



Leitrim County Council

Environmental Impact Assessment Screening Report

Construction of a 2-meter-wide footpath including 5 no. led public lights & 1 no. led upgrade, roadside fencing and associated surface water drainage on the R204 in the townland of Tully, Ballinamore, County Leitrim.

18/06/2024

1. INTRODUCTION

This is an Environmental Impact Assessment (EIA) screening report for the proposed Active Travel Scheme along the R204 in the townland of Tully, Ballinamore, County Leitrim. The purpose of the report is to screen the proposed development to establish whether it requires the undertaking of an Environmental Impact Assessment (EIA) and as a result if an Environmental Impact Assessment Report (EIAR) is required to be prepared. An Appropriate Assessment Screening Statement has been prepared separately.

The screening process includes an assessment of the details of the proposal with reference to the relevant EIA legislation including the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU), the Planning & Development and Roads legislation and relevant EU Guidance including *Interpretation of definitions of project categories of annex I and II of the EIA Directive*, EU, 2015 and *Environmental Impact Assessment of Projects Guidance on Screening*, EU, 2017.

The consideration of potential impacts covers all significant direct, indirect, and secondary impacts as relevant, with reference to the guidance and in compliance with the legislation, including the specified criteria for determining whether certain development types should be subject to EIA:

- (i) Characteristics of the proposal
- (ii) Location of the proposal
- (iii) Characteristics of potential impacts

The EIA screening covers:

- Description of the proposed development
- The legislative basis for EIA
- Screening considerations
- Conclusions

2. THE PROPOSED DEVELOPMENT.

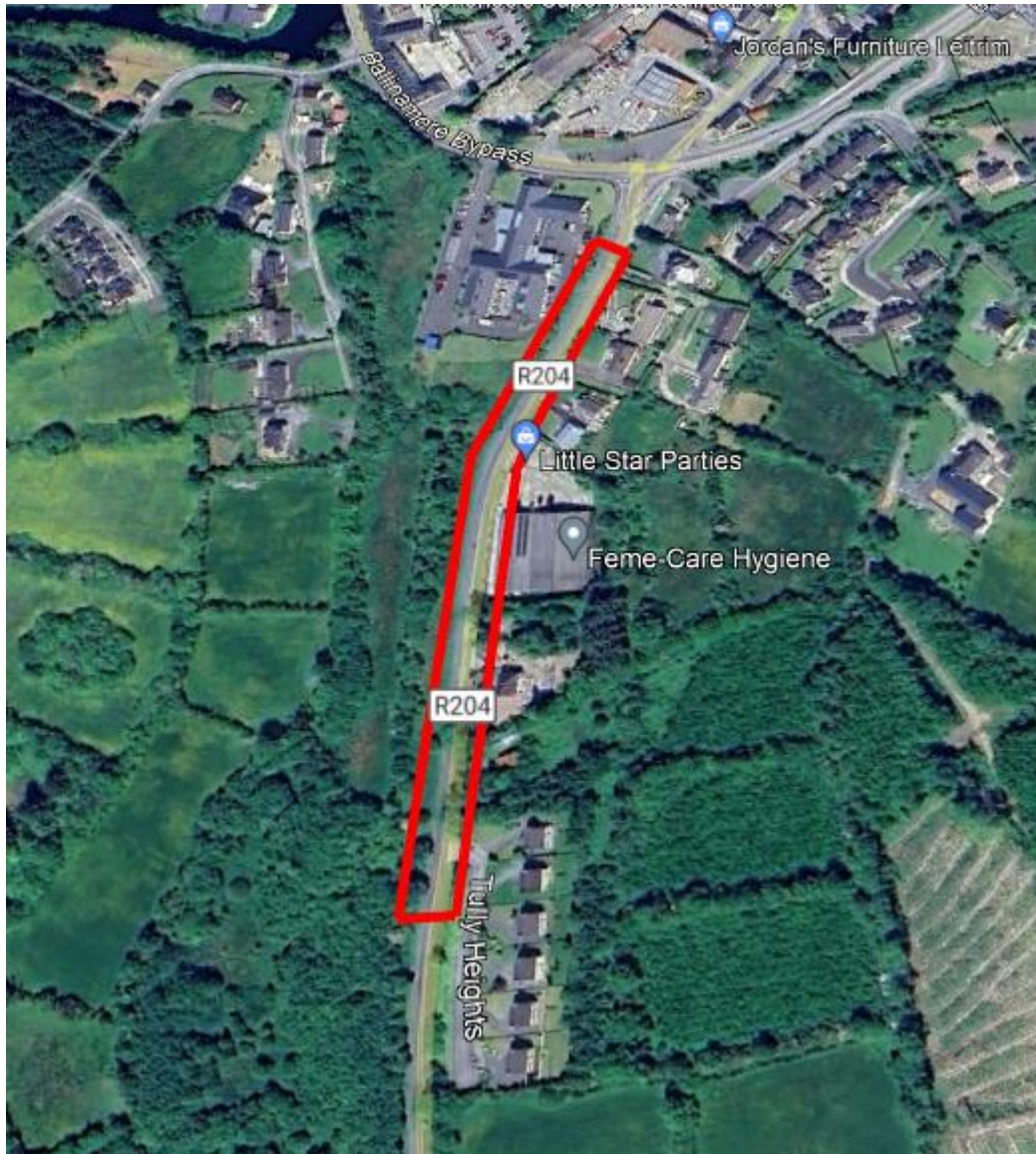
The proposed development will consist of the following elements:

1. Construction of a 2-meter-wide footpath adjacent to the R204 extending approximately 340metres.
2. Installation of 5 no. LED public lights.
3. Upgrade of 1 no. existing public light to LED.
4. Roadside fencing.
5. Associated surface water drainage.

