MWP

Screening for Environmental Impact Assessment Report

Cloon More Regeneration Large Residential Development (LRD), Tralee, Co. Kerry

TULFARRIS CG LTD

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Project No.	Doc. No.	Rev.	Date	Prepared By	Checked By	Approved By	Status
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MWP, Engineering and Environmental Consultants
Address: Reen Point, Blennerville, Tralee, Co. Kerry, V92 X2TK, Ireland
www.mwp.ie

1. Introduction

Tulfarris CG Ltd. ("the applicant") is submitting a Planning Application to Kerry County Council (KCC) for a 5-year planning permission to construct a Large Residential Development at Cloon More, Tralee, Co. Kerry (hereafter referred to as the 'proposed development'). The location of the project hereafter referred to as 'the proposed development site". The proposed development is regarded as 'Large Residential Development' (LRD) as it contains more than 100 dwelling units on a site of approximately 1.55 hectares.

Malachy Walsh and Partners (MWP) have been engaged by the applicant to prepare a Screening for Environmental Impact Assessment (EIA) Report of the proposed development to accompany the application. MWP have also prepared a Screening for Appropriate Assessment (AA) report and Ecological Impact Assessment (EcIA) report in order to provide a sufficient level of information to the competent authority.

1.1 Scope

Under EU and Irish legislation (detailed in Section 3), an EIA is required for certain prescribed projects and is required for others which are likely to have significant effects on the environment, by reason of their nature, extent or location.

The purpose of this Screening for EIA is to provide a sufficient level of information to Kerry County Council , on which to base the EIA Screening for the proposed development. It presents the findings of an assessment undertaken using mandatory provisions and discretionary (or sub-threshold) requirements based on an assessment of the likely significant environmental effects of the proposed development, which would also trigger the requirement to complete an EIA.

As per the Environmental Protection Agency's (EPA) guidelines on the information to be contained in Environmental Impact Assessment Reports, a significant effect can be defined as "*An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment*" (EPA, 2022).

2. Description of the Proposed Development

2.1 Site Location and Description

The proposed development site is located within the townland of Cloon More, approximately 800m to the east of Tralee town centre. Site mainly consists of dwellings, ancillary sheds and garden space. **Figure 2-1** shows the proposed development site.

The proposed development site is bounded by the townlands of Cloonalour, Clash west, and Clash East to the north, Cloon Beg, Ballymullen and Killerisk to the south, Rathass to the east and Tralee town to the west.

The site is generally flat with a 1m change in ground level across the site. The site is currently occupied to the north by two semi-detached single storey dwellings with rear gardens extending southwards. A two-storey dwelling, Cluain Mór Guesthouse, is located within the southeast corner of the development site. The site is within a mixed urban area with Austin Stack Park GAA stadium located to the northwest and Tralee Casement Railway Station and Tralee Bus Station a short distance to the northwest. There is a former petrol station opposite with the Horan Shopping Centre located to the northeast. Kerry University Hospital and the new Gaelcholáiste Chiarraí are located to the south. A row of terraced houses known as O'Connor Terrace fronts onto Boherbee Road west of the derelict single-storey buildings within the proposed works area.

The proposed development site is zoned as 'Existing residential' as per the Kerry County Development Plan 2022-2028. The site is located within the 'Mitchel's Urban Regeneration Area', part of an on-going urban renewal and regeneration scheme by Kerry County Council to facilitate the sustainable redevelopment of derelict sites and improve the condition of the town's public realm.

