Inspector's Report ABP-311412-21

Development	Proposed greenway/walking/cycle track that will extend over a distance of 35.392km between Collooney to Bellaghy, Co. Sligo
Location	Between the townlands of Collooney to Bellaghy, Co. Sligo
Planning/Road Authority	Sligo County Council
Developer	Sligo County Council
Type of Application	EIAR Direction
Date of Site Inspection	2nd December 2021
Inspector	Niall Haverty

1.0 Introduction

1.1. Under the provisions of Section 50(1)(b) of the Roads Act 1993, as amended, ('the Roads Act'), Sligo County Council ('the road authority') is seeking a direction from An Bord Pleanála ('the Board') as to whether or not its proposal to carry out a road development project would be likely to give rise to significant effects on the environment and thereby require an Environmental Impact Assessment Report (EIAR) to be prepared and an Environmental Impact Assessment (EIA) to be undertaken.

1.2. The request is accompanied by a cover letter, an Environmental Impact Assessment Screening Report, prepared by Aona Environmental, and a Natura Impact Statement, prepared by Coiscéim Consulting. A series of associated drawings were also submitted.

2.0 Site Location and Description

2.1. Overview

2.1.1. The proposed road development, which is referred to as the Sligo Greenway, comprises a linear Greenway development with a length of c. 35.392km. The proposed Greenway would commence at Collooney railway station, c. 9.5km south of Sligo Town, and run along an existing disused railway line in a general south west direction towards the County boundary at Bellaghy, which is adjacent to the settlement of Charlestown, Co. Mayo. The proposed Greenway route would pass through the settlements of Collooney, Coolaney, Tobercurry, Curry and Bellaghy.

2.1.2. The proposed Greenway would run adjacent to, and traverse, a number of local roads at various points along its alignment and would run close to or adjacent to the N17 National Road between Tobbercurry and Bellaghy. It would also cross various rivers, streams and watercourses.

2.1.3. The existing disused railway line is still broadly intact for the majority of the route, despite services having ceased in 1975. It is, however, overgrown with vegetation over portions of its alignment. There are stated to be 120 No. level crossings on the line for public road and agricultural access, as well as 32 No. culverts and 21 No.

bridges. It is stated that the majority of these structures have not been maintained since closure of the line, other than those maintained by the local authority where they cross existing roads. It is also stated that much of the railway line corridor is still owned by Irish Rail, with some extents in private ownership.

2.1.4. The surrounding lands, with the exception of the settlements listed above, are generally in agricultural use, with some areas of commercial forestry and relatively sparse residential development along local roads.

2.2. Natural Heritage Designations

2.2.1. A total of 23 No. European Sites are identified within 15km of the proposed development, as follows:

- Unshin River SAC (Site Code: 001898);
- River Moy SAC (Site Code: 002298);
- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627);
- Lough Gill SAC (Site Code: 001976);
- Ballysadare Bay SAC (Site Code: 000622);
- Union Wood SAC (Site Code: 000638);
- Lough Arrow SAC (Site Code: 001673);
- Bricklieve Mountains &Keishcorran SAC (Site Code: 001656);
- Templehouse and Cloonacleigha Loughs SAC (Site Code: 000636);
- Turloughmore (Sligo) SAC (Site Code: 000637);
- Doocastle Turlough SAC (Site Code: 000492);
- Flughany Bog SAC (Site Code: 000497);
- Cloonakillina Lough SAC (Site Code: 001899);
- Urlaur Lakes SAC (Site Code: 001571);
- Derrinea Bog SAC (Site Code: 000604);
- Lough Nabrickkeagh Bog SAC (Site Code: 000634);

- Lough Hoe Bog SAC (Site Code: 000633);
- Ox Mountains Bogs SAC (Site Code: 002006);
- Knockalongy and Knockachree Cliffs SAC (Site Code: 001669);
- Drumcliff Bay SPA (Site Code: 004013);
- Cumeen Strand SPA (Site Code: 004035);
- Ballysadare Bay SPA (Site Code: 004129); and
- Lough Arrow SPA (Site Code: 004050).

2.2.2. Of the abovementioned sites, the proposed development traverses the Unshin River SAC (Site Code 001898) and the River Moy SAC (Site Code 002298) (at a number of locations).

2.2.3. There are also a number of pNHA and NHA sites in the vicinity of the proposed development. These primarily relate to various bogs, loughs and turloughs.

3.0 **Proposed Development**

3.1. The main elements of the proposed development include:

- Vegetation and scrub clearance.
- Civil works, including construction of a reinforced concrete underpass beneath the N17 national road, south of Tubbercurry.
- Repair and unblocking of open drains, as required.
- Repair works to existing bridges. Where bridges need to be replaced a lightweight steel bridge structure will be constructed off-site and lifted into place over the current bridge structure.
- Repair or replacement of any collapsed culverts and cleaning/unblocking of culverts as required.
- Removal of the rails and sleepers. The stone ballast will be levelled and covered with a geotextile layer and layer of gravel and quarry dust. It is proposed that the Greenway will be finished with a bound/asphalt surface.

- Erection of safety post and rail fencing, signage, road markings, crash barriers on N17, tidy up of platforms, stations and level crossings.
- Ecological enhancements, including planting of native trees and provision of bat boxes if required.

3.2. The stated rationale for the proposed development includes: making better use of a disused transport corridor; creating walking and cycling facilities for local communities; linking villages; creating a tourist attraction and contributing to the economic development of the local area and region; encouraging sustainable modes of transport; and promoting the National Cycle Policy Framework and the National Recreation Strategy.

3.3. As noted above, the request was accompanied by a cover letter, an Environmental Impact Assessment Screening Report, a Natura Impact Statement and a set of drawings of the proposed development.

4.0 Legislation and Guidelines

4.1. Roads Act 1993, as Amended

4.1.1. This request for an EIAR direction is being sought under the Roads Act 1993, as amended ('the Roads Act').

4.1.2. Section 68(1) of the Roads Act states that a 'cycleway' means "a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians". I am satisfied that the proposed Greenway development would constitute a 'cycleway', as defined in the Roads Act.

4.1.3. Section 50(1)(a) of the Roads Act, lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:

(i) the construction of a motorway;

(ii) the construction of a busway;

(iii) the construction of a service area, or;

(iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

4.1.4. With regard to category (iv), I note that article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that:

> "The prescribed types of proposed road development for the purpose of subsection (1)(a)(iv) of Section 50 of the Act shall be -
>
> (a) 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 500m or more in length in an urban area;
>
> (b) the construction of a new bridge or tunnel which would be 100m or more in length."

