



**SIMON CLEAR & ASSOCIATES
PLANNING AND DEVELOPMENT
CONSULTANTS**

Environmental Impact Assessment

Screening Report

Proposed Strategic Housing Development

at

Earls Court,

Kill,

Co. Kildare

On behalf of

McCourt Investments Limited

December 2018



Simon Clear B.A. Dip. T.P. MIPI

Darran Quaille B.A. MRUP MSc BLUP MIPI

3 TERENCE ROAD WEST,
TERENURE,
DUBLIN 6W
D6W YY79,
IRELAND.

Phone: 00-353-1-492 5934
Fax: 00-353-1-492 7617
E-mail: admin@clearconsult.ie
Web: www.clearconsult.ie
Vat No. 9803199H

1. Introduction

This report has been prepared on behalf of McCourt Investment Limited to assess the potential impacts on the environment of a proposed residential development at Earls Court, Kill, Co. Kildare. The possible effect on the environment has been examined through the process of an Environmental Impact Assessment (EIA) Screening. The report provides relevant information to inform An Bord Pleanála's EIA screening.

The Screening Report references several reports that are to be submitted with the planning application and which provide additional information on certain environmental factors including:-

- Engineering Services Report – Pat O’Gorman & Associates
- Ecologist Report – Faith Wilson Ecological Consultants
- Landscape Masterplan – Ronan MacDiarmada & Associates
- Arboricultural Assessment – Arborist Associates
- Archaeological Assessment Report – Icon Archaeology
- Construction Management Plan – Pat O’Gorman & Associates

The report has been prepared having regard to the *European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018*, which transpose the 2014 EIA Directive into Irish law. The report has also considered the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)*.

2. Site Description

The proposed development site is located on the eastern side of Kill Village and is currently in agricultural use. The site of c.6.3ha is located south of the N7 Dublin-Limerick Road and adjoins the existing residential development known as Earl’s Court located to the east. The site slopes down generally from east to west and the highest part of the site is located in the south east corner.



Figure 1: Aerial Context Map

3. Description of Proposed Development

A previous application was made to ABP under SHD (Ref. ABP-300558-18). The proposed development has been comprehensively reviewed following a decision to refuse permission for 3 reasons primarily relating to: -

- Archaeological impact;
- Drainage;
- Density.

Irish Water has since received permission for the enhancement of the Upper Liffey Valley Sewerage Scheme. The applicants have made contact with Irish Water and a new Statement of Feasibility letter has been received from Irish Water.

The applicants have made contact with DCHG relating to nationally important cultural heritage adjoining the site. As a result an enlarged buffer zone has been agreed, along with a sensitive architectural approach whereby houses face towards the Kill Hill enclosure and there is open radial aspect to improve aspect and surveillance to the hill. The extra open space areas will accommodate a heritage trail on site that will link into a more extensive trail highlighting other heritage locations in the historical setting at Kill.

The effect of this agreement has been to reduce the net site area available for development and consequently to increase the net development density. The net site development area has reduced to 4.3ha and the total number of houses has increased to 136 representing a density of 32 units per ha (rounded).

Revised Residential Development Proposal 2018

Following the refusal from An Bord Pleanála in 2018, the development was amended to include the following changes: -

- a) The proposed development will consist of 136 residential units;
- b) The typology of houses has been rationalized to provide a better range of dwellings; this includes complying with Kildare County Council's Housing Department and ABP's housing mix requirements;
- c) A new archaeological buffer zone has been incorporated with houses facing Kill Hill Fort to provide passive surveillance;
- d) A heritage trail is proposed to be fully delivered within the site;
- e) A large quantum of high quality parks & greens is proposed

Full details of the proposed development can be found in the plans and particulars submitted with the application.

4. Planning Policy Context

The proposed development is consistent with national, regional and local policy for development in the area, located within Co. Kildare.

The National Planning Framework advocates the consolidation of existing settlements. The proposed development is in accordance with policies of the Kildare County Development Plan 2017-2023 in respect of land use zoning, residential and development control standards. This is explained in detail in Statements of Consistency submitted with the application.

5. EIA Screening

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory legislative threshold

requirements or in the case of sub threshold development, by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment.

The first step is to consider whether the project is of a type listed in Annex I or Annex II of the EIA Directive (or any transposing national legislation). If this does not provide a clear screening outcome then the nature and extent of the project and the site and the types of potential effects are examined. The totality of the project is considered, including off-site and secondary projects as well as indirect, secondary and cumulative impacts.

Project Type

Projects requiring EIA are defined in Article 4 and set out in Annexes I and II of the Directive.

All projects listed in Annex I require an EIA. For projects listed in Annex II, national authorities may set thresholds/criteria or determine effects on a case by case basis.