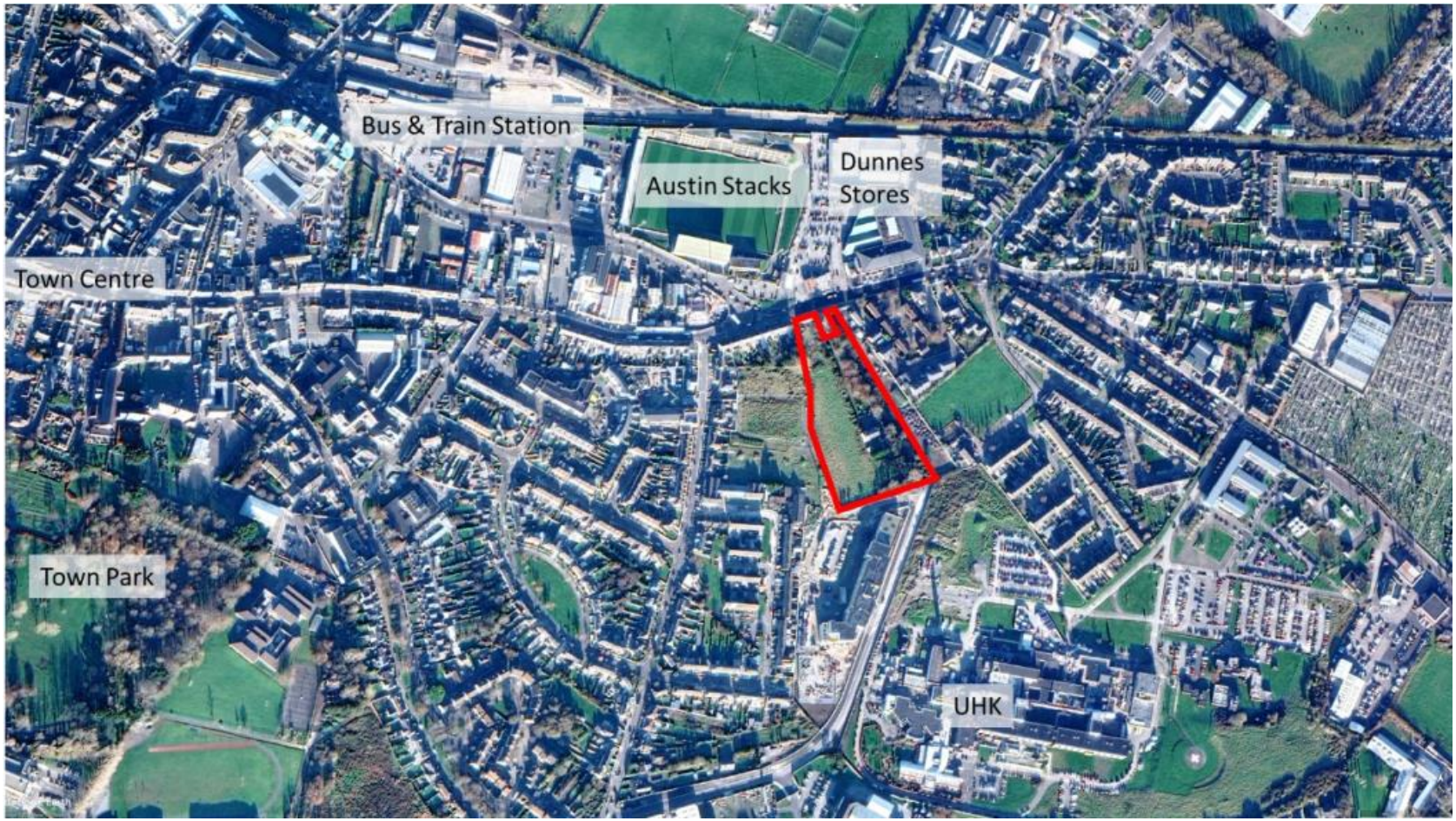

Figure 2-1: Proposed Site Location

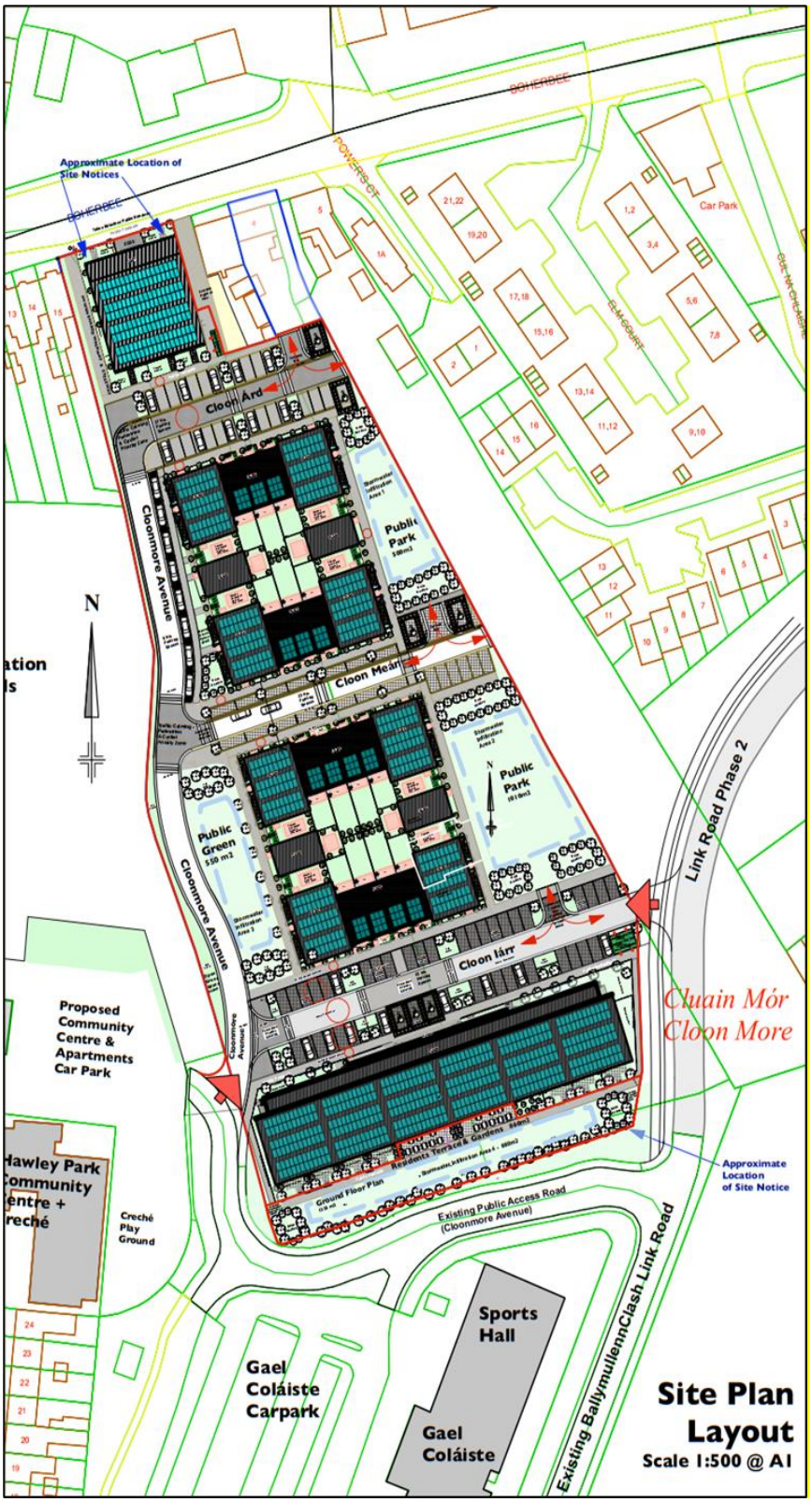

Figure 2-2: Proposed Site Layout

2.2 Environmental Setting

The proposed development site is located within the Electoral divisions (ED) of 'Tralee Rural' and 'Tralee Urban'. CSO data indicates that in 2016, Tralee Urban and Tralee Rural had a total population of 4,954 and 17,825 residents respectively.

The site lies within the Lee [Tralee]_SC_010 Water Framework Directive (WFD) Sub-Catchment (ID: 23_8) which is within the Tralee Bay-Feale WFD Catchment (ID: 23). The EPA records the presence of River Waterbody 'LEE (TRALEE) _030' (European Code: IE_SH_23L010100) and 'LEE (TRALEE)_040' (European Code: IE_SH_23L010200) approximately 780m to the south of the proposed site. The River Waterbody WFD status of LEE (TRALEE)_030 for the 2016-2021 period was classified as 'Poor' and it's WFD Risk status is categorised as 'At risk'. The River Waterbody WFD status of LEE (TRALEE)_040 for the 2016-2021 period was classified as 'Moderate' and it's WFD Risk status is categorised as 'Review'. The WFD River Waterbodies Risk Status represents the risk for each waterbody of failing to meet their Water Framework Directive (WFD) objectives by 2027.

These river waterbodies flow from south to southwest and join the sea at Blennerville approximately 3.17km from the proposed site. All data relating to water features was obtained from Environmental Protection Agency (EPA) interactive map viewer[1]. The nearest EPA river water quality monitoring station on the River Lee is located within the town boundary at the second bridge downstream from Ballymullen Mills. The most recent (2020) evaluation for this station indicates that the River Lee is considered to have biological water quality value, or Q value, of 'Poor status'.

The CORINE (2018)[2] landcover data series (available on EPA's interactive map viewer) indicates that landcover at the proposed development site is classified as 'Artificial Surfaces, and Discontinuous urban fabric' (Code: 112). The land to the immediate west is classified as 'Artificial Surfaces, and Continuous urban fabric' (Code: 111). Site surveys showed that approximately half the site is currently built ground. It is currently occupied to the north by two partially demolished semi-detached, single-storey derelict dwellings with rear yard area and a greenfield infill site extending southwards.

According to the Geological Survey Ireland (GSI) online map viewer[3], the proposed development site is underlain predominantly by Waulsortian Limestones of the Waulsortian Limestones Formation on the southern side of the proposed development. The middle section to north is predominantly underlain by Unbedded calcilutite limestone of the Cracoean Reef Member. A small part of the site towards the northern tip is underlain by Bioclastic cherty grey limestone of the Dirtoge Limestione Formation. There is a fault present in the middle of the proposed site.

Subsoils at the proposed development site are classified as 'Man made'.

The underlying GSI bedrock aquifer at most part of the site is categorized as a 'Regionally Important Aquifer - Karstified (diffuse)' with a small section of the underlying bedrock aquifer to the northeast of the proposed development site categorized as a 'Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones' (Ll).

The groundwater vulnerability of the aquifer is recorded as 'Moderate'. The GSI define groundwater vulnerability as "*…a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease with which groundwater may be contaminated by human activities*"[3].

[1] https://gis.epa.ie/EPAMaps/ Accessed 23/06/2023
[2] Co-ordinated Information on the Environment – dataseries established by the European Community available on EPA Maps Accessed 23/06/2023
[3] GSI Map Viewer Accessed 06/06/2023

A Flood Risk Assessment (FRA) was undertaken for the proposed site by MWP. The flood risk assessment has identified that the site is outside of Flood Zones A and B as defined in the Flood Risk Management Guidelines. The primary flood source to the site will be from pluvial sources. The site's elevation is predominantly over 9.0m AOD. Pluvial events will be managed on site with best practice SUDs measures to be implemented.

The proposed development site is not located within any Special Area of Conservation (SAC) or Special Protection Area (SPA) collectively known as Natura 2000 sites. The Stage 1 AA Screening Report (MWP, 2023) completed as part of the planning process identified 9 No. Natura 2000 sites comprising 6 No. SACs and 3 No. SPAs occurring within 15 km of the proposed development site. The Ballyseedy Wood SAC is approximately 1.8km southeast of the proposed site. The Tralee Bay Complex SPA, and Tralee Bay and Magharees Peninsula, West to Cloghane SAC are located approximately 2.1km and 2.2km respectively to the southwest of the proposed development site.

According to the Kerry County Development Plan 2022-2028, the proposed development site is located within the 'Existing residential' Landscape Character Area and is not located within a Visually Sensitive Area.