4.1.5. With regard to a requirement for sub-threshold EIA, I note the provisions of sections 50(1)(b) and 50(1)(c) of the Roads Act, respectively.

4.1.6. Under section 50(1)(b), if An Bord Pleanála considers that any road development proposed (other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

4.1.7. Under section 50(1)(c), where a road authority considers that a road development that it proposes (other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment, it shall inform the Board in writing prior to making any application for approval under section 51.

4.1.8. Under section 50(1)(d), a road authority is required, in particular, to decide whether or not a proposed road development (again, other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment, where it would be located on a European Site, a nature reserve, land designated as a refuge for fauna or land designated a natural heritage area.

4.1.9. Under section 50(1)(e), in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board or the

road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive.

4.1.10. Section 50(1A)(a) states that unless the Board is satisfied that a proposed road development (other than development to which section 50(1)(a) applies):

(i) would not be likely to have significant effects on the environment, or

(ii) would be likely to have significant effects on the environment,

the Board shall require the road authority to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

4.1.11. The remainder of section 50(1A) sets out requirements for such information, and procedures to be followed subsequently.

4.2. EIA Directive 2014/52/EU

4.2.1. EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment, entered into force on 15th May 2014. The EIA Directive 2014/52/EU reaffirms that 'Annex I projects' shall be subject to EIA and that for 'Annex II projects', Member States shall determine whether the project should be subject to EIA on a case-by-case basis or subject to thresholds or other criteria set by the Member State. The screening determination must be based on the information provided by the developer and if mitigation measures are influential to a screening determination, these must be stated by An Bord Pleanála, as the competent authority, in a screening determination.

4.2.2. Annex III of the EIA Directive sets out the revised criteria for determining whether projects should be subject to an EIA, under three headings as follows:

1. Characteristics of projects:

(a) the size and design of the whole project;

(b) cumulation with other existing and/or approved projects;

(c) the use of natural resources, in particular land, soil, water and biodiversity;

(d) the production of waste;

(e) pollution and nuisances;

(f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;

(g) the risks to human health (for example due to water contamination or air pollution).

2. Location of projects:

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas:

(i) wetlands, riparian areas, river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;

(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

(vii) densely populated areas;

(viii) landscapes and sites of historical, cultural or archaeological significance.

3. Type and characteristics of the potential impact:

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and/or approved projects;

(h) the possibility of effectively reducing the impact.

4.3. **Relevant Guidance**

4.3.1. On foot of EU Directive 2014/52/EU, a guidance document entitled 'EIA of Projects - Guidance on Screening' (2017) and other documents were prepared on behalf of the European Commission to assist competent authorities, developers and EIA practitioners in the EU Member States. The 'Guidance on Screening' document outlines a stepped approach to the screening process for competent authorities, as well as two checklists to assist in case-by-case screening.

4.3.2. The 'Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-threshold Development' published in 2003 by the Department of the Environment, Heritage and Local Government, provides guidance on the criteria to be assessed when deciding whether or not a proposed development is likely to have significant effects on the environment. More recent guidance is also provided in the 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' published in 2018 by the Department of Housing, Planning and Local Government. The Office of the Planning Regulator also published Practice Note PN02, entitled 'Environmental Impact Assessment Screening', in 2021.

5.0 **Sligo County Development Plan 2017-2023**

5.1. The following Policies are noted:

- **P-OR-21:** As part of the preparation or review of local area plans and village mini-plans, identify corridors suitable for the creation of urban greenways and seek to connect and integrate them with local and long-distance greenways in the adjoining rural areas and subject to compliance with the requirements of the Habitats Directive.
- **P-CW-1:** Promote walking and cycling as sustainable transport modes and healthy recreational activities.
- **P-CW-2:** Plan and make provision for the safe and efficient movement of cyclists and pedestrians in and around built-up areas.
- **P-CW-5:** Promote cycling as a viable commuting mode of transport.
- **P-CW-8:** Consider the use of off-road routes, such as disused railway lines and bridle paths, for both walking and cycling to improve access to rural tourist attractions. Where feasible, provide separate trails for walkers and cyclists in the interests of safety and convenience, with appropriate surfaces for each type of user and subject to compliance with the Habitats Directive.
- **P-CW-10:** Implement the relevant policies of the Department of Transport's National Cycle Policy Framework 2009–2020, and support the provision of a national cycle network.
- **P-CW-12:** Implement the measures in Sligo's Cycling Strategy and update the Strategy as appropriate.

5.2. The following Objectives are noted:

- **O-CW-1:** Develop cycle routes from Ballysadare and Collooney to Sligo City.
- **O-CW-5:** Seek the development of a footway and cycleway (greenway) on or alongside the closed railway line from Collooney to Bellaghy (Sligo/Mayo county boundary) insofar as such route does not compromise the reopening of the Western Rail Corridor, if reopening the railway line is deemed feasible.

- **O-CW-6**: Seek the development of a footway and cycleway (greenway) on or alongside the abandoned railway line (SLNCR) from Collooney to Enniskillen, with a connection from Collooney to Sligo town, which can also serve as a Smarter Travel commuter route and subject to compliance with the Habitats Directive.

5.3. In terms of Landscape Character and scenic designations, the majority of the route would be located in areas designated as 'Normal Rural Landscape', with some discrete areas, particularly to the south of Tobercurry designated as 'Sensitive Rural Landscape'. The ridge line of a hill located a short distance to the east of Carrowmore, referred to as Knocknashee Common on OS maps, is designated as a 'Visually Vulnerable Area'. Some local roads in the vicinity of Coolaney are also designated as Scenic Routes.

5.4. Appendix E of the Development Plan provides further information on County landscape designations. It states that 'Normal Rural Landscapes' have the capacity to absorb a wide range of new developments, subject to normal planning and development control procedures. It notes that such areas tend to have enclosing topography and existing screening vegetation. 'Sensitive Rural Landscapes' are described as areas with intrinsic scenic quality and a low capacity to absorb new development. Any such proposal must demonstrate a high standard of siting, layout and design and may be required to consider ecological, archaeological, water quality and other factors. 'Visually Vulnerable Areas' are characterised by distinctive natural features, which have an extremely low capacity to absorb new development without significant alterations of existing character over a very wide area. To be considered for planning permission, a proposal must demonstrate, inter alia, that the development will not to impinge in any significant way on the integrity, distinctiveness and unique visual character of the area when viewed from the surroundings, especially from designated Scenic Routes and the environs of archaeological and historical sites. Scenic Routes indicate public roads from which the more dramatic scenic views, prospects and vistas of the County can be enjoyed. Most Routes pass through or close to designated Sensitive Rural Landscapes or adjoin designated Visually Vulnerable Areas.