Where a project is of a specified type but does not meet, or exceed, the applicable threshold then the likelihood of the project having significant effects on the environment needs to be considered. This is done by reference to the criteria specified in Annex III of the Directive.

National Thresholds

Schedule 5 of the Planning and Development Regulations 2001 (as amended) transposes Annex I and II into Irish law. Part 2 of Schedule 5 includes the following Annex II infrastructure projects and thresholds that are of relevance to the proposed development.

10. *Infrastructure projects –*

(b) (i) *Construction of **more than 500 dwelling units.***

(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.)

Built-up area means a city or town (where “city” and “town” have the meanings assigned to them by the Local Government Act, 2001) or an adjoining developed area.

The proposed development provides for 136 no. dwelling units. Therefore, a mandatory EIAR is not required in respect of 10(b)(i).

In terms of land area, the site as outlined in red extends to 6.3 hectares. This includes an archaeological buffer zone and heritage trail. The development site area is 4.3 hectares. The site area is below the 10 hectare threshold for development in a built-up area and a mandatory EIA is not required in respect of 10(b)(iv).



Figure 3: Site Plan (JFOC Architects)

Sub-threshold Projects requiring EIA

Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) requires further consideration of projects that do not exceed thresholds, having regard to criteria set out in Schedule 7.

15. 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.

For the purposes of this screening, the updated criteria set out in Schedule 7 and Schedule 7A of the Planning and Development Regulations, 2001 (as amended) will be considered.

EIA Screening Exercise

The following sections assess the proposed development against the Schedule 7 criteria for determining likely significant effects on the environment. This corresponds with the information required under Schedule 7A:-

1. A description of the project, including in particular:

- (a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;*
- (b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.*

2. A description of the aspects of the environment likely to be significantly affected by the project.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:

- (a) the expected residues and emissions and the production of waste, where relevant;*
- (b) the use of natural resources, in particular soil, land, water and biodiversity.*

4. The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.

1. Characteristics of the project

The characteristics of projects must be considered, with particular regard to:

Criteria	
(a) the size and design of the whole project;	The proposal is for 136 dwelling units with associated infrastructure and amenities. The buildings will be a mix of semi-detached and terraced houses. The application includes an archaeological buffer

	<p>zone to Kill Hill and a Heritage Trail.</p> <p>The size and design of the project is not likely to cause significant negative effects on the environment.</p>
(b) cumulation with other existing and/or approved projects;	<p>The development site is located at the existing built edge of Kill and is located between established residential estates to the west and Kill Hill to the west. The N7 is located to the north of the site.</p> <p>In the assessment of the previous SHD application on the site, the Inspector considered that the development, cumulatively with other developments, was not likely to have significant effects on the environment.</p> <p>It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant negative effects on the environment.</p>
(c) the use of natural resources, in particular land, soil, water and biodiversity;	<p>The project will involve the development of a site of c. 6.3 hectares of land zoned for Residential development (Nett site area is 4.3ha).</p> <p>The site area consists of agricultural lands managed under grazing.</p> <p>The lands consist of three fields of improved agricultural grassland (GA1). The lands to the west of the proposed site consist of the existing Earl's Court housing development (BL3) with a school to the north west of the site. The hill of Kill Hill is found to the east of the property and is cloaked in areas of dense gorse scrub (WS1), while further agricultural lands are found to the south. The northern boundary of the site consists of a hedgerow (WL1) adjoining a local road. The site is bounded by hedgerows (WL1) and treelines (WL2). Hedgerows also form the internal boundaries between the three fields that make up the site. None of the habitats present correspond to any habitat type listed under Annex I of the EU Habitats Directive.</p> <p>An Arboricultural Assessment prepared by Arborist Associates Limited is enclosed. Within the site area 43 trees and 6 hedgerows.</p> <p>The trees and hedgerows being removed have been assessed in the arboricultural assessment as follows:</p> <ul style="list-style-type: none"> • Category U (Those trees in such a condition that any existing value would be lost within 10 years) – 3 trees in total, two of which are to be removed (Tree Nos. 0853 & 0858). • Category A (Trees of high quality/value with a minimum of 40 years life expectancy) – 5 trees, all of which are