The major benefits of this project is to provide safe pedestrian access where it does not exist at the moment.

The main objective of this proposal is to provide safe walking infrastructure linking Tully Housing Estate to Ballinamore Town environs. The development will also aid in the reducing of traffic speed in the area.

The development is located within the development envelope of Ballinamore, as defined by the Land Use Zoning Strategy contained in the County Development Plan 2023 – 2029. Overall, the full scope of the project is small in scale.



3. LEGISLATIVE BASIS FOR EIA

EIA requirements derive from the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) on the assessment of the effects of certain public and private projects on the environment.

The Directive has been transposed into the following Irish legislation;

- The Roads Act 1993, as amended by, inter alia, the:
 - Roads Regulations, 1994 (S.I. 119/1994)
 - European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations, 2019 (S.I. 279/2019)

Section 50 of the Act specifies the types of roads projects that automatically require EIA and sets out criteria for determining whether or not other roads projects should be subject to EIA.

- The Planning and Development Acts 2000-2021 (Part X), as amended by, inter alia, the:
 - Planning and Development Regulations 2001 (S.I. 600/2001)
 - European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018) (S.I. 296/2018)

Part 1 of Schedule 5 of these regulations lists projects included in Annex I of the Directive which automatically require EIA.

For projects included in Annex II of the Directive, Part 2 of Schedule 5 provides thresholds, above which EIA is required.

4. SCREENING CONSIDERATIONS

In the first instance it is necessary to determine whether the project is of a type that requires EIA. The project types prescribed for EIA purposes in the Roads legislation are listed below.

Mandatory		Regulatory Reference ³
(1) Construction of a motorway.		S. 50(1)(a) of the Roads Act, 1993, as substituted by S. 9(1)(d)(i) of the Roads Act, 2007.
(2) Construction of a busway.		S. 50(1)(a) of the Roads Act, 1993, as substituted by S. 9(1)(d)(i) of the Roads Act, 2007.
(3) Construction of a service area.		S. 50(1)(a) of the Roads Act, 1993, as substituted by S. 9(1)(d)(i) of the Roads Act, 2007.
(4) Any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road, namely:	The construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;	Article 8 of the Roads Regulations, 1994 (Road development prescribed for the purposes of S. 50(1)(a) of the Roads Act, 1993).
	The construction of a new bridge or tunnel which would be 100 metres or more in length.	Article 8 of the Roads Regulations, 1994 (Road development prescribed for the purposes of S. 50(1)(a) of the Roads Act, 1993).
(5) Where An Bord Pleanála (ABP) considers that a proposed road development would be likely to have significant effects on the environment it shall direct the road authority to prepare an EIS.		S. 50(1)(b) of the Roads Act, 1993.
(6) Where a road authority considers that a proposed road development would be likely to have significant effects on the environment it shall inform ABP in writing and where ABP concurs it shall direct the road authority to prepare an EIS.		S. 50(1)(c) of the Roads Act, 1993.
(7) Where a proposed road development would be located on certain environmental sites ⁴ the road authority shall decide whether the proposed road development would be likely to have significant effects on the environment. "The sites concerned are":	(i) Special Area of Conservation (SAC)	S. 50(1)(d) of the Roads Act, 1993, as inserted by Art. 14(a) of the EIA (Amendment) Regulations, 1999.
	(ii) A site notified in accordance with Regulation 4 of the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997)	
	(iii) Special Protection Area	
	(iv) A site where consultation has been initiated in accordance with Article 5 of Council Directive 92/43/EC of 21 May, 1992, on the conservation of natural habitats and of wild flora and fauna.	
	(v) A Nature Reserve within the meaning of sections 15 or 16 of the Wildlife Act, 1976.	
	(vi) Refuge for Fauna under section 17 of the Wildlife Act, 1976.	
If the road authority considers that significant environmental effects are likely, it shall inform ABP in accordance with section 50(1)(c).		

The project types prescribed for EIA purposes under the Planning legislation is detailed as follows:

Planning and Development legislation S.I. 600/2001, Schedule 5, Pt 2 project type 10. Infrastructure projects (b) (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.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

Commission guidance (Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2015, EU) lists a range of projects, stating that these or other projects with similar characteristics can be considered to be ‘urban development’. These include:

- Shopping centres
- Bus garages
- Train depots
- Hospitals
- Universities
- Sports stadiums
- Cinemas
- Theatres
- Concert halls
- Other cultural centres
- Sewerage or water supply networks.