5.5. Relevant policies and objectives with regard to landscape character protection include:

- **P-LCAP-1:** Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character.

  Planning applications that have the potential to impact significantly and adversely upon landscape character, especially in Sensitive Rural Landscapes, Visually Vulnerable Areas and along Scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.

- **P-LCAP-2:** Discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas.

- **P-LCAP-3:** Preserve the scenic views listed in Appendix F and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 13.4 Residential development in rural areas (development management standards).

- **P-LCAP-4:** Strictly control new development in designated Sensitive Rural Landscapes, while considering exceptions that can demonstrate a clear need to locate in the area concerned.

  Ensure that any new development in designated Sensitive Rural Landscapes:

  - does not impinge in any significant way on the character, integrity and distinctiveness of the area;
  - does not detract from the scenic value of the area;
  - meets high standards of siting and design;
  - satisfies all other criteria with regard to, inter alia, servicing, public safety and prevention of pollution.

- **P-LCAP-5:** Protect the historic and archaeological landscapes of the County.

6.0 **Request for Direction**

6.1. The cover letter accompanying the request for a direction states that Sligo County Council is of the opinion that the proposed development is sub-threshold and that there is no mandatory requirement for an EIAR.

6.2. The cover letter also states that a Stage 2 Appropriate Assessment has been determined by the local authority to be required and that an application to the Board under section 177AE of the Planning and Development Act 2000, as amended, will therefore be required. A Natura Impact Statement (NIS) was submitted with the request. This assesses potential impacts on five identified European Sites within the zone of influence of the proposed development and concludes that it will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

6.3. In support of their position, the local authority submitted the abovementioned NIS, an Environmental Impact Assessment Screening Report and relevant project drawings.

6.4. Section 4.2 of the report sets out the relevant legislative provisions relating to mandatory and sub-threshold EIA. I note that it does not make reference to the thresholds for mandatory EIA set out in section 50(1)(a) of the Roads Act. Section 4.4 of the report instead concludes that a mandatory EIA is not required with reference to the thresholds set out in schedule 5 of the Planning and Development Regulations 2001, as amended[1].

6.5. With regard to a requirement for sub-threshold EIA, Sections 4.5 – 4.8 of the report address the various criteria for determining whether projects should be subject to EIA, generally in accordance with the criteria set out in Annex III of the EIA Directive 2014/52/EU. The Board will note in this regard that section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III. My assessment of the proposed development against these criteria is set out in Section 7 below.

[1] The accompanying cover letter does, however, refer to the criteria set out in section 50(1)(a) of the Roads Act. It states that the proposed development does not fall under the criteria and that there is no mandatory requirement for an EIAR.

6.6. Section 5 of the report provides a conclusion, stating that the environmental effects arising from the proposed development will generally be localised, minor in nature and will occur principally during the construction phase. Consequently, the EIA Screening Report recommends that Sligo County Council determine that the proposed scheme will not be likely have significant effects on the environment and that the project does not require EIA.

6.7. The report goes on to state that an Ecological Impact Assessment (EcIA) for the Greenway should be prepared as part of a Part 8 application. Notwithstanding this reference to a Part 8 application, as noted above, the cover letter accompanying the request for an EIA Direction states that an application to the Board under section 177AE of the Planning and Development Act 2000, as amended, will be required, as it has determined that a Stage 2 Appropriate Assessment is required in respect of the proposed development.

7.0 Assessment

7.1. Requirement for Mandatory EIA

7.1.1. As noted in Section 4.1 above, section 50(1)(a) of the Roads Act lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:

(i) the construction of a motorway;

(ii) the construction of a busway;

(iii) the construction of a service area, or;

(iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

7.1.2. The proposed Greenway development does not fall into the mandatory EIA categories (i), (ii) or (iii), as listed above, as it does not include the construction of a motorway, busway or service area. With regard to category (iv), I note that article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) outlines the following:

"The prescribed types of proposed road development for the purpose of subsection (1)(a)(iv) of Section 50 of the Act shall be -

(a) 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 500m or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100m or more in length."

7.1.3. The proposed Greenway development does not comprise a road with four or more lanes or include the construction of a new bridge of 100m or more in length. I note, however, that the proposed development includes the construction of what is referred to as a culvert underpass under the N17 National Road. The terms 'tunnel' and 'underpass' are not defined in the Roads Act, although I note that the definition of 'road' set out in section 2 of the Act states that it includes, inter alia, any underpass, subway, tunnel, overpass, overbridge etc. Clearly, therefore, there is a differentiation between a tunnel and an underpass. Having reviewed the drawings submitted I am satisfied that the structure in question, which has cross-sectional dimensions of 3m x 3m and which is intended to allow the proposed Greenway to pass under the N17 National Road, can reasonably be described as an underpass, rather than a tunnel.

7.1.4. Notwithstanding this, should the Board consider that the structure is a tunnel rather than an underpass, I note that the structure is stated to have a length of c. 98m, i.e. it is less than 100m in length and having regard to the other categories of prescribed types of road development, as identified above, it can be concluded that the proposed road development does not fall within category (iv) of section 50(1)(a).

7.1.5. It can be concluded, therefore, that the proposed development does not require mandatory EIA.

7.2. Requirement for Sub-Threshold EIA

7.2.1. Section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III of

the EIA Directive. Annex III groups criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA under three headings, which I have addressed separately in Sections 7.3 – 7.5 below.

7.3. Characteristics of the Project

7.3.1. Size and Design of the Whole Project

7.3.2. A description of the proposed development is set out in Section 3 above, based on information provided by Sligo County Council. More detail is provided in Section 3 of the submitted EIA Screening Report.