	<p>being retained.</p> <ul style="list-style-type: none"> • Category B (Trees of moderate quality/value with a minimum of 20 years life expectancy) – 21 trees in total, eight of which are to be removed (Tree Nos. 0837, 0838, 0842, 0843, 0846, Tree No. 1, 0854 & 0864). • Category C (Trees of low quality/value with a minimum of 10 years life expectancy) – 14 trees in total, 10 of which are to be removed (Tree Nos. 0839, 0840, 0841, 0845, 0847, 0848 & 0849, 0850, 0851, 0852). • Hedge Nos. 1, 2, c. 50% of Hedge No. 3 & Hedge No. 4. <p>From a biodiversity point of view the most structurally important boundary hedgerows and treelines are being retained which provides some cover for foraging birds, bats and other fauna.</p> <p>An Ecological Impact Assessment prepared by Faith Wilson is enclosed with the application. The report notes:-</p> <p><i>The main interest in the site is in the shrubs within the hedgerows and the mature and semi-mature trees within the treelines and hedgerows which form the field boundaries and the flora within the field margins.</i></p> <p><i>An area of disturbed ground has become colonised by native calcareous species and hence is quite species rich.</i></p> <p><i>The lands are used by a variety of fauna and provide a locally important habitat for rabbits, foxes and a variety of birds in terms of cover for hunting and foraging as well as breeding habitat.</i></p> <p><i>Common pipistrelle, Soprano pipistrelle, and Leisler's bat were recorded utilising the site for foraging purposes. No bat roosts were confirmed.</i></p> <p><i>These habitats are assessed as being of moderate local value (D site) for biodiversity within the context of Kill village and environs.</i></p> <p>A Landscape Masterplan by Ronan MacDiarmada & Associates Ltd is enclosed with the application. The Landscape Plan specifies the trees to be planted on site along with all other planting and boundary treatments.</p> <p>There will be 1.9ha of open space, the majority of which will be located close to the eastern boundary of the site fronting Kill Hill. In addition to this each individual unit will have an area of private amenity space to the rear.</p>
--	--

	<p>During construction some habitats of moderate local value will be lost. Therefore, the project will result in a moderate negative impact on biodiversity.</p> <p>No negative impacts arising from the use of land, soil or water are anticipated.</p>
(d) the production of waste;	<p>Construction and demolition waste will be disposed of using licensed waste disposal facilities and contractors.</p> <p>During operation, household waste will be disposed of by licensed waste disposal contractors.</p> <p>Stormwater Drainage It is proposed to use a sustainable urban drainage system (SUDS) approach to stormwater management within the development. The topography of the site slopes steeply from East to West. In all, there is a fall of approximately 11m across the site towards the existing housing previously developed in Earls Court.</p> <p>It is proposed therefore to drain the (attenuated) surface water network by gravity into the existing surface water sewer network in the Earls Court estate. Three connections are proposed as per drawings 1715-105 and 1715-106.</p> <p>The SUDs strategy is included as Appendix J of the Engineering Planning Report prepared by POGA Engineers.</p> <p>Foul Water Strategy There is an existing foul water sewer running along the Western boundary of the site. This sewer was constructed as part of the original Earls Court development. Irish Water reported that the proposed development can be facilitated subject to the upgrade works of the Irish Water Network in the area (Upper Liffey Valley Contract 2B) as set out in the pre-connection enquiry response.</p> <p>Irish Water has since received permission for the enhancement of the Upper Liffey Valley Sewerage Scheme. The applicants have made contact with Irish Water and a new Statement of Feasibility letter has been received from Irish Water.</p> <p>The production of waste is not likely to cause significant negative effects on the environment.</p>
(e) pollution and nuisances;	<p>Standard best practice methods will be employed during construction to mitigate potential impacts from pollution on the environment during construction.</p> <p>There will be potential for noise and dust nuisance</p>

	<p>during construction. Standard noise and dust prevention measures will be employed, as described in the Construction Management Plan.</p> <p>Significant negative effects on the environment are not likely to arise due to pollution or nuisance.</p>
<p>(f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;</p>	<p>Standard construction practices will be employed throughout the construction phase. The subject lands are not proximate to any Seveso site.</p> <p>Appendix A of the Engineering Planning Report contains the predicted 1:100 year flood risk draft maps produced as part of the CFRAM program. The potential source of flooding predicted in the vicinity of the site is fluvial flooding from the adjacent Painstown and Kill Rivers which pass close to the site to the East and West respectively. The Kill river passes approximately 300m from the site but the elevation of the site, which rises towards Kill Hill, is far greater. The 100 year flood waters therefore, do not approach the site as shown on the mapping.</p> <p>The Painstown River is further away, approximately 1km. Once again the 100 year flooding contour is a considerable distance from the site.</p> <p>The steep topography may lead to a rainfall generated overland flow in the direction of the proposed development from Kill Hill. To offset the risk of associated pluvial flooding it is proposed to provide an interceptor drain running along the Eastern side of the development downhill from the elevated ground.</p> <p>The Engineers are of the opinion that the residual risk of flooding on the subject site is low.</p>
<p>(g) the risks to human health (for example due to water contamination or air pollution).</p>	<p>Foul water will discharge to the existing public sewer. Surface water will drain by gravity to the existing surface water sewer network in Earls Court estate.</p> <p>No impact on air quality is envisaged due to the nature and scale of the project.</p>

