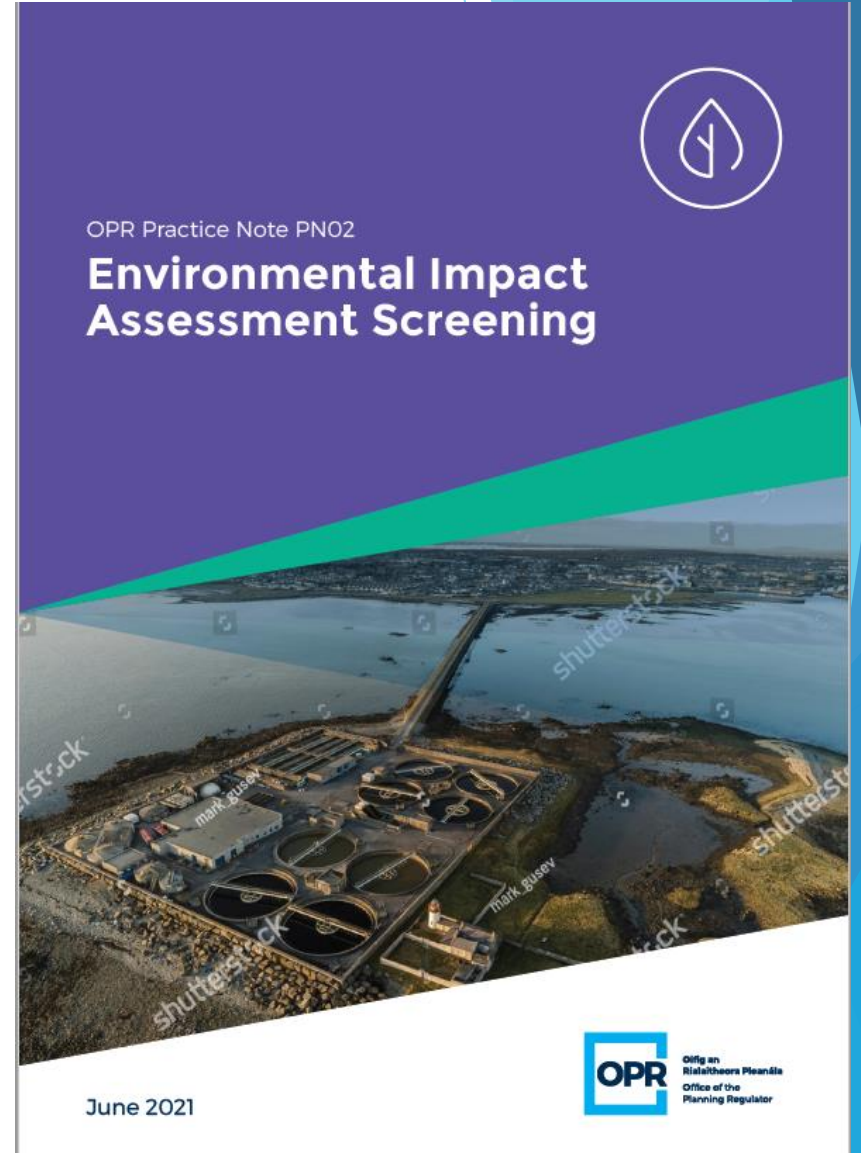




**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

Environmental Impact Assessment Screening

Anne Marie O'Connor
Deputy Planning Regulator



EIA Directive

Preamble

Development consent for projects which are likely to have significant effects on the environment should be granted only after an assessment of the **likely significant environmental effects** of those projects has been carried out (7).

The **screening procedure** should ensure that an environmental impact assessment is only required for projects likely to have **significant effects on the environment** (27)

EIA Process

Screening

Scoping

EIA Report

Consultation

Evaluation

Decision

Information on
Decision

Monitoring

'Procedural' Directive



2014 Amended EIA Directive

Complex National Legislation



Documentation

- Environmental Impact Assessment report
- Schedule 7A Information



OPR Practice Note PNO2

Environmental Impact Assessment Screening



June 2021



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Appendices

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- C - Step-by-step Approach to EIA Screening for Development Proposals (
- D - Summary of the Key Implications for Section 34 Planning Applications
- E - Case Law and References



Step by Step approach



Key Concepts



Common Issues



Implications for Planning System



Templates and Case Studies

Step by Step Approach

Understanding
the proposal

- Is the development a sub-threshold project for EIA?