7.3.3. The total length of the proposed Greenway is c. 35.4km, with a minimum width of 3m to accommodate shared use by pedestrians and cyclists. It will primarily be located along a disused railway alignment, which is stated as including 120 level crossings for public road and agricultural access, 32 No. culverts and 21 No. bridges. These culverts and bridge crossings will be repaired, as required, as part of the proposed development. Where bridges need to be replaced, it is proposed to place lightweight steel structures (which are constructed off-site) over the existing bridge structure. I note that no significant demolition or cut and fill works are associated with the proposed development, due to the use of the existing railway alignment, although some vegetation clearance and excavation works will be required. In particular, I note the proposed construction of a c. 98m long reinforced concrete underpass beneath the N17 national road, south of Tobercurry. The proposed development also includes biodiversity enhancement measures and landscaping planting.

7.3.4. The exact extent of land acquisition required to facilitate the proposed development is not stated. The EIA Screening Report does, however, state that land and property acquisition will be minimal or absent due to the use of the railway line.

7.3.5. While the c. 35.4km length of the proposed Greenway is considerable, having regard to its ribbon-like 3m width and the proposed use of the existing disused railway alignment for the majority of its length, I do not consider that the size and design of the project, in itself, would be a determining factor in assessing the need for EIA.

7.3.6. Cumulation with Other Existing and/or Approved Projects

7.3.7. The EIA Screening Report states that a number of planning searches in relation to plans and projects have been undertaken and notes that there are a number of existing and proposed rural type and domestic type developments in the area. The report identifies a number of projects which it considers will give rise to potential connectivity opportunities or linkages with the Greenway. These include the existing Sligo to Ballisodare Greenway, the proposed Sligo to Enniskillen Greenway, the National Mountain Bike Centre at Coolaney, the proposed EuroVelo Route 1, the Wild Atlantic Way, the Sligo Way, Ireland West Airport Knock, and the Velo Rail project at Kiltimagh. It also notes that a road upgrade project identified as the N17 Knock to Collooney project is currently at route option selection stage and that the section of existing network being examined extends from Knock in Co. Mayo to Collooney in Co. Sligo, encompassing Knock, Charlestown, Bellahy, Tobercurry and Collooney as well as a number of smaller villages and settlements.

7.3.8. The proposed development appears to be generally geographically separate from these various cycle infrastructure projects. Nevertheless, the provision of a relatively substantial Greenway development may have the potential to result in cumulative socio-economic and human health impacts that are likely to be positive, albeit not significant. With regard to the N17 Knock to Collooney project, I note that this is at an early route option selection stage, and I do not consider that the proposed development is likely to result in significant cumulative impacts with that project, given the likely timeframes for the two projects and the limited potential for interactions.

7.3.9. In addition to the projects referenced in the EIA Screening Report, a number of other projects are referenced in Section 7.3.2 of the NIS submitted with the request, which relates to potential in-combination effects on Natura 2000 sites arising from other plans and projects. The identified projects include a wind farm development 20km from the project footprint, a bio-chemical manufacturing facility in Sligo Town, agricultural works leading to runoff to rivers, works associated with the River Basin Management Plan 2018-2021, recreational activities on the Ownemore/Owenboy Rivers and the spread of non-native invasive species. The NIS considers that “it is likely that significant adverse impacts will occur in combination or cumulatively relative to the Natura 2000 sites” and sets out various mitigation measures accordingly.

7.3.10. While the EIA and AA processes are separate, I consider that the proposed Greenway has the potential to result in cumulative impacts with other existing and/or approved projects due to its length and its traversal of a number of settlements and watercourses. These impacts will likely require mitigation measures to be implemented, however having regard to the nature and scale of the proposed development, I do not consider that the cumulation with other projects would be a determining factor in assessing the need for an EIA.

7.3.11. **The use of Natural Resources, in particular Land, Soil, Water and Biodiversity**

7.3.12. Almost all of the proposed Greenway will utilise a disused railway alignment, which is mostly intact, and which includes a considerable number of culverts, drains and bridges. The road authority states that the need for land acquisition is likely to be minimal or absent due to this existing railway alignment. Existing structures such as bridges and culverts will be repaired and re-used as part of the proposed development, and replaced where necessary, with existing structures generally retained. As a result of the use of the old railway alignment, the re-use of existing structures and the narrow linear nature of the development, the impact on land and soil is not likely to be significant.

7.3.13. Natural resources and construction materials such as crushed stone, bitumen, cement and geotextiles will be utilised during the construction phase, although the proposed re-use of existing railway stone ballast and the relatively level nature of the railway alignment will minimise the need for construction activities. The most substantial single area of construction works is likely to be at the proposed N17 underpass culvert, where excavations, reinforced concrete structures and backfill materials will be required. The road authority states that all excavated materials will be reused on-site in embankments and enhancements. The railway alignment is currently overgrown in places with vegetation, and this will be cleared as part of the proposed development. The vegetation is generally scrub, juvenile trees, brambles etc. and I do not consider that its removal will significantly impact on natural resources.

7.3.14. With regard to water and biodiversity, the proposed development is not likely to use significant quantities of water during either construction or operation, but it has the potential to impact on watercourses which it passes over or close to, including

watercourses that are within designated European sites. There are also potential impacts on biodiversity arising from the removal of vegetation, disturbance, sediment release to watercourses etc.

7.3.15. The issue of pollution and impacts on protected sites is dealt with elsewhere in this assessment, and as such I would not consider that the use of natural resources would result in significant adverse effects that would require the preparation of an EIAR.

7.3.16. **Production of Waste**

7.3.17. Having regard to the nature of the proposed development, the key phase for the potential production of waste is the construction phase. However, due to the primarily off-line nature of the proposed development, the superficial nature of the development which will only need to accommodate pedestrian and cycle traffic (rather than heavy vehicles) and the re-use of an existing disused rail alignment for the majority of the route, no significant cut and fill is likely to be required, with the exception of the N17 underpass, and construction is therefore not expected to result in significant production of waste. Waste that does arise is likely to be in the form of inert soil and surface materials as well as the existing rails and sleepers that are to be removed. Sleepers that contain creosote will be disposed of at a suitably licenced facility in accordance with a Construction and Demolition Waste Management Plan. As noted above, the existing stone ballast will be reused as a layer in the surface build-up. Subject to the appropriate management of waste arisings in compliance with a suitable Waste Management Plan, and the use of licenced disposal facilities for potentially contaminated materials, I do not consider that the production of construction phase waste would cause significant adverse effects of a type that would require EIA.