As outlined in the National Monuments Service Historic Environment Viewer[4], there are no National Monuments or Protected Structures on the Record of Protected Structures (RPS) on the proposed development site and the site is not within an Architectural Conservation Area (ACA).

2.3 Construction Phase

The proposed development will consist of the following elements:

(a) the demolition of the existing buildings on site;

(b) the installation of new vehicular and pedestrian entrances; and

(c) Construction of 145 no. residential units, at a density of 93.7 dwellings per hectare and;

(d) all associated ancillary development including parking, footpaths, foul and storm water drainage, and landscaping at Cloon More, Tralee.

The scheme is comprised of 127 apartments and 18 townhouses in 2 no. blocks (Blocks A and B) ranging from 3 to 5 storeys in height.

- Block A (3 - 5 storeys) comprising 15 no. apartments (7 no. 1 bed and 8 no. 2 bed units) and 48 no. corner triplex apartments (24 no. 1 bed and 24 no. 2 bed units) and 18 no. townhouses (14 no. 2 bed and 4 no. 3 bed units)
- Block B (5 storeys) comprising 64 no. apartments (24 no. 1 bed and 40 no. 2 bed units).

Each residential unit will be afforded a private open space in the form of a balcony, garden or patio in addition to an 860 m^2 ground level residents' terrace and gardens with outdoor seating and planting along the southern border of the development. The total private open space amenity of the entire development is 2,790 m^2 (18% of total site area). Public open spaces with a combined area of 3,493 m^2 (25.4% of total site area) are also proposed in the form of parks, greens, rain gardens, sheltered gardens and terraces, outdoor seating and planting, and pedestrian and cyclist links.

The proposed development will also include a public open space (approximately 3,493 m^2), private open space (approximately 2,790 m^2), 102 no. car parking spaces, and 334 no. private and visitor cycle spaces. The development shall be served via two new vehicular access points from Cloon More Avenue to the new Ballymullen/Clash Link Road - Phase 1 of the Link Road has been completed and Phase 2 is due for completion within 18 months. The associated site/infrastructural works include provision for water services; foul and surface

[4] National Monuments Service Historic Environment Viewer https://maps.archaeology.ie/HistoricEnvironment/ accessed 07/06/2023

water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works.

The construction works associated with the development will be undertaken in 3 phases as per drawing 9. 2301 Phasing Diagram.

- Phase 1 demolition & construction work includes Apartment Block "B" and is expected to take approximately 18 - 24 months for the demolition, construction and commissioning phases prior to commencement of full operations and occupation.
- Phase 2 is expected to take approximately 12-18 months for the construction and commissioning phases prior to commencement of full operations and occupation.
- Phase 3 is expected to take approximately 12-18 months for the construction and commissioning phases prior to commencement of full operations and occupation.

There could be some overlapping construction timelines for some aspects of the project. The construction programme is intended to commence in the first quarter of 2024, with a total 54-72-month programme and will be completed in 3 phases as outlined previously. Overall development timeline will vary depending on various elements of the project. The commencement date for the project will be dependent on timing of grant of planning.

A Construction Environmental Management Plan (CEMP) has also been prepared by MWP. The CEMP encompasses construction programming and phasing, excavations, construction traffic and site access, construction lighting, air quality, noise and vibration, resource and waste management and surface water management.

2.3.1 Drainage

The development will be designed in full accordance with Sustainable Urban Design Principles. Any surface water run-off generated from the proposed development will be routed through a series of onsite Sustainable Urban Drainage System (SuDS) elements which have been incorporated into the project at design stage, such as tree pits, bioretention rain gardens and soak-aways throughout the site to enhance storm water infiltration and to try and replicate greenfield run-off rates. SUDS elements are widely used to alleviate detrimental effects of urban stormwater drainage on receiving watercourses. The proposed storm water system is designed to collect the stormwater runoff generated on the site and store it in underground cellular attenuation tanks, these tanks allow runoff to infiltrate naturally through the soil beneath and into the ground water.

SUDS elements to be employed include use of sedum roofs, tree pits, bioretention rain gardens bypass petrol interceptor and silt trap sumps. These elements will utilise runoff interception, detention and infiltration at source before discharging to an on-site attenuation system. A proprietary petrol interceptor and silt trap will be provided on the inlet to the proposed attenuation to improve the quality of the discharge by capturing all possible debris and hydrocarbons pollution in the run-off. Each of these SUDS mechanisms provides various stormwater treatment, storage and/or attenuation functions by which surface run-off from the development will be managed prior to full attenuation and infiltration to ground water.

Site testing has confirmed the adequacy of stormwater discharge to the ground and the infiltration location has been carefully chosen to minimise any possible impacts to building structures. Engineering design input will be

required post-planning to provide a robust foundation solution to the structures that are within 10 metres of the attenuation structures.

The proposed foul sewer, fully separated from the proposed storm water drainage, is designed for sewage and wastewater collection from the proposed buildings. It will discharge to the existing public foul sewer system. The development will connect to Tralee Urban Wastewater Treatment Plant (UWWTP)[1] via the public system. The proposed development will be served by a gravity system which drains into the existing foul sewer network inside the western boundary of the site. A 750mm diameter combined sewer is shown to pass through the site.

The foul water is proposed to discharge from the site to the existing 750mm diameter combined sewer inside the western boundary as shown on drawing 23824-MWP-00-00-DR-C-2100 which accompany the planning application for more information.

The Confirmation of Feasibility letter also specified that no stormwater will be accepted into the Uisce Éireann Wastewater Network, therefore stormwater drainage at the proposed development site will be managed onsite as outline above.

For further details, refer to the Drainage Design Report which accompanies the planning application for more information.

2.3.2 Water Supply

There is an existing 150mm diameter uPVC watermains to the North of the site on the R875 Boherbee Road. A Pre-connection enquiry was submitted to Uisce Éireann, who advised that connection is feasible subject to minor upgrades.

It is proposed to connect the proposed development to the existing watermains in the public road via a 150mm diameter connection. The spine within the estate has been designed as 150mm diameters in a route with branches of 110mm diameter will serve routes with less than 100 residential units.

3. EIA Screening Legislation and Guidance

This section of the report outlines the legislative basis for EIA 'Screening'.

3.1 Legislation

3.1.1 EU EIA Directive

EIA requirements derive from Council Directive 85/337/EEC (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC) and as codified and replaced by Directive 2011/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment. EIA Directive 2014/52/EU, amends Directive 2011/92/EU (hereafter referred to as the 'EIA Directive').

The EIA Directive requires an environmental assessment to be carried out prior to development consent being granted for projects considered likely to have a significant effect on the environment.

The EIA Directive lists those projects that require a mandatory EIA (Annex I), and those projects for which an assessment must be undertaken to determine if they are likely to result in significant effects (Annex II). For Annex

[1] UWWTP Active Licence Number: D0040-01

II projects, individual Member States can choose to institute specific thresholds or project specific considerations, or a combination of both approaches to arrive at a decision regarding the requirement to undertake an EIA.

Annex II developments that do not exceed the thresholds for the mandatory requirement to prepare an EIA are categorised as sub-threshold and must be assessed on a case-by-case basis to determine whether or not they are likely to have significant effects on the existing environment. The likelihood of a significant environmental effect is the principle matter around which consideration of the requirement for an EIA is based. Annex III, of the EIA Directive, sets out the criteria to be examined when carrying out a sub-threshold assessment. These criteria include the characteristics of projects, location of projects, type and characteristics of the potential impact.

Therefore, in order for a project to be subjected to an assessment of its environmental effects, in accordance with the procedural requirements of the EIA Directive it must be:

1. A project of a type listed in Annex I; or
2. A project of a type listed in Annex II which either meets thresholds or criteria set by the Member State; or
3. A project of a type listed in Annex II which is under the threshold, but following case by case examination, is likely to have significant effects on the environment.