Preliminary
Examination

- Can likely significant effects on the environment be ruled out at a high level?

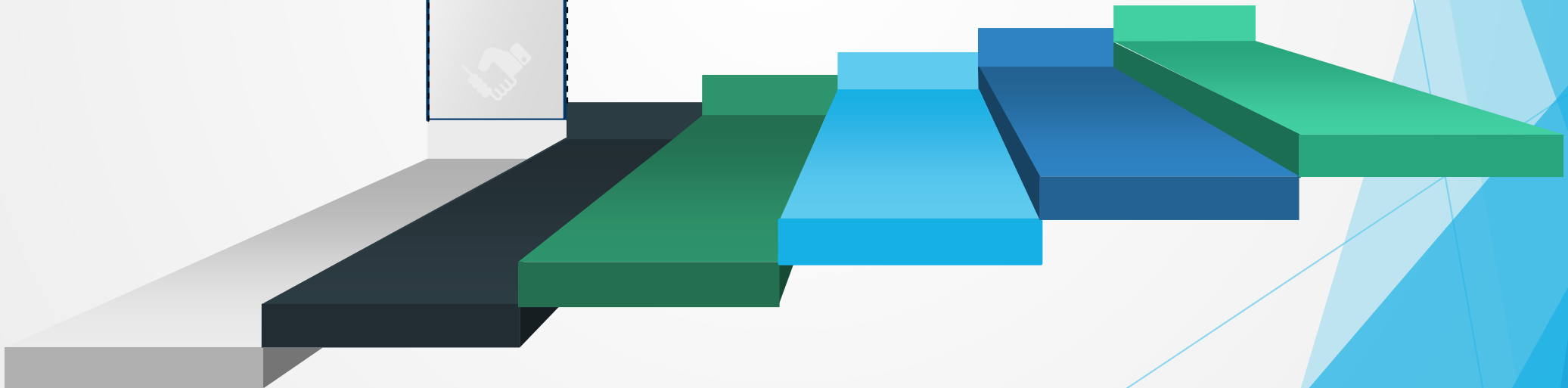
Screening
Determination

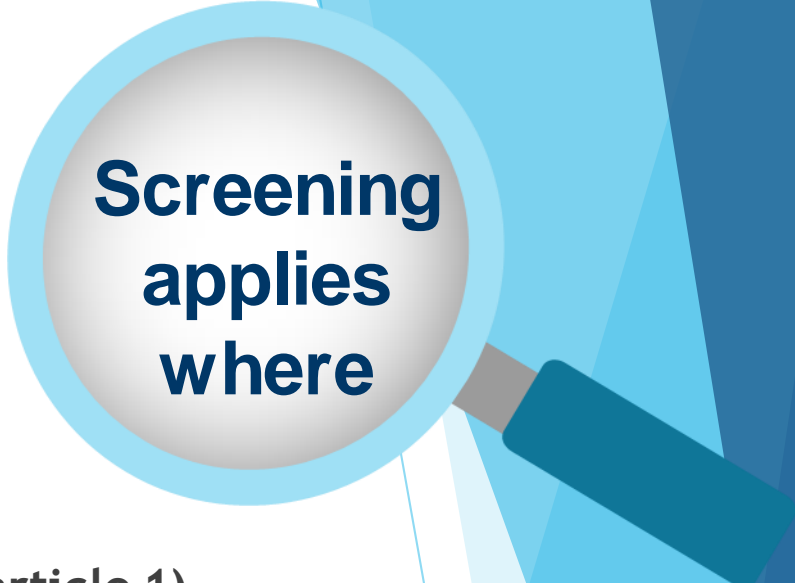
- Where further consideration is required to determine if there are likely significant effects that would require EIA and the submission of an EIAR

01

Step One

Understanding the
Proposal



A magnifying glass with a dark blue handle and a light blue frame. The lens is focused on a white circle containing the text 'Screening applies where'.

Screening applies where

The proposal is a **'project'** within the meaning of the EIA Directive (article 1)

the execution of construction works or of other installations or schemes, or other interventions in the natural surroundings and landscape including the extraction of mineral resources.