7.3.18. With regard to the operational phase, users of the Greenway will generate waste, albeit in small quantities, with the potential for littering to occur. However, I do not consider that the operational phase will result in the generation of significant volumes of waste, and issues of waste management and littering prevention can be readily addressed through good management and provision of suitable facilities.

7.3.19. **Pollution and Nuisances**

7.3.20. During the construction phase there is potential for works associated with the proposed development to result in pollution of waterbodies with hydrocarbons or sediments, for dust and noise emissions, construction traffic-related impacts, or nuisance/disturbance to biodiversity receptors. The road authority states that this potential for pollution and nuisance can be minimised through the use of best practice construction management practices.

7.3.21. Given the scale of the proposed development, there is also potential for pollution and nuisance to impact on nearby residents and landowners during the construction phase, although given the linear nature of the development, the duration of such impacts may be short-term and not significant, subject to compliance with best practice construction methods. The road authority considers that any impacts on local residents and landowners will be offset by the reduction in noise and air pollution from the long-term modal shift to cycling and walking.

7.3.22. Having regard to the nature of the proposed development, no significant air, noise or water pollution impacts are likely to arise during the operational phase.

7.3.23. **The Risk of Major Accidents and/or Disasters which are Relevant to the Project concerned, including those caused by Climate Change**

7.3.24. Having regard to the nature of the proposed development and the receiving environment, it is not anticipated that the project is a type which would cause an increased risk of major accidents / disasters including those caused by climate change.

7.3.25. It is stated that construction activities and surface water management will be undertaken in accordance with best practice, including TII, Inland Fisheries Ireland and CIRIA guidance.

7.3.26. It is also proposed to prepare a Traffic Management Plan to assess the risk of road traffic accidents during the construction phase. The risk of such accidents is stated to be low due to the use of standard construction practices, the use of the existing railway alignment and noting that no unusual substances or technologies will be used. In the operational phase the greenway will provide a safer and more accessibly facility for pedestrians and cyclists, reducing the risk of accidents by removing the potential for conflicts with motorised traffic.

7.3.27. With regard to climate change, I note that part of the rationale for the proposed development is to encourage sustainable modes of transport. From a climate change perspective, therefore, any impacts are likely to be positive, albeit not significant.

7.3.28. **The Risks to Human Health (for example due to Water Contamination or Air Pollution)**

7.3.29. During the construction phase there is potential for impacts on human health due to air/dust pollution, releases of contaminants to water bodies and traffic impacts. Such impacts can be addressed through a Construction Environmental Management Plan and Traffic Management Plan and adherence to best practice and protocols. Having regard to the nature of the proposed development, such impacts are not likely to be of sufficient magnitude as to result in a significant risk to human health.

7.3.30. The proposed development, once operational, is likely to result in human health benefits as a result of increased cycling and pedestrian activity and less reliance on car travel. Similar positive benefits are likely to arise as a result of improved road safety resulting from separation of separation of vehicular and bicycle/pedestrian traffic which would be to the benefit of all road users in the area.

7.4. Location of the Project

7.4.1. Existing and Approved Land Use

7.4.2. As noted above, the proposed Greenway route almost entirely utilises an existing disused railway alignment, which is still generally intact, albeit overgrown. Small portions of the route will also make use of existing public roads. The majority of the proposed route is within rural areas, as well as urban and semi-urban residential and commercial/industrial areas in the various settlements that it would pass through. The rural areas comprise mostly pasture, as well as peat bog, coniferous forest, scrub ad woodlands. Existing land uses in the area will not be significantly impacted, due to the use of the railway alignment and the retention of existing agricultural access points and road crossings. The extent of additional land acquisition required is stated to be minimal or absent.

7.4.3. Given the linear nature of the proposal, the re-use of an existing railway alignment and the retention of existing agricultural access crossings, I do not consider that the impacts on existing and approved land use will be significant.

7.4.4. **The Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources (including in particular Soil, Land, Water and Biodiversity) in the Area and its Underground**

7.4.5. The proposed Greenway will make use of an existing disused railway alignment and the quality of the natural resources on site are relatively low from a soil, land, water, and biodiversity perspective. The natural resources required to construct the development, including crushed stone, asphalt, cement, timber and steel are standard construction materials that are in relative abundance. The surrounding area generally comprises typical agricultural land uses and land types that are in relative abundance and not of particular note from an environmental perspective. There are, however, water and biodiversity resources along the route that are of national and international importance (e.g. Unshin River SAC and River Moy SAC), while other Natura 2000 sites in the wider vicinity with indirect connectivity to the Greenway site have also been identified.

7.4.6. The regenerative capacity of the biodiversity of the area is indicated by the recolonisation of parts of the railway alignment by scrub and trees since it was cleared in 2007. This vegetation, which will be removed as part of the proposed development, is of a type that appears to be locally abundant. Notwithstanding this, the vegetation is likely to serve a habitat function for various species, potentially including protected species, such as nesting birds and potentially as linear foraging or commuting features for small mammals, including bats. It is proposed to incorporate new mitigation planting and landscape design as part of the development. Works to existing culverts and bridges will be required as part of the proposal and this may also result in temporary reduction in the aquatic habitat area of watercourses, including European sites, without effective mitigation measures being implemented.

7.4.7. The road authority is of the opinion that an Appropriate Assessment will be required for the proposed development, and has submitted a draft NIS, which includes various mitigation measures to avoid or reduce potential effects on the integrity of the identified European sites. The road authority's environment consultant, in the EIA Screening Report, also recommends that a detailed Ecological Impact Assessment (EcIA) should be undertaken by suitably qualified Ecologists to accompany the application for the proposed Greenway.

7.4.8. **Absorption Capacity of the Natural Environment**

7.4.9. This part of Annex III requires the absorption capacity of the natural environment to be considered with particular attention paid to the following areas:

7.4.10. Wetlands, Riparian Areas, River Mouths

7.4.11. There are numerous watercourses and associated riparian areas in the study area for the proposed Greenway. The main rivers that it will run close to and cross are the Owenbeg River which is a tributary of the Unshin River and Owengarve River and the Black River which are tributaries of the River Moy. It will also traverse various smaller watercourses that are tributaries of these rivers.

7.4.12. Table 1, contained in Section 4.7.3.1 of the EIA Screening Report, sets out the EPA River Water Quality Status (Q-value) of the various watercourses and their Water Framework Directive score risk. The Q-values generally range from Moderate (Q3-4) to High (Q5), other than tributaries of Tubbercurry which ranges from Poor (Q2-3) to High (Q5). With regard to WFD status, a number of the watercourses are identified as being 'at risk'.