3.1.2 Environmental Impact Assessment Regulations 2018

The EIA Directive had direct effect in Ireland from 16 May 2017 and was transposed into Irish planning law on 1 September 2018 in the form of the European Union (EU) (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

In Ireland, generally the process of ascertaining whether a development requires an EIA is determined by the Planning and Development Act 2000 (as amended) which takes into consideration the Planning and Development Regulations 2001 (as amended). The Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) have been amended by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) to take account of the requirements of the EIA Directive.

The proposed development will involve construction of roads to enable a safe pedestrian and vehicular access to the proposed development; therefore, for road developments, the requirements are outlined within the Roads Act 1993 (as amended).

A 'road' is defined under the Roads Act 1993 (as amended) to include;

(a) any street, lane, footpath, square, court, alley or passage,

(b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,

(c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gulley, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and

(d) any other structure or thing forming part of the road and—

(i) necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment, or

(ii) prescribed by the Minister

In respect of the above definition under Section 68 of the Roads Act 1993 (as amended), parts of the the proposed development are considered to be a public road; therefore, this EIA screening will be assessed under Section 50 of the Roads Act 1993 (as amended), as well as the Planning and Development Regulations (as amended).

The Roads Act 1993 (as amended), has been amended by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) to take account of the requirements of the 2014 EIA Directive.

3.1.2.1 Mandatory EIA Thresholds

Section 172 of the Planning & Development Act 2000 (as amended) provides the legislative basis for mandatory EIA. It states the following:

"*An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either:*

1. the proposed development would be of a class specified in –

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either

I. such development would exceed any relevant quantity, area or other limit specified in that Part, or

II. no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either –

I. such development would exceed any relevant quantity, area or other limit specified in that Part, or

II. no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

2. (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part, and

3. (ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment."

Schedule 5 of the Planning & Development Regulations 2001 (as amended) sets out a number of classes and scales of development that require EIA. Schedule 5 transposes Annex I and Annex II of the EIA Directive into Irish law under Parts 1 and 2 of the Schedule, respectively.

EIA is mandatory for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended), which exceeds a limit, quantity or threshold set for that class of development.

Sub-threshold development is defined in Part 10 of the Planning and Development Regulations 2001 (as amended) as "*development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development*"; however, the planning authority may consider that the development would be likely to have significant effects on the environment and therefore would require EIA. As such, the possibility that the proposed development might fall within this definition is considered.

Ascertaining whether a road project, or projects involving works to existing public road, requires an EIA is determined by reference to mandatory and discretionary provisions set out in the Roads Act, 1993, as amended.

A new Annex IIA has been inserted to the 2014 EIA Directive requiring certain additional information be provided by the applicant or developer for the purposes of screening sub-threshold development for environmental impact assessment:

"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."

This is transposed into Irish Law as Schedule 7A of the Planning and Development Regulations 2001 (as amended).

3.1.2.2 Likely Significant Effects- Schedule 7/Annex III

Schedule 7 of the Planning and Development Regulations 2001 (as amended), sets out the criteria for assessing whether or not a development would or would not be likely to have 'significant' effects on the environment. Schedule 7 transposes Annex III of the EIA Directive.

The criteria are grouped under three headings and are used to help in the screening process to determine whether a development is likely to have a significant effect on the environment. These criteria are outlined in Tables 4-2 to 4-4 of this report.

3.2 Mandatory EIA - Annex I and II/Schedule 5

Developments which require an EIA for the purposes of Part 10 of the Planning and Development Regulations 2001 (as amended) are outlined under two separate sections, Part 1 and Part 2. The schedule of projects listed in Part 1 and Part 2 of Schedule 5 was consulted to determine whether the new development required EIA.

It was determined that the proposed development does not fall under any class of development listed in Part 1 of Schedule 5, Part 2, Infrastructure Projects, items 10 (b) (i), (iv) or (dd) of the Planning and Development Regulations 2001 (as amended) (Table 4-1).

Table 3-1 Summary of the Mandatory Legislative Requirements for Environmental Impact Assessment Impact Screening

Requirement	Screening Assessment	Mandatory Criteria Met?
Part 2 of Schedule 5 (10)(b)(i): Construction of more than 500 dwelling units.	The proposed development does not exceed the specified thresholds.	No
Part 2 of Schedule 5 (10) (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.	The proposed development does not exceed the specified thresholds.	No
Part 2 of Schedule 5 (dd): All private roads which would exceed 2000 metres in length.	The proposed development does not exceed the specified thresholds.	No

Based on the size and design, the proposed development does not meet the thresholds requiring a mandatory EIA under the Planning and Development Regulations 2001 (as amended). The proposed development site is a total of approximately 1.55ha in area and will comprise 145 no. residential units, and new vehicular and

pedestrian access from the newly developed Cloon More Avenue, pedestrian and cycle access only from Boherbee road, new vehicular and pedestrian access from the newly developed Cloon More Avenue, pedestrian and cycle access only from Boherbee road. Thus an EIA is not a mandatory requirement as the proposed development site does not fall under the criteria set on in Schedule 5 of the Planning and Development Regulations 2001 (as amended).

In addition, the mandatory EIA requirement for a road project is outlined in Section 50 of the Roads Act 1993 (as amended) and in Article 8 of the Roads Regulations, 1994. An overview of these legislative requirements and their applicability to the proposed development are outlined in Table 4-2.

Table 3-2 Summary of the Mandatory Legislative Requirements for Environmental Impact Assessment Impact Screening under the Roads Act (as amended)

Requirement	Regulatory Reference	Screening Assessment	Mandatory Criteria Met
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	The proposed development is not a Motorway.	No
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	The proposed development is not a Busway.	No
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	The proposed development is not a Service Area.	No
Prescribed type of proposed road development • 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 • 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	The proposed development does not involve the construction of a road with four or more lanes or any other criteria.	No

Based on the size and design, the proposed development does not meet the thresholds requiring a mandatory EIA under Section 50 of the Roads Act 1993 (as amended).

3.3 Sub-threshold Assessment

Where the proposed development does not meet, or exceed, the applicable threshold, the likelihood of the proposed development having significant effects on the environment may need to be considered. The discretionary (or sub-threshold) requirements are based on an assessment of the likely significant environmental effects of the proposed development.

The Planning and Development Regulations 2001 (as amended) under Schedule 5 Part 2 Category 15 therefore also includes a requirement for EIA for:

"*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.*"

Therefore, given the nature and type of proposed development, albeit below the threshold, it is considered prudent to undertake a sub-threshold assessment.

The Roads Act 1993 (as amended) outlines further requirements for EIA screening, this legislation is included in Table 4-3.

Table 3-3 Summary of the Sub-threshold Legislative Requirements for Environmental Impact Assessment Screening

Sub-threshold Requirements		Regulatory Reference
If An Bord Pleanála considers that any road development proposed (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.		S. 50(1)(b) of the Roads Act, 1993 (as amended)
Where a road authority or, as the case may be, the Authority considers that a road development that it proposes (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, it shall inform An Bord Pleanála in writing prior to making any application to the Bord for an approval referred to in section 51(1) in respect of the development.		S. 50(1)(c) of the Roads Act, 1993 (as amended)
In particular, where a proposed development (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on —	(i) a European Site within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)	S. 50(1)(d)(i-vi) of the Roads 1993 (as amended)
	(ii) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976)	
	(iii) land designated as a refuge for fauna or flora under section 17 of the Wildlife Act 1976 (No. 39 of 1976)	
	(iv) land designated a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000	
	(v) A Nature Reserve within the meaning of sections 15 or 16 of the Wildlife Act, 1976. (vi) Refuge for Fauna	
	(vi) Refuge for Fauna under section 17 of the Wildlife Act, 1976.	
The road authority or the Authority, as the case may be, proposing the development shall decide whether or not the proposed development would be likely to have significant effects on the environment.		
Where a decision is being made pursuant to this subsection on whether a road development that is proposed would or would not be likely to have significant effects on the environment, An Bord Pleanála, or the road authority or the Authority concerned (as the case may be), shall take into account the relevant selection criteria specified in Annex III.		S. 50(1)(e) of the Roads Act, 1993 (as amended)
Where a road authority or the Authority, as the case may be, makes a decision under paragraph (d) it shall —	(i) make the decision available for inspection by members of the public, and (ii) make an electronic version of the decision available on its website.	S. 50(1)(f) of the Roads Act, 1993 (as amended)

As per Section 50(1)(d) of the Roads Act 1993 (as amended) given the proximity of the proposed development to the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code: 002070) and Tralee Bay Complex SPA (Site Code:004188) which are located approximately 2.1 and 2.2km respectively to the southwest of the proposed

development site, there could be potential for effects on water quality and biodiversity. Therefore, in considering whether a project is likely to have significant environmental effects, and as stated in Section 50(1)(e) of the Roads Act 1993 (as amended), the criteria set out in Annex III of the EIA Directive, must be assessed.