The proposal is **sub-threshold development** within the meaning of Article 92 of the Regulations:

development of a type that is included in Part 2 of Schedule 5, but which does not equal or exceed a quantity, area or other limit (the threshold)

No EIAR (Environmental Impact Assessment Report) has been submitted

Schedule 5 – Planning & Development Regulations

Schedule 5 project	Screening	EIA
Not listed in Part 1 or Part 2	✘	✘
Part 1 - all projects		✔
Part 2 - exceeds or equal to threshold, or where no threshold		✔
Part 2 - below threshold	✔	

Step 1

Understanding
the proposal

⋮



(a) Is the proposed development a project as per the EIA directive?

No



Not subject of EIA Directive

No screening required

No EIA required

(b) Is the project listed in Schedule 5 Part 1 or does it meet or exceed the thresholds in Part 2, of the Planning Regulations?

Yes



No screening required

EIA is mandatory

(c) Is the project 'sub-threshold'?

Yes



Proceed to Step 2

Preliminary Examination is required.

(d) Has Schedule 7A information been provided with the proposal?

Yes



Proceed to Step 3

Screening Determination is required.

Form 1 - Case Study 2

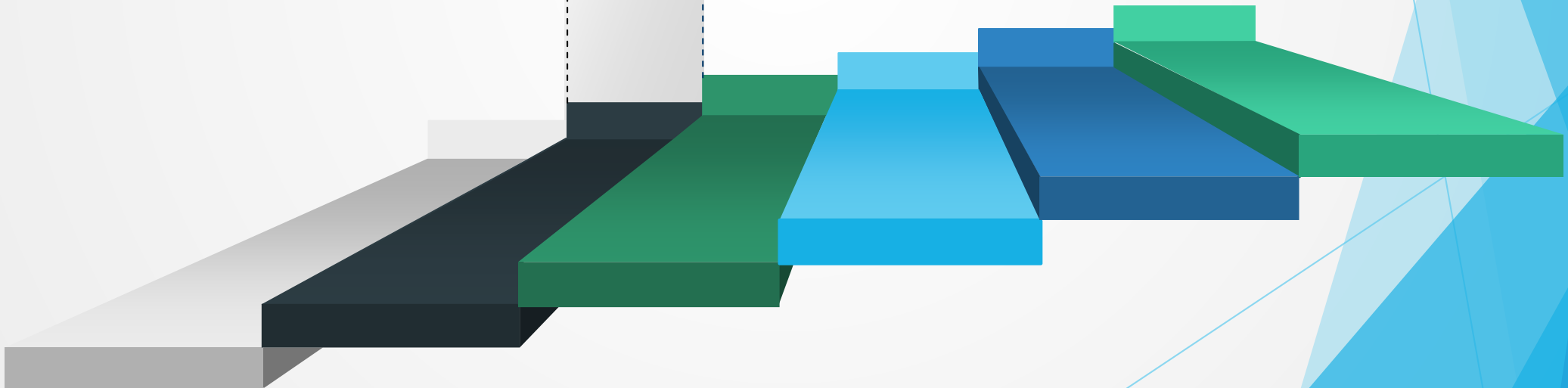
Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	xxx
Development Summary:	<p>Conversion of former convent (protected structure) into 12 apartments and construction of 56 houses in the curtilage. Associated site works and landscaping.</p> <p>The proposal is the second phase of a previously permitted development comprising a 100 bed nursing home, also within the curtilage of the former convent building.</p>
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No. Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class __[insert here]____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): __[specify class & threshold here]__	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : <i>Part 5 Schedule 2, 10 (b) Construction of more than 500 dwelling units.</i>	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required



02

Step Two

Preliminary
Examination



Preliminary Examination - Conditions

- ! Sub-threshold development only
- ! Where no EIAR or Schedule 7A information has been submitted

Preliminary Examination - Considerations



Nature of the development including the production of **wastes and pollutants**



Size of the development



Location of the development including the potential to impact on certain **ecologically sensitive sites** and the potential to affect other **environmental sensitivities** in the area



Interaction between scale and nature and sensitivity of the location

Preliminary Examination - Conclusions

Possible **recorded conclusions** to preliminary examination:

No real likelihood:

Action: No further actions.