7.4.13. Construction of the proposed development has the potential to result in adverse impacts on these watercourses due to the requirement for culvert and bridge repair, and the possibility of contaminants or sediments entering the watercourses and impacting on water quality and/or the habitats and species therein. The water quality ratings for the watercourses indicate that some of them are likely to have very limited absorption capacity.

7.4.14. It is stated in the EIA Screening Report that the Greenway will be designed and constructed in accordance with relevant guidance, including the TII and IFI Guidelines for construction near watercourses. The draft NIS submitted with the request also details various mitigation measures to protect water quality during the construction process. The measures contained therein are generally relatively standard good practice construction methods and practices for works in the vicinity of watercourses. It is also of note that where bridges are to be replaced, it is proposed to construct lightweight steel structures off-site and place them over existing bridge infrastructure. Due to this construction methodology, it is stated that no in-stream works are anticipated.

7.4.15. Coastal Zones and the Marine Environment

7.4.16. The proposed Greenway is not located within the vicinity of any coastal zones or the marine environment.

7.4.17. Mountain and Forest Areas

7.4.18. There are no mountain or forest areas directly along the existing railway line. Lands within the study area along the route include areas of coniferous forest, transitional woodland scrub and mixed forestry. As the proposed Greenway utilises the existing disused railway alignment it will not entail direct impacts on mountain or forest areas. Some vegetation will be removed from the railway line and native tree planting is proposed as part of the ecological enhancement works.

7.4.19. Nature Reserves and Parks

7.4.20. The proposed development is not located in or in the vicinity of any designated nature reserves or parks.

7.4.21. Areas Classified or Protected under National Legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC

7.4.22. As noted in Section 2.2 above, there are a total of 23 No. European Sites within 15km of the proposed development. Of these, the road authority considers that there is the potential for direct or indirect connectivity with 5 No. sites. The proposed Greenway traverses and runs parallel to the Unshin River SAC (Site Code: 001898) and the River Moy SAC (Site Code: 002298) at various locations. Indirect connectivity is associated with Ballysadare Bay SAC (Site Code: 000622), Ballysadare Bay SPA (Site Code: 004129) and Union Wood SAC (Site Code: 000638) which are connected to the proposed Greenway site via the Owenmore and Ballysadare Rivers.

7.4.23. The road authority has commissioned an AA Screening Report and subsequently a Natura Impact Statement, which assesses each of these five sites and the potential impact sources and pathways associated with the proposed development. A draft copy of the NIS was submitted with the EIA Screening request and the road authority has advised that they are intending to submit an application under section 177AE of the Planning and Development Act 2000, as amended.

7.4.24. The qualifying interests for the Unshin River SAC are: Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation; Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites); Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae); Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); Salmo salar (Salmon); and Lutra lutra (Otter).

7.4.25. The qualifying interests for the River Moy SAC are: Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis); Active raised bogs; Degraded raised bogs still capable of natural regeneration; Depressions on peat substrates of the Rhynchosporion; Alkaline fens; Old sessile oak woods with Ilex and Blechnum in the British Isles; Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae); Austropotamobius pallipes (White-clawed Crayfish); Petromyzon marinus (Sea Lamprey); Lampetra planeri (Brook Lamprey); Salmo salar (Salmon); and Lutra lutra (Otter).

7.4.26. The qualifying interests for Ballysadare Bay SAC are: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Vertigo angustior (Narrow-mouthed Whorl Snail); and Phoca vitulina (Harbour Seal).

7.4.27. The qualifying interests for Ballysadare Bay SPA are: Light-bellied Brent Goose (Branta bernicla hrota); Grey Plover (Pluvialis squatarola); Dunlin (Calidris alpina); Bar-tailed Godwit (Limosa lapponica); Redshank (Tringa totanus); and Wetland and Waterbirds.

7.4.28. The qualifying interests for Union Wood SAC are Old sessile oak woods with Ilex and Blechnum in the British Isles.

7.4.29. Given the nature of the proposed development and the direct and indirect pathways between it and the abovementioned Natura 2000 sites, there is the potential for adverse effects to arise during the construction phase as a result, for example, of disturbance, release of pollutants/contaminants to waterbodies, removal of breeding and feeding habitats, introduction of invasive species or changes to drainage patterns.

7.4.30. There are also a number of Natural Heritage Areas and proposed Natural Heritage Areas in the vicinity of the proposed development, comprising bogs, loughs and turloughs. The closest such site is Slieveward Bog NHA, which is c. 500m from the proposed Greenway. The EIA Screening Report states that this NHA is upslope of the proposed development and consequently no interaction or impact is anticipated. Having regard to the distance of the other NHAs and pNHAs from the site and the relatively limited nature of the works proposed, no significant impacts on nationally protected sites are likely.

7.4.31. Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure

7.4.32. There are no identified areas in the vicinity of the proposed Greenway where there has been a failure to meet environmental quality standards.

7.4.33. Densely Populated Areas

7.4.34. The proposed Greenway would pass through some urbanised areas, including the settlements of Collooney, Coolaney, Tobercurry, Curry and Bellaghy. Between these settlements, there is a more dispersed pattern of ribbon development along local roads in the vicinity of the disused railway line.

7.4.35. I do not consider that the proposed development is likely to result in significant adverse impacts on densely populated areas. While short-term construction phase impacts may arise due to noise, dust, traffic etc. these will be temporary and limited in extent, given the proposed use of the existing disused railway line. I consider that positive impacts are likely to arise in the operational phase in terms of human health, public amenities and sustainable transport.

7.4.36. Landscapes and Sites of Historical, Cultural or Archaeological Significance

7.4.37. The proposed Greenway will utilise a historic disused railway line. While the railway line does not have any formal designation, I consider that it is likely to be of local historical, cultural and social interest. The re-use of the railway alignment, and its increased accessibility and visibility, may therefore result in positive impacts.

7.4.38. The submitted EIA Screening Report outlines archaeological and architectural heritage sites in the vicinity of the proposed Greenway in Tables 2 and 3. Since it is

proposed to re-use the existing railway line for the Greenway, it is unlikely that there will be direct impacts on any of the identified sites/features. Given the likely need for excavations associated with the N17 underpass, services, parking and other ancillary elements, the potential for unknown archaeological features cannot be ruled out. Archaeological testing may therefore be required in advance of construction work and/or monitoring during excavation work. These matters can be addressed as part of a section 177AE application, and I do not consider that significant adverse impacts on sites of historical, cultural or archaeological significance are likely to occur.