3.3.1 Likely Significant Effects - Schedule 7

The Screening for EIA report was completed by reviewing the proposed development against the criteria included in Schedule 7 of the Planning and Development Regulations (as amended) (Table 4-4). The criteria are grouped under three headings and are used to help in the screening process to determine whether a development is likely to have a significant effect on the environment:

1. Characteristics of Proposed Development;
2. Location of Proposed Development; and
3. Type and Characteristics of Potential Impacts.

Authorities must have regard to the criteria under these headings when forming an opinion as to whether or not a sub-threshold development is likely to have significant effects on the environment.

3.3.2 Appropriate Assessment

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which is more commonly known as 'the Habitats Directive', requires Member States of the European Union (EU) to take measures to maintain or restore, at favourable conservation status, natural habitats and wild species of fauna and flora of Community interest. The provisions of the Habitats Directive require that Member States designate Special Areas of Conservation for habitats listed on Annex I and for species listed on Annex II. Similarly, Directive 2009/147/EC on the conservation of wild birds (more commonly known as 'the Birds Directive') provides a framework for the conservation and management of wild birds. It also requires Member States to identify and classify SPAs for rare or vulnerable species listed on Annex I of the Directive, as well as for all regularly occurring migratory species. The complete network of European sites is referred to as 'Natura 2000'.

Under article 6(3) of the Habitats Directive, any plan or project which is not directly connected with or necessary to the management of a European site but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, must be subject to an 'Appropriate Assessment' (AA) of its implications for the SAC / SPA and its nature conservation objectives.

In Ireland, the requirements of Article 6(3) are transposed into national law by Part 5 of the European Communities (Birds and Natural Habitats Regulations) 2011 (S.I. No. 477 of 2011)) (more commonly referred to as the 'Habitats Regulations') and Part XAB of the Planning and Development Act 2000 (as amended).

As set out in the NPWS guidance (DoEHLG, 2009), the task of establishing whether a plan or project is likely to have an effect on a Natura 2000 Site is based on a preliminary impact assessment using available information and data, including that outlined above, and other available environmental information, supplemented as necessary by local site information and ecological surveys. This is followed by a determination of whether there is a risk that the effects identified could be significant.

The purpose of the Stage 1 AA screening assessment is to record in a transparent and reasoned manner the likely effects, on relevant Natura 2000 Sites, of the proposed works. The Stage 1 AA Screening Report (MWP, 2023), which was prepared for the proposed development, concluded on the basis of objective information, that the project, either individually or in combination with other plans or projects, will not have a significant effect on the Natura 2000 site.

3.4 Relevant Guidance

This Screening for EIA report was prepared in accordance with the relevant guidelines including:

- EPA 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (2022) (hereafter referred to as the 'EPA guidelines');
- European Commission (EC), 'Environmental Impact Assessment of Projects, Guidance on the preparation of Environmental Impact Assessment Reports' (Directive 2011/92/EU as amended by 2014/52/EU) (2017);
- Government of Ireland's 'Guidelines for Planning Authorities and An Board Pleanála on carrying out Environmental Impact Assessment, (2018);
- Department of Housing Planning and Local Government's (DHPLG) 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018); and
- Office of the Planning Regulator (OPR)'s 'Environmental Impact Assessment Screening Practice Note' (2021).

Table 3-4 Schedule 7 Criteria Assessment

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
(a)	The size and design of the whole of the proposed development	The proposed development site is a total of approximately 1.55 ha in area and will comprise construction of 145 no. residential units and all associated ancillary development including new vehicular and pedestrian access from the newly developed Cloon More Avenue, pedestrian and cycle access only from Boherbee road, shared open spaces, landscaping, drainage and all associated site development works. Size, scale and design of the proposed development is not considered significant.
(b)	The cumulation with other existing development 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	A desktop search of proposed and existing planning applications was undertaken on the 06/07/2023. The initial search flagged planning applications within a period dating back to 2018; any refused, invalid or withdrawn applications were omitted. Furthermore, any small-scale residential type developments, such as extensions and modifications, minor amendments to existing dwellings and changes of use developments were omitted from the search. The most recent (<5 years) grants of planning for the townlands adjacent to the proposed development predominantly include small scale single and two storey dwellings and light industrial uses. Details of developments located adjacent to the proposed development site which have been considered in the cumulative assessment are given below: 191064: (2019) Construct a new single storey roof level extension comprising new laboratories and laboratory support accommodation, located at first floor level, on an existing roof above an existing single storey portion of the existing hospital, and will include a new stairs extending through existing accommodation at ground floor level, new circulation linkages to existing accommodation at first floor level, together with the upgrading and recladding of part of the existing single storey frontage of the hospital, including the existing main entrance at ground floor level, together with associated localised demolitions and new site works and services. 22857: (2022) Construct a two-story dwelling on his property with all ancillary site works associated with the application on site. 22334: (2022) Construct a single storey storage building (gross floor area 52 sq.m) and all associated site works. 20608: (2020) Extend existing external canopy to side of Aldi store with all associated site works. 19272: (2019) (a) Closure of existing site entrance at Kevin Barry villas, new vehicular and pedestrian site entrance and secondary pedestrian entrance of proposed Ballymullen clash link relief road. This access includes a new internal access road for access to east of St Bridgid's community centre, new pedestrian entrance to north east of St brigids community centre. New boundary wall treatments generally (b) the project comprises the construction of a 600 pupil post primary school with connected sports hall and ESB sub station, 4 no ballcourts, new internal road with set down for buses and cars and accessing 55 no. Car parking spaces and associated ancillary landscaping and site works including reprofiling of material on site. The total