The proposed scheme does not correspond to or have similar characteristics to any of these types of projects.

Sub-threshold Development

Schedule 7 of the Planning and Development Regulations specifies the criteria for determining whether or not a sub-threshold development is required to be subject to EIA. As the project does not correspond to any project type in the Roads or Planning and Development legislation, as listed above, it is not considered to be ‘sub-threshold development’.

Notwithstanding, given the wide ranging requirement of 50 (1) (b) to (d) of the Roads Act (as above) that any road development or road improvement project which would be likely to have

significant effects on the environment should be subject to EIA, for the avoidance of any doubt, the next section of this report provides a review of the project against prescribed criteria for determining whether or not a sub-threshold development is required to be subject to EIA.

These criteria are given in Annex III of the EIA Directive as transcribed into Schedule 7 of the Planning and Development Regulations.

These criteria cover:

1. Characteristics of the proposed development
2. Location of the proposed development
3. Types and characteristics of potential impacts.

The criteria are listed in the table below:

Schedule 7 Criteria		Relevance	Commentary
1. Characteristics of Proposed Development The characteristics of proposed development, in particular:	The size of the proposed development.	No	The proposed development is minor in scale.
	The cumulation with the proposed development.	No	The infrastructure will encourage more safe active travel along this section of road.
	The use of natural resources.	No	The proposed development does not impact negatively upon natural resources.
	The production of waste.	No	Waste produced during the construction process are anticipated to be minor and not likely to cause significant effects.
	Pollution and nuisances.	No	The impacts including noise and dust within acceptable standards are anticipated to be negligible.

	The risk of accidents, having regard to substances or technologies used.	No	The potential impacts are anticipated to be negligible given the nature of the proposed development.
Schedule 7 Criteria		Relevance	Commentary
2. Location of Proposed Development The environmental sensitivity of geographical areas likely to be affected by the proposed development, having regard in particular to:	The existing land use	No	There is no change in existing land use associated with this proposed development. The development provides for a safe pedestrian path.
	The relative abundance, quality and regenerative capacity of natural resources in the area	No	The impacts are anticipated to be negligible given the scale of the proposed development.
	The absorption capacity of the natural environment, paying particular attention to the following areas: Wetlands, riparian areas, river mouths;	No	The impacts are anticipated to be negligible given the scale of the proposed development.
	Coastal zones	No	N/A
	Mountain and forest areas	No	N/A
	Nature reserves and parks	No	N/A
	Areas classified or protected under legislation, including special protection	No	The Appropriate Assessment Screening Report submitted with the Part 8 application

	areas designated pursuant to Directives 79/409/EEC and 92/43/EEC		concludes that the proposed development is not foreseen to give rise to any significant adverse effects on designated European sites.
	Areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded	No	N/A
	Densely populated areas	No	N/A
	Landscapes of historical, cultural archaeological significance	No	The impacts particularly those of historical, cultural and archaeological significance are anticipated to be negligible.

Schedule 7 Criteria		Relevance	Commentary
3. Characteristics of Potential Impacts The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above and having particular regard to:	The magnitude and spatial extent of the impact (geographical area and size of the affected population)	No	The impacts are anticipated to be minor given the scale of the proposed development.
	The nature of the impact	No	The nature of impacts are considered to be localised and not to impact a wider area where environmental sensitives are present.

	The transboundary nature of the impact	No	N/A
	The magnitude and complexity of the impact.	No	The impacts are anticipated to be minor given the scale of the proposed development.
	The probability of the impact.	No	There are no significant environmental effects anticipated
	The expected onset, duration, frequency and reversibility of the impact,	No	There are no significant environmental effects anticipated
	The cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment	No	There are no significant environmental effects anticipated.
	The possibility of effectively reducing the impact	No	There are no significant environmental effects anticipated.

Based on review against the Schedule 7 criteria, the environmental impacts of the scheme can be anticipated to be temporary and not likely to be significant within the meaning of the Directive.

It is also noted that a separate Appropriate Assessment Screening Report has concluded that the proposed project is not foreseen to give rise to any significant adverse effects on any

designated European sites, alone or in combination with other plans or projects. This evaluation was made in view of the conservation objectives of the habitats or species for which these sites have been designated. Consequently, a Stage Two AA (NIS) is not required.

5. CONCLUSION

The scheme does not correspond to any project type in the relevant Roads or Planning and Development legislation. It can be considered not to comprise '*sub-threshold development*' and it can be '*screened out*' for Environmental Impact Assessment purposes on this basis.

For the avoidance of doubt, the scheme has nonetheless been reviewed against prescribed criteria for determining whether or not a sub-threshold development is required to be subject to EIA. It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed scheme. It is considered that the project does not need to be subject to Environmental Impact Assessment and no Environmental Impact Assessment Report is required for it. This conclusion is based on objective review of the Scheme, including its characteristics, location and the likelihood of it causing significant environmental impacts. The screening has followed the relevant legislation and has had regard to the relevant guidance.