7.5. In terms of Landscape Character and scenic designations, the majority of the route would be located in areas designated as 'Normal Rural Landscape', with some discrete areas, particularly to the south of Tobercurry designated as 'Sensitive Rural Landscape'. The ridge line of a hill located a short distance to the east of Carrowmore, referred to as Knocknashee Common on OS maps, is designated as a 'Visually Vulnerable Area'. Some local roads in the vicinity of Coolaney are also designated as Scenic Routes.

7.6. Appendix E of the Development Plan states that 'Normal Rural Landscapes' have the capacity to absorb a wide range of new developments, subject to normal planning and development control procedures. It notes that such areas tend to have enclosing topography and existing screening vegetation. 'Sensitive Rural Landscapes' are described as areas with intrinsic scenic quality and a low capacity to absorb new development. Any such proposal must demonstrate a high standard of siting, layout and design and may be required to consider ecological, archaeological, water quality and other factors. 'Visually Vulnerable Areas' are characterised by distinctive natural features, which have an extremely low capacity to absorb new development without significant alterations of existing character over a very wide area. To be considered for planning permission, a proposal must demonstrate, inter alia, that the development will not impinge in any significant way on the integrity, distinctiveness and unique visual character of the area when viewed from the surroundings, especially from designated Scenic Routes and the environs of archaeological and historical sites.

7.6.1. The proposed Greenway, due to its linear nature, narrow width, use of an existing railway alignment and low gradient, which will not require any significant new cut or

fill works (other than the N17 underpass), is not likely to result in significant visual or landscape impacts on what is primarily a 'Normal Rural Landscape'. Existing vegetation on the railway alignment will be cleared as part of the development, but it is proposed to provide new landscape planting to improve the visual amenity of the route. In more sensitive areas, the nature of the proposed development together with the nature of the receiving environment is such that significant impact on landscape character or visual amenities are unlikely to occur.

7.7. Type and Characteristics of Potential Impact

7.7.1. Magnitude and Spatial Extent of the Impact

7.7.2. The footprint of the proposed Greenway is ribbon-like in nature and will entail the re-use of a former railway line. As such, the spatial extent of impacts will generally be limited. However, there is potential for impacts on water bodies and ecological sites arising from the necessity for construction works over and/or adjacent to watercourses which either form part of, or directly or indirectly connect to, Natura 2000 sites. These works, in the absence of adequate mitigation, would have the potential to adversely impact on habitats and species within these sites which have a significant spatial extent.

7.7.3. Nature of the Impact

7.7.4. Population and Human Health

7.7.5. There may be possible temporary impacts on human beings during the construction phase, due to noise, dust, visual and traffic impacts. These potential impacts will be short-term in nature and are not likely to be at such a quantity or of such a significance that would warrant the completion of a sub-threshold EIAR. Noise and dust will be subject to a proposed CEMP and are capable of being controlled using standard construction mitigation measures. It is also proposed to implement a Traffic Management Plan to manage traffic impacts during the construction phase. It is stated that community severance and land and property acquisition will be minimal or absent as the project utilises the existing railway line and will maintain existing access points. In the operational phase, the Greenway development is likely to have positive human health and socio-economic impacts for the population of the wider

area, due to supporting active travel modes and acting as a driver for tourism and leisure-led employment.

7.7.6. Biodiversity

7.7.7. During the construction phase, there is the potential for impacts on biodiversity arising from the removal of vegetation (which may provide breeding/nesting sites or foraging/commuting habitat), the potential contamination of watercourses with sediments, hydrocarbons or chemicals, disturbance or displacement of species, and introduction of invasive species. Some of the watercourses that the proposed Greenway will traverse or run alongside are either within or directly or indirectly connected to Natura 2000 sites.

7.7.8. The road authority has stated that construction will be undertaken in accordance with the relevant TII and IFI Guidelines for construction works in and adjacent to waters. It is also proposed to prepare a CEMP, an Ecological Impact Assessment and a non-native species management plan.

7.7.9. An AA screening report has been prepared, which determined that Stage 2 AA was required and an NIS has consequently been prepared. A draft copy of this was submitted with the screening request. The NIS outlines the nature of the risk to the Natura 2000 sites in light of their qualifying interests and sets out various mitigation measures during construction and/ or operation to avoid or reduce potential impacts on those European sites. I note that the identified measures are generally good practice construction measures.

7.7.10. Due to the road authority forming the view that AA is required, it is proposed to submit an application to the Board under section 177AE of the Planning and Development Act 2000, as amended, to be accompanied by the NIS, Ecological Impact Assessment, CEMP and various supporting documents. I consider that the potential impacts on biodiversity and on Natura 2000 sites can be adequately dealt with under the AA and planning assessment on foot of that application.

7.7.11. Land, Soil, Water, Air and Climate

7.7.12. The proposed development utilises an existing disused railway and will require limited amounts of construction material and will generate limited amounts of waste. The waste will include creosote treated railway sleepers which it is stated will be disposed of at a suitable licensed facility and in accordance with a Construction and

Demolition Waste Management Plan. There is stated to be minimal or no need for land acquisition due to the use of the existing railway alignment and existing accesses across the Greenway will be maintained.

7.7.13. There are a number of watercourse crossings along the alignment of the proposed Greenway including two main river bodies, the Owenbeg River and the Owengarve River. There are also a number of crossings of tributaries of the River Moy and Black River. Groundwater vulnerability is predominately low/moderate within the study area, however, a section of the proposed footprint traverses an area of extreme to high groundwater vulnerability. The aquifers in the region consist of both locally and regionally important aquifers and it is stated that impacts on surface water quality and groundwater quality will be minimal if best practice construction management, in accordance with TII and IFI Guidelines, and mitigation measures are adhered to.

7.7.14. It is also stated that temporary flooding of the Greenway may occur during extreme rainfall events, however the incorporation of engineered attenuation ponds and controlled discharges at all outfalls will control storm runoff rates to greenfield runoff rates so as not to exacerbate flooding and flood risk in the receiving watercourses. The road authority considers that the project will have an imperceptible residual impact on flooding in receiving watercourses.