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		development area is 7159 m2 plus 80 m2 external store. Current site access is from Kevin Barry villas, proposed site access will be from the approved part 8 Ballymullen clash link relief road. Site area is 2.55 hectares. 19655: (2019) Construction of waste compound including erection of security fencing, demolition of redundant oil bund, erection of demountable canopy, extension of hallway to create storm lobby and all associated site works. 18205: (2018) For development which will consist of a single storey extension (264 sqm) to the eastern elevation of the existing Aldi store for use as retail floorspace, and a single storey extension (25 sqm) to the southern elevation of the existing Aldi store for use as a meeting room. The proposed extensions will require the relocation of bicycle stands, signage, store entrance, trolley bays and a reduction in parking spaces (120 spaces to 112 no. Spaces) as previously permitted under application register ref. No. 12/308044, as well as all site development, landscaping and ancillary works at the 0.7421 ha (1.833 acres) site of the existing Aldi store. Given the size, scale and location of the proposed works, it is not expected that the proposal will act in combination with the above projects to cause significant cumulative or in-combination impacts. It is concluded that significant cumulative and or in-combination impacts, between these activities and the proposal, are not reasonably foreseeable. Furthermore, considering the control measures which will be implemented during construction, community benefits and the positive visual effects associated with the design, no negative cumulative effects are anticipated to occur with other developments. A Stage 1 AA Screening Report has been prepared for this project and concluded that there will be no significant cumulative impacts on any Natura 2000 sites.
(c)	the nature of any associated demolition works	The Proposed Development consists of the demolition of existing structures on site as part of initial enabling works and hardstanding material will be excavated before the construction of the proposed development. Total area of demolition is approx. 480 sqm.
(d)	the use of natural resources, in particular land, soil, water and biodiversity.	The land take associated with proposed development is 1.55ha. There will be a permanent loss of the vegetation at the proposed site during site clearance works. Arboriculture Impact Assessment shows that there will be approximately 26 no. of trees to be removed along with the hedgerows on site. However, the majority of the trees to be removed are non-native and of low quality. EcIA does not indicate the likelihood of a significant loss of valuable ecological habitat, or animal species associated with proposed development. There is a minimal water requirement associated with the construction of the proposed development. A connection to the existing water supply will be required during the construction and operational phase. At no point will water be abstracted from rivers, streams or the lake during the construction works without the consent of the relevant agencies.

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	Construction materials will be required onsite. The construction materials will be sourced from local quarries/licenced suppliers, where possible, and transported to the proposed development site compound. Other than the land-take, and water requirement, the operational phase of the proposed development will not require use of natural resources. There will be no significant impact on natural resources and biodiversity as a result of this project.
(e) the production of waste	Given the scale and type of development, it is unlikely that there will be any significant volumes of waste generated during the construction phase. Construction phase wastes may comprise the following: • Timber (Off cuts/scaffolding planks) • Concrete/mortar and other cementitious material • Top soil, Soil/sub-soil, stones • Windows, glass and materials from building fabric • Waste steel and other scrap metals (Copper & steel piping steel and re-bar) • Miscellaneous and Incidental waste materials such as pallets, plastics and packaging will also be generated. • Fuels/oil/lubricants etc • Mixed C&D waste • Electrical waste • Construction chemicals and other known hazardous substances (paints, glues/adhesives, batteries etc.) • Other residual building materials • W/C utilities waste If excavated material is considered unsuitable for re-use on-site an outlet for off-site reuse will be sought. The material will be removed to a licensed authorised waste facility by licensed waste contractors for recycling or disposal, as appropriate. Waste generated from site clearance and excavations will be inert and or organic. Operational waste for the residential development will be controlled by each household and dealt with by municipal services. Estate management will control pollution of public areas. It is considered that the production of any waste associated with the

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		proposed development, as described above, would not cause unusual, significant, or adverse effects of a type that would require an EIA.
(f)	pollution and nuisances	There may be temporary disturbances and nuisance to residential properties located close to the proposed development site. Potential pollution pathways and nuisances for consideration include increases in exhaust emissions to air as a result of construction machinery; noise and vibration from equipment use; social effects as a result of temporary traffic diversions; leaks and spills of hydrocarbon containing materials used, and runoff of material to nearby watercourses. Good construction management practices and standard environmental management during the construction works will be employed for the duration of construction and will serve to minimise the risk of pollution and nuisances. The proposed development would not cause unusual or significant levels of pollution or nuisance of a type that would require an EIA. During the operational phase, it is anticipated that there will be an increase in traffic volume. The proposed development will have a minor impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity concerns arising. A Traffic and Transport Assessment has been produced by MWP. The TTA states that Ballymullen Clash Link Relief Road Phase 1/Mitchels Road junction would operate well within practical capacity, without significant traffic queuing and delays, during the predicted 2029 morning and evening peak hours, both with and without the proposed residential development in place. The Ballymullen Clash Link Relief Road Phase 1/Mitchels Road junction would operate with a highest RFC of 0.468 with the proposed residential development in place, compared to a highest RFC of 0.373 without the proposed development. The highest delays per vehicle would be 0.21 minutes. For further details, refer to TTA which accompany the planning application. The proposed development likely to not cause unusual or significant levels of pollution or nuisance of a type that would require an EIA.
(g)	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	Important considerations are the potential risks of the proposed development causing a major accident and/or disaster during the construction and operational phases, and the vulnerability of the proposed development to potential man-made and natural disasters. Potential major accidents and/or disasters include flood events and fires. The size and nature of the proposed development is not of a sufficient size or scale to cause a major accident or disaster. During the construction phase, normal construction mitigation measures (such as the contractors Health and Safety plan, CEMP and approved methods of work) will be adhered to onsite. The implementation of appropriate control measures (including an emergency spill response plan) and best management practices will reduce the risk of accidents from polluting substances entering soil and groundwater. The risk of disasters (typically considered to be natural catastrophes e.g., very severe weather event) or accidents (e.g., fuel spill, traffic accident) is considered low.

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		The flood risk assessment has identified that the site is outside of Flood Zones A and B as defined in the Flood Risk Management Guidelines and accordingly the proposed residential use is appropriate. The primary flood source to the site will be from pluvial sources which will be managed by installation of SuDs. It is considered that there is no risk associated with the proposed development in relation to natural disasters or major accidents.
(h)	the risks to human health (for example, due to water contamination or air pollution).	There will be minor temporary nuisances associated with the proposed development during the construction phase. For example, construction works will generate noise from machinery onsite. With the implementation of best practice measures during the construction phase (including an emergency spill response plan), the risks to human health; for example, due to water contamination or air pollution is considered low. During the operational phase, this type of development is not a recognised source of pollution and is not an activity that falls within any thresholds requiring Environmental Protection Agency licensing. On this basis, the potential for negative health effects associated with the proposed development is negligible.
Location of Proposed Development: **The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to**		**Appraisal**
(a)	the existing and approved land use	The CORINE (2018) landcover (available on EPA's interactive map viewer) indicates that landcover at the proposed development site is classified as 'Artificial Surfaces, and Discontinuous urban fabric' (Code: 112). The land to the immediate west is classified as 'Artificial Surfaces, and Continuous urban fabric' (Code: 111). Site surveys showed that approximately half the site is currently built ground. It is currently occupied to the north by two partially demolished semi-detached, single-storey derelict dwellings with rear yard area and a greenfield infill site extending southwards. The proposed development site is zoned for "existing residential" development according to the Kerry County Development (CDP) Plan 2022-2028.
(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 proposed development will require potable water and construction materials for use during the construction phase, which will be imported from outside the area. There will be no requirement to abstract water from the nearby river during the construction phase. All imported materials will be sourced from licensed suppliers. The typical excavation require for the infrastructure works is estimated to be approximately 350m^3. The wider surrounding area is primarily residential and commercial in character. The proposed development does not involve use or destruction of natural resources, such that there would be a significant threat to their regenerative capacity.