Record & state reason for conclusion.

Significant Doubt:

Action: A formal **screening determination** is required.

Request Schedule 7A information.

Proceed to Step 3.

Real likelihood:

Action: EIA required

Request EIAR
(new notices necessary).

Form 2 - Case Study 2

Preliminary Examination:

The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**

	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</p>	<p>The site is located in an established residential area which is well served by public transport and social infrastructure.</p> <p>The removal of topsoil and small amounts of C&D waste will be managed in accordance with the submitted Waste Management Plan. Localised construction impacts will be temporary.</p>	No
<p>Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the development is not exceptional in the context of the existing built-up urban environment.</p> <p>Construction of the permitted nursing home (phase 1) has commenced. The phasing of the proposed development will commence as a subsequent phase using the same area to the north of the site access as construction compound. There is no real likelihood of significant cumulative effects with the permitted nursing home.</p>	No
<p>Location: Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location? Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site. The nearest European site is located 12 km to the east.</p> <p>The convent is a protected structure and the site is located within an ACA. An Architectural Impact Assessment report has been submitted and this issue can be adequately dealt with under the planning assessment.</p>	No

Preliminary Examination Conclusion:

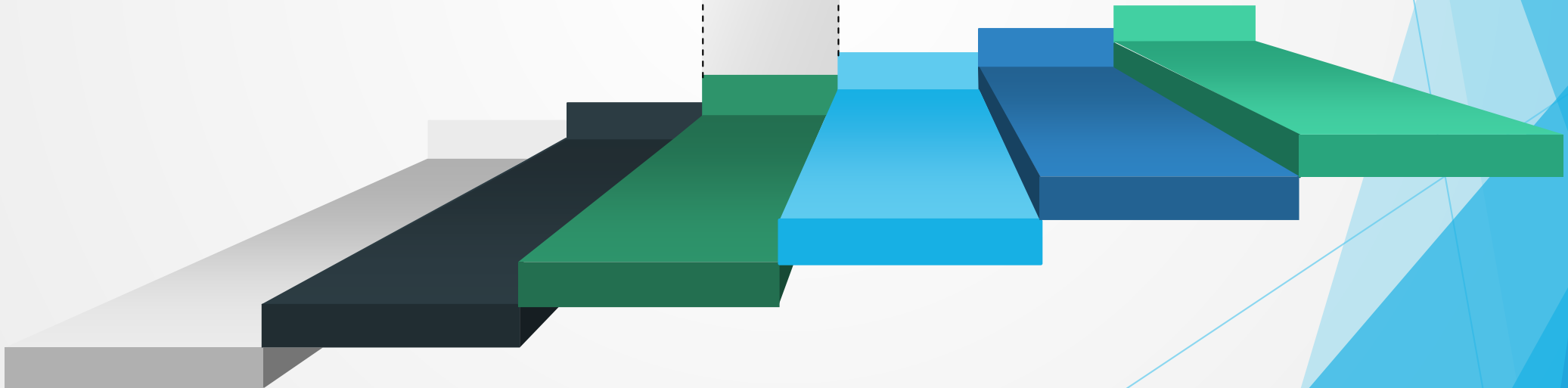
Based on a preliminary examination of the **nature, size and location** of the development.
(Tick as appropriate)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>

03

Step Three

Screening
Determination



Screening Determination

Step 3

Formal
Screening
Determination



Screening Exercise:

Is the proposal likely to have significant effects on the environment?

In making the determination, the planning authority must have regard to Schedule 7 criteria, Schedule 7A information, results of other relevant EU assessments, the location of sensitive ecological sites, or heritage or conservation designations. Mitigation measures may be considered.

Screening Determination Recorded outcomes to screening determination must state main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 of the Regulations and mitigation if relevant.