2. Location of the project

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

Criteria	
(a) the existing and approved land use;	The existing use of the lands is agricultural grassland. This will be displaced to facilitate residential development in accordance with the

	zoning objective of the KCDP 2017-2023.
(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;	The proposal will remove habitats that are commonly found in the area, including agricultural grassland and hedgerow. There will be no significant loss of soil, water or biodiversity.
(c) the absorption capacity of the natural environment, paying particular attention to the following areas: (i) wetlands, riparian areas, river mouths; (ii) coastal zones and the marine environment; (iii) mountain and forest areas; (iv) nature reserves and parks; (v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC; (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure; (vii) densely populated areas; (viii) landscapes and sites of historical, cultural or archaeological significance.	<p>Surface water will drain by gravity to the existing surface water network in the Earls Court estate.</p> <p>The proposed development site is not hydrologically connected to the marine environment.</p> <p>The proposed development site is not within or directly connected to any mountain or forest areas.</p> <p>The proposed development is not within or directly connected to any nature reserves or parks.</p> <p>The site is not located within such an area.</p> <p>The site is not located within such an area.</p> <p>The immediate surrounding area is not densely populated.</p> <p>Kill is generally low-lying adjoining the N7 major transportation corridor. The subject site is an unremarkable piece of agricultural landscape, typical of the locality. Kill Hill, located to the east of the site adds an element of visual interest to the landscape. The Kill N7 grade separated junction and the transport corridor also has a visual context impact on the site.</p> <p>The land is zoned for residential development and is contiguous with previously completed residential development. Therefore, the subject development will integrate with the small town context and will not have a significant impact upon landscape and visual amenities.</p> <p>An Archaeological Assessment Report is submitted with the application. A Kill Heritage Trail Report has also been included with the application. The</p>

	<p>Department of Culture, Heritage and the Gaeltacht has carried out an initial review of the Kill Heritage Trail (08/2018) report and accepts in principle the proposed heritage trail, landscaping design and alterations to the site layout. A letter acknowledging same is included with the application.</p> <p>Following the assessment of the previous application the design team proposes a layered approach to the buffer zones where a narrower archaeological buffer zone is considered, with a broader 'Zone of Sensitive Design'. As noted above, this has been accepted in principle by the Department of Culture, Heritage and the Gaeltacht.</p> <p>The archaeological assessment has highlighted the archaeological significance of the area to the immediate east of Kill village.</p> <p>The archaeological assessment includes mitigation measures which will be adhered to if a grant of permission is received.</p>
--	--

3. Type and characteristics of the potential impacts

The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the project on the factors specified in Article 3(1), taking into account:

Criteria	
(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);	During construction the proposal will have a moderate impact at local level in terms of the removal of hedgerow and trees, with potential impacts on commuting and foraging bats.
(b) the nature of the impact;	
(c) the transboundary nature of the impact;	There are no transboundary impacts.
(d) the intensity and complexity of the impact;	No impacts of significant complexity or intensity are envisaged.
(e) the probability of the impact;	The impacts are likely to occur.
(f) the expected onset, duration, frequency and reversibility of the impact;	The removal of internal hedgerows will result in a short-term loss of connectivity and foraging habitat across the site. In the long-term, habitats crossing the site are expected to recover as the open green spaces and residential gardens mature and provide sheltered vegetated corridors. This will provide

	connectivity across the site.
(g) the cumulation of the impact with the impact of other existing and/or approved projects;	It is considered that cumulative impacts with other existing and/or approved projects are not likely to cause significant effects on the environment.
(h) the possibility of effectively reducing the impact.	Overall the landscaping proposals will result in a long-term positive impact, significant at the local level with a greater diversity of habitats.

Screening Conclusion

The screening report has been prepared to accompany a planning application to An Bord Pleanála for the development of 136 no. dwelling units. The report has assessed the potential impact of the proposed development on the environment. The proposed development is below the thresholds for mandatory EIA. It is considered that a sub-threshold EIA is not required for the following reasons:-

- There will be a loss of habitats which are important at a local level only.
- Surface water will discharge to the local drainage network in accordance with SUDs following treatment for suspended solids and hydrocarbons.
- No impacts on Natura 2000 sites are envisaged.
- Potential impacts on Archaeology have been assessed and appropriate mitigation measures are set out.

No significant negative effects on any of the environmental factors to be considered under the EIA Directive are anticipated as a result of the proposed development.

Darran Quaile

BA (Env Sci) MRUP MScBLUP