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
(c)	the absorption capacity of the natural environment, paying particular attention to the following areas:	
(i)	wetlands, riparian areas, river mouths;	The site is not within any wetland areas or river mouths. The nearest wetland is Tralee Bay wetlands which is approximately 1.6km southwest from the site. River Waterbody 'LEE (TRALEE) _030' (European Code: IE_SH_23L010100) and 'LEE (TRALEE)_040' (European Code: IE_SH_23L010200) approximately 780m to the south of the proposed site. The EPA has classified WFD status of LEE (TRALEE)_030 as 'Poor' and is categorised as 'At risk'. The river WFD status of LEE (TRALEE)_040 was classified as 'Moderate' and it's WFD Risk status is categorised as 'Review'. The potential for impacts to surface water quality, specifically the River Lee exists during the construction phase of the development. The potential for impacts during construction are primarily during site preparation and earthwork activities in the vicinity of the watercourse. Best practice measures will be implemented during the construction phase in order to limit the risk of pollution to surface waters. This will ensure that there will be no impact from the development on the Lee Estuary downstream of the development.
(ii)	coastal zones and the marine environment	N/A
(iii)	mountain and forest parks	N/A There are some mountains and lightly forested areas in the greater region of Tralee, none in proximity to the proposed development site area.
(iv)	nature parks and reserves	N/A
(v)	areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive	The proposed development site is not located within any Natura 2000 sites. The AA Screening Report (MWP, 2023) completed as part of the planning process identified 9 No. Natura 2000 sites comprising 6 No. SACs and 3 No. SPAs occurring within 15 km of the proposed development site. • Ballyseedy Wood SAC (approximately 1.8km from the site) • Tralee Bay Complex SPA (approximately 2.1km from the site) • Tralee Bay and Magharees Peninsula, West to Cloghane SAC (approximately 2.2km from the site) • Slieve Mish Mountains SAC (approximately 3.3km from the site) • Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (approximately 5.6km from the site) • Akeragh, Banna and Barrow Harbour SAC (approximately 9.9km from the site) • Lower River Shannon SAC (approximately 11.3km from the site)

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		• Castlemaine Harbour SAC (approximately 11.6km from the site) • Castlemaine Harbour SPA (approximately 12.9km from the site) The AA screening concluded that significant effects on any Natura 2000 sites within the zone of potential impact were not likely to occur as a result of the proposed development.
(vi)	areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure.	There are several EPA surface-water quality monitoring stations in the vicinity of the proposed site development including the River Waterbody 'LEE (TRALEE)_030' towards the south of the proposed site. It's River Waterbody WFD status for the 2016-2021 period was classified as 'Poor' and it's WFD Risk status is categorised as 'At risk'. The proposed development is not expected to result in exceedance of Environmental Quality Standards. The potential for impacts on Environmental Quality Standards will be minimised through implementation of the appropriate best practice measures and adherence to the CEMP.
(vii)	densely populated areas	The site is on the periphery of the build-up area of Tralee urban. The area to the east and west supports significant residential development. Residential properties are located to the south-east of the site. Kerry hospital is to the south of the site approximately 151m. There may be some disturbance from noise and traffic during the construction phase. However, considering the nature and timeline of the development, impacts are likely to be temporary and not significant. The type of development would be in keeping with other existing developments in the area.
(viii)	landscapes and sites of historical, cultural or archaeological significance.	There are no National Monuments or Protected Structures within the proposed development site and the site is not within an Architectural Conservation Area (ACA). The closest national monument is enclosure **(KE029-206----)** which is located approximately 600m northeast of the proposed site. The nearest architectural heritage site is prison/jail **(Reg. No. 21008010)** located approximately 400m southwest of the proposed site.
Types and characteristics of potential impacts:		**Appraisal**
(a)	the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected)	During the construction phase, the proposed project has the potential to affect the local population including those working, visiting and passing through the proposed works area. Any disruption will be temporary in nature. During the operational phase, the magnitude and spatial extent will include the local population and users of the proposed development.
(b)	the nature of the impact	**Population and Human Health**

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	It is likely that there will be potential negative impacts such as noise and dust arising from construction activities, workers and traffic during construction phase. However, it is not anticipated that there will be significant, negative effects from the proposed construction works to the local community. Increased air emissions and noise generated during construction phase are not likely to have appreciable impacts on human health; therefore, significant effects are unlikely. Best practice measures, which are outlined in the CEMP, will be implemented during the construction phase. There could be temporary visual effects as a result of construction works; however, given the temporary nature of the works, significant effects are unlikely to occur. During the operational phase, the proposed development will result in a permanent change in land use and a population increase. The proposed development site is within a developing urban area. Due to the scale of the proposed development, significant effects on the local population are unlikely to occur. It is anticipated that the proposed development would have some impact upon the established local traffic conditions however can be accommodated on the road network without any capacity concerns arising. Overall, it will likely have a positive long-term effect as it will provide housing accommodation in town. In addition, given the size, and nature of the proposed development, it has potential to create some temporary employment in the surrounding area; therefore, resulting in a positive effect on employment. **Biodiversity** The proposed development is not located within any designated Natura 2000 sites. The Tralee Bay and Magharees Peninsula, West to Cloghane SAC and pNHA (Site Code: 002070), Tralee Bay Complex SPA (Site Code:004188) sites are located approximately 2.1 and 2.2km respectively to the southwest of the proposed development site and have indirect hydrological connection to the proposed site. While Ballyseedy wood SAC is located approximately 1.8km southeast of the proposed site. The ground will be cleared for construction works. There will be a permanent loss of the vegetation at the proposed site. The site surveys suggest that the habitat is of low ecological importance. Several invasive species were identified during the site walkover by the ecologist which includes Japanese knotweed, butterfly bush, and cherry laurel. There are chances of spreading of invasive species during construction. Any vegetation to be removed will generally be in the form of trees and hedgerows. The proposed development site has a low level of suitable bat habitat. An EcIA has been prepared by MWP which accompany the planning application and provide further details. A total of 38 no. trees and hedgerows on site were surveyed and assessed in July 2023. The tree species comprise of Sycamore, Copper beech, Cherry, Maple, and Poplar. Details on trees to be retained/removed are provided in Arboriculture

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	Impact Assessment (AIA) and Landscape plan in detail. AIA report shows that the majority of the trees to be removed are non-native and of low quality. The Stage 1 appropriate assessment (AA) screening report and EcIA report undertaken and prepared by MWP, which accompanies this application, concluded that residual impacts on biodiversity including impacts to designated sites, habitats, flora, fauna and water quality are not considered significant provided best practice methodologies and mitigation measures are employed during the construction and operational phases. A site-specific drainage system consisting of filter drains and SuDs will be set up. All construction phase water will be directed to the drainage system. During both the construction and operational phases, there will be no release of nutrients to the river Lee. The wastewater will undergo treatment at the wastewater treatment plant (WWTP) before being discharged downstream of the site into the river. **Water** Potential negative water quality effects arising as a result of the construction of the proposed development could potentially occur as a result of erosion and run-off of fines/nutrient-enriched material from excavation works or temporary storage areas for construction materials. Adverse water quality effects could also potentially arise due to the accidental release of pollutants such as fuels, oils and other such substances to the aquatic environment during the construction phase. Machinery activities on site during the construction phase may also result in run off of contaminated waters into surface water networks or ground water. However, significant effects are unlikely to occur. It is proposed to connect the proposed development to the existing watermains in the public road via a 150mm diameter connection. A Pre-connection enquiry was submitted to Uisce Éireann, who advised that connection is feasible subject to minor upgrades. Any surface water run-off generated from the proposed development will be routed through a series of onsite Sustainable Urban Drainage System (SuDS) elements which have been incorporated into the project at design stage, such as tree pits, bioretention rain gardens and soak-aways throughout the site to enhance storm water infiltration and to try and replicate greenfield run-off rates. The proposed storm water system is designed to collect the stormwater runoff generated on the site and store it in underground cellular attenuation tanks, these tanks allow runoff to infiltrate naturally through the soil beneath and into the ground water.

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	Site testing has confirmed the adequacy of stormwater discharge to the ground and the infiltration location has been carefully chosen to minimise any possible impacts to building structures. The proposed foul sewer, fully separated from the proposed storm water drainage, is designed for sewage and wastewater collection from the proposed buildings. It will discharge to the existing public foul sewer system. The development will connect to Tralee Urban Wastewater Treatment Plant (UWWTP) via the public system. The proposed development will be served by a gravity system which drains into the existing foul sewer network inside the western boundary of the site. A 750mm diameter combined sewer is shown to pass through the site. For further details, refer to the Drainage Design Report which accompanies the planning application for more information. The FRA concluded that site is therefore at no risk for Tidal or Fluvial risk. Pluvial events will be managed on site with best practice SUDs measures to be implemented. Significant effects from the proposed development are not envisaged due to scale of development, the contained nature of site and works. In addition, best practice standards, environmental guidelines and control measures which are defined in the CEMP accompanying this application and will be adhered to in order to reduce the likelihood of potential impacts on the water environment. **Land and Soils** During the construction phase, construction works will include excavation and earthworks, removal of excavated soil and land take. It is proposed that construction material, which will be imported to the proposed development site, will be sourced from licensed suppliers/quarries and situated locally, where possible. Significant effects from the use of natural resources in the area are not anticipated. Potential negative effects on the existing land and soils environment include (in the absence of adequate management) weathering and erosion of the surface soils, increased silt levels or pollutants from the construction processes, and accidental spills and impacted runoff. Best practice standards, environmental guidelines and mitigation measures will be defined in the CEMP and adhered to in order to avoid impacts on soil quality; therefore, overall, significant effects from pollution impacts on the existing land and soils environmental are not anticipated during the construction phase.

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	Any reusable material from shallow excavations will be re-used on site. Waste soils and construction waste generation will be minimised during the proposed development, in accordance with the requirements of the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. The proposed development will result in permanent land take of land. No other potential impacts on land, soils, geology during the operational phase of the proposed development are envisaged. **Air and Climate** The main air quality impacts will be associated with dust generation during site preparation and construction works. The implementation of best management practices, however, will minimise the generation of dust during the construction phase. With the adoption of these measures, it is anticipated that the dust produced would not cause a significant effect on the environment. The management of dust will be in line with best practice such as that set out in 'Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes' (NRA, 2011). Climatic impacts are expected to be minor emissions of greenhouse gases to the atmosphere from truck movements and the operation of site construction equipment; however, a significant effect is not considered likely given the scale and size of the proposed development. During the operational phase, no significant effects on existing air and climate conditions are anticipated; for example, from additional traffic using accessing the proposed development site, given the type of residential development. During the operational phase, the main air emission will be from additional road traffic accessing the proposed development. Some air emissions are expected due to the heating within the proposed housings during winter times. It is anticipated that the proposed development will have a negligible impact upon the established local traffic conditions. **Noise and Vibration** The construction phase of the proposed development has the potential to increase noise levels at noise sensitive locations surrounding the proposed development site. Best practice in the form of BS5228 –1&2:2009 + A1 2014, Code of Practice for the Control of Noise and Vibration on Construction and Open Sites will be adopted during the construction phase in order to minimise the noise generated by construction activities and nuisance to neighbours. There is potential for ground vibration due to the construction phase works which will mainly be derived from groundworks associated with excavations and demolition works. Impact from the construction phase will depend on the number and type of equipment employed during the works.

Characteristics of proposed development The characteristics of proposed development, in particular—	Appraisal
	Noise and vibration measures will be outlined within the noise and vibration management section of the CEMP for the proposed development and agreed with KCC prior to the commencement of construction. The noise limits will be adhered to at all times during the construction phase of the proposed development. With these measures in place, no significant effects on sensitive receptors are anticipated. It is anticipated that the proposed development would not have significant noise effects from additional traffic during operational phase. **Landscape and Visual** There are no sensitive landscape designations or protected views pertaining to the subject site. Minor adverse, temporary landscape and visual effects on sensitive receptors will arise as a result of construction works. The temporary effects are predicted to arise as a result of the construction equipment and vehicles required to be on site. A separate Landscape report has been prepared which focus on retaining a substantial amount of perimeter Landscaping and Trees. It is targeted to retain some existing Trees on site, to enhance environment. A landscape plan has been introduced to enhance the biodiversity of the site with supplementary planting. Refer to landscape report for further details which accompany the planning application. During its operation, the proposed development will have a permanent, visual effect on surrounding properties. However, the proposed development has been designed with the surrounding residential properties in mind. Significant visual effects are unlikely to occur. During the operational phase, while changes to the local environment will be clearly recognisable, the overall extent and scale of the proposed development may alter views locally but not in the wider area as the proposed development is already surrounded by a built-up area. **Cultural Heritage** There is no Recorded National Monument present within the site. While monuments in the proximity of the site will not be physically impacted by the proposed development, there is a possibility of adverse effects to the monuments by dust from construction related traffic which could impact them; however, effects will be temporary and with the implementation of best practice measures outlined in the CEMP, significant effects are not anticipated. **Material Assets**

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		During the construction phase there will be additional traffic on the existing road network. Possible effects include additional traffic volumes on the local road network; introduction of construction traffic movements on the local and national road network, impacts on residential amenity by both construction traffic vehicles and future residents. Significant effects are unlikely to occur as prior to any connection/diversion works, the appointed Contractor would be supplied with accurate service drawings and additional site investigations would be carried out if necessary to ensure services are not damaged during construction works. The Contractor would be obliged to put measures in place during the construction phase to ensure that there are no interruptions to existing services and all services and utilities are maintained unless this has been agreed in advance with the relevant service provider and local authority. Also, a Stage 1 MDURS Road Safety Audit has been carried out and a TTA has been prepared for the proposed development which accompany the planning application. Given the scale of the and type of development, the additional power demands on the existing network is not anticipated to cause significant effects on existing supply. The operational phase will provide an important material asset for the area in terms of residential units, as well as residential communal facilities.
(c)	the transboundary nature of the impact	N/A
(d)	the intensity and complexity of the impact	The majority of the impacts are associated with the construction phase of the proposed development. However, with the implementation of appropriate best practice measures, it is not anticipated that potential impacts from the construction of the proposed development will be intense or complex.; therefore, significant effects to the existing environment during the construction phase are not anticipated. Intense and complex impacts are unlikely to occur during the operational phase; therefore, significant effects to the existing environment are not anticipated.
(e)	the probability of the impact	Owing to the relatively straight forward nature of the proposed development, coupled with the potential impacts stated and the sensitive receptors present at the proposed development site, there is a high degree of certainty in the magnitude, intensity, duration or consequences of any impact associated with the proposed development; however, as discussed, the likelihood of significant negative effects on the receiving environment is extremely low due to the planned implementation of such best practice construction and maintenance methods. No long-term negative, significant effects are predicted as likely.
(f)	the expected onset, duration, frequency and reversibility of the impact,	The majority of the impacts are associated with the construction phase of the proposed development. With the appropriate mitigation measures potential impacts, including noise and dust impacts, will be for 54-72 months and will be reversible over time. Overall development timeline will vary depending on various elements of the project.

Characteristics of proposed development The characteristics of proposed development, in particular—		Appraisal
		The positive effect from the proposed development to population and human health during the operational phase would likely be long term. The additional demands on utilities networks will be permanent and irreversible; however, significant effects unlikely to occur. The landscape and visual effects, as well as permanent change in land use during the operational phase, will be permanent and irreversible.
(g)	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,	The proposed development is unlikely to result in significant effects on the environment. Should the construction of a number of developments, as identified within the planning search, occur at the same time, then there is potential for negative effects on the existing environment. However, these would likely be temporary in nature, occurring primarily during the construction phase only; therefore, no significant cumulative effects are anticipated. Consequently, there is likely to be a positive, long term, slight to moderate cumulative effect for the local community and locals from the proposed development with other developments in the area.
(h)	the possibility of effectively reducing the impact.	The proposed development is not anticipated to result in any significant effects on the existing environment. However, where temporary, negative and transient impacts are likely to occur, the implementation of appropriate best practice measures will reduce the duration and intensity of the impact.

4. Conclusion

Having considered the proposed development in the context of mandatory EIA under the regulations, it is MWP's view that there is no requirement for an EIA. The proposed development was also further assessed in accordance with the regulated criteria for determining whether or not a development would or would not be Likely to have Significant Effects on the Environment as specified in Annex III of the EIA Directive 2011/92/EU (as amended by 2014/52/EU).

Having regard to the size, nature, location and characteristics of the proposal, it is considered that the proposed development would not have a significant effect on the environment or warrant an EIA.

5. References

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