Screening Determination - Considerations

In making its screening determination, the planning authority **must** have regard to:

- ▶ **Schedule 7 criteria**
- ▶ **Schedule 7A information**
- ▶ Any **further relevant information** on the characteristics of the development and its likely significant effects on the environment submitted by the applicant
- ▶ Any **mitigation measures** proposed by the applicant
- ▶ The available results, where relevant, of preliminary verifications or assessments carried out under **other relevant EU environmental legislation**, including information submitted by the applicant on how the results of such assessments have been taken into account
- ▶ The likely significant effects on certain **sensitive ecological sites**

Screening Determination - Requirements



Determination must be **recorded**

- Include the reasons and considerations on which the determination is based with reference to criteria in Schedule 7
- Specify any mitigation features or design factors that inform the determination where EIA is determined not to be required



Notified to applicant within 8 weeks of receiving Schedule 7A information

Form 3 – Screening Determination

Section A - Identify relevant information (Case Details)

Section B – Follows structure of Schedule 7 to guide the examination:

- ▶ Characteristics of Proposed Development
- ▶ Location of Proposed Development
- ▶ Type and Characteristics of Potential Impacts (relevant environmental criteria)
- ▶ Provides questions to guide the process (based of Commission Guidance)
- ▶ Integrates the consideration of Mitigation Measures
- ▶ Includes cumulative effects and transboundary considerations

Section C - Determination

Section D – Main Reasons and Considerations

Case Study 3



D. Main Reasons and Considerations:

Having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following:

- (a) the nature and scale of the proposed development, which is significantly below the threshold in respect of Class 3(i) (Energy Industry – wind farms) of the Planning and Development Regulations 2001 (as amended),*
- (b) The location of the site on lands that are zoned for industrial use under the provisions of the XX Development Plan 20XX-20XX and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),*
- (c) The location of the site in an established industrial area and the existing pattern of development in the vicinity,*
- (d) The location of the site outside of any sensitive location specified in article 103(3)(a) of the Planning and Development Regulations 2001 (as amended),*
- (e) The appropriate assessment to be carried out of likely significant effects on European sites,*
- (f) the separation distance between the site and the nearest residential properties or other sensitive receptors, and the information submitted in the planning report with regard to visual, noise, and shadow flicker impacts,*
- (g) the mitigation measures set out in the Construction and Environment Management Plan, including traffic management and haulage routes,*
- (h) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).*

It is considered that the proposed development **would not** be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report **is not** therefore required.



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A wide-angle photograph of a field of tall, golden-brown grasses, likely a meadow or marsh, under bright sunlight. The grasses are dense and reach varying heights, creating a textured, natural background.

Key Concepts

Likely Significant Effects



Are the effects identified likely to occur? Can they be reasonably foreseen as normal consequences of project?

- including where relevant associated demolition, remediation and/or restoration



Are the effects, which are likely to occur, significant?

- An effect which, by its character, magnitude, duration or intensity alters a sensitive aspect of the environment
- EPA Draft Guidelines



Will the identified likely significant effects impact the relevant factors of the environment?



Must include direct and indirect, cumulative, and transboundary effects at all stages of the project

Mitigation Measures



Measures to **avoid**, **prevent** or **reduce** any significant adverse impacts on the environment of implementing a project



Can be taken into account at screening for EIA



Extreme care in relation to any measures linked to European sites where NIS not submitted



Project Splitting & Masterplans

Project splitting or 'salami-slicing' is the attempt by a developer to deliberately frame a single project as a series of projects, each or some of which fall below the relevant threshold for EIA.

- ▶ Large developments will often be split into smaller parts with separate consents
- ▶ Not a problem provided each part is properly screened and assessed under the EIA Directive
- ▶ Project should primarily be considered in its own right. Screening for subsequent units will be required to have regard to the cumulative effects with the first phase.
- ▶ In the case of masterplan it may be good practice to consider the cumulative effects with subsequent phases in so far as this information is available and relevant.



Common Issues

- Documentation required to carry out preliminary examination and/ or screening determination
- Urban development
- Changes, extensions and alterations to approved development
- Requirements when there is an EPA licence involved
- Public consultation in screening
- **Retention !!!**



Implications for the Planning System

- ▶ Section 176A Screening Determination Request to Planning Authority
- ▶ Section 247 Pre-application Consultations
- ▶ Planning Applications - Validation, Further Information, Timelines (Appendix D)
- ▶ Extension of duration applications (Section 42)
- ▶ Section 5 Declarations
- ▶ Local Authority and State Authority Development
- ▶ Planning Appeals
- ▶ Strategic Housing Development (SHD), SID & Substitute Consent

Re-Cap



Remember the initial stage of understanding the project



Schedule 7A information



Screening Determination



Retention development



Process, documentation and timelines