- The provision of landscaping on-site, in the form of open space, the inclusion of tree planting and shrub planting, bat and bird boxes will result in a positive biodiversity impact.

Therefore, it is recommended that, having regard to the information set out above, the Competent Authority (Sligo County Council) may reach a screening determination that there is no real

likelihood of significant effects arising as a result of the proposed development; and, therefore, that environmental impact assessment and the preparation of an environmental impact assessment report is not required”.

Screening Determination:

Having regard to the forgoing, the proposed Residential Development at Rathellen, Far Finisklin, Co. Sligo does not trigger a mandatory EIA under the EIA Directive or the 2001 Regulations. Furthermore, having reviewed the EIA Screening Report presented by Jennings O’ Donovan and Supporting Appropriate Assessment Screening Report, and in light of best scientific knowledge, the proposed development is not likely to have significant effects of the environment due to the nature, scale or location of the proposed development relevant to areas of environmental sensitivity and the potential for impacts to occur. Sligo County Council therefore accept the conclusions of the EIA Screening Report.

Signed: Emer O’Donovan

Role/Department: A/Director of Infrastructure, Environment, Fire Services & Ballymote-Tubbercurry Municipal District

Date : 02/08/2024