7.7.15. With regard to air and climate, no significant impacts are anticipated, subject to control of dust emissions during construction. It is also considered that climate change will not have a significant effect on the proposed Greenway.

7.7.16. With regard to noise and vibration, it is stated that the contractor will be required to comply with the noise and vibration limits as stipulated in the relevant TII Guidelines. There may be some minor short-term construction phase noise impacts, which will be temporary in nature and subject to standard controls. No significant construction phase vibration impacts are anticipated and during the operational phase, there will be no significant noise or vibration impacts.

7.7.17. I consider that the potential impacts on land, soil, water, air and climate can be adequately dealt with under the planning assessment on foot of the proposed section 177AE application.

7.7.18. <u>Material Assets, Cultural Heritage and Landscape</u>

7.7.19. No significant impacts on material assets are anticipated due to the use of the existing railway line and the maintenance of existing access points across the proposed Greenway. As a result, community severance and land and property acquisition is stated to be minimal or absent. Existing bridges and culverts will be repaired or replaced as required and a new pedestrian/cycle underpass will be constructed under the N17, south of Tubbercurry.

7.7.20. With regard to potential impacts on archaeology, architecture and cultural heritage, there is no significant risk to recorded sites, due to the nature of the proposed development, the limited nature of the construction works and the use of the existing railway line. The railway line itself is likely of cultural heritage value and facilitating increased access for pedestrians and cyclists along the Greenway will provide an opportunity for a positive effect on the appreciation of the railway line and its associated features. There is the potential for impacts on unknown archaeological sites, particularly in the vicinity of the proposed N17 underpass, and archaeological testing and/or monitoring may be required.

7.7.21. In terms of potential landscape and visual impacts, the proposed Greenway utilises the existing railway line and due to its ribbon-like nature, it is not likely to result in a significant adverse impact on the surrounding landscape or visual amenities of the area. The surrounding area generally comprises normal rural landscapes that are not particularly sensitive from a visual and landscape perspective, with some discrete areas of more sensitive landscapes. The removal of vegetation on the railway line may result in temporary adverse impacts, however it is proposed to provide habitat enhancements and landscape planting along the Greenway.

7.7.22. I consider that the potential impacts on material assets, cultural heritage and landscape can be adequately dealt with under the planning assessment on foot of the proposed section 177AE application.

7.7.23. **Transboundary Nature of the Impact**

7.7.24. Having regard to the characteristics of the project, and its location, no transboundary impacts are likely to occur as a result of the proposed development.

7.7.25. **Intensity and Complexity of the Impact**

7.7.26. The potential for complexity primarily arises from the crossings of watercourses and the linkages to Natura 2000 sites and surface water environments and the potential for impacts on water quality and biodiversity.

7.7.27. **Probability of the Impact**

7.7.28. Having regard to: the nature of the proposed development and the receiving environment; the road authority's intention to submit an application under section 177AE, to be accompanied by documents including an NIS, CEMP, EcIA, Construction Traffic Management Plan and Construction and Demolition Waste Management Plan; the stated commitment to undertake the development in accordance with TII, IFI and other relevant Guidelines for good practice construction methods, I consider that the probability of significant adverse environmental impacts occurring would be negligible.

7.7.29. **Expected Onset, Duration, Frequency and Reversibility of the Impact**

7.7.30. Any adverse environmental impacts arising from the proposed development are likely to be associated with the construction phase and short-term or temporary in nature. There will be permanent loss of existing vegetation and habitat along the railway alignment, however it is considered that adverse impacts associated with this loss can be assessed and mitigated as part of the NIS, proposed EcIA and associated biodiversity enhancement and landscaping proposals that will form part of the application to be made to the Board under section 177AE.

7.7.31. **Cumulation of the Impact with the Impact of other Existing and/or Approved Projects**

7.7.32. Refer to Section 7.3.6 above.

7.7.33. **Possibility of Effectively reducing the Impact**

7.7.34. As noted above, the road authority has advised that it intends to submit a section 177AE application to the Board, to be accompanied by a NIS containing mitigation measures intended to avoid or reduce the harmful effects of the project on the integrity of European sites. A draft NIS accompanied this request for an EIA determination, and I note that mitigation measures include surface water protection measures, sediment control measures, biosecurity measures and specific measures to avoid impacts on species such as salmon and otter. It is also stated that an EclA,

CEMP, Construction and Demolition Waste Management Plan and other documents will accompany the application.

7.7.35. The design of the proposed development, including for example the use of the existing railway alignment, re-use of stone ballast, and off-site manufacture of lightweight steel bridges to avoid in-stream works and allow for the retention of existing infrastructure, together with the implementation of appropriate mitigation measures during the construction phase (generally comprising standard best practice methodologies) will result in a high probability of effectively reducing impacts.

8.0 Conclusion and Recommendation

8.1. Having regard to the submitted information, including the EIA Screening Report, the draft Natura Impact Statement and associated drawings, and having conducted a site inspection, I consider that, given the description of the proposed development and the nature of the receiving environment, the proposal is not likely to have significant effects on the environment that would necessitate the preparation of an Environmental Impact Assessment Report and the undertaking of an Environmental Impact Assessment.

8.1.1. Sligo County Council has accepted that AA will be required in respect of the proposed development and has stated that an application for approval will be made to the Board under the provisions of section 177AE of the Planning and Development Act 2000, as amended. In addition to the likely significant effects on European sites, the likely effects on the environment and the likely consequences for the proper planning and sustainable development of the area can be addressed in the preparation of that application and consequently considered and assessed by the Board.

9.0 Reasons and Considerations

9.1. Having regard to:

(i) the information provided by the road authority to An Bord Pleanála;

(ii) the provisions of the Roads Act 1993, as amended;

(iii) the nature and scale of the proposed development, which is below the thresholds for mandatory Environmental Impact Assessment set out in section 50(1)(a) of the Roads Act 1993, as amended, and article 8 of the Roads Regulations 1994, as amended;

(iv) Annex III of EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment;

(v) the document 'EIA of Projects - Guidance on Screening' (2017) issued by the European Commission;

(vi) the document 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development' issued by the Department of Environment, Heritage and Local Government in August 2003;

(vii) the characteristics of the proposed development, including the use of an existing disused railway alignment and the proposed use of off-site manufactured lightweight steel bridges, where required, to avoid in-stream works and retain existing bridge structures;

(viii) the nature and characteristics of the receiving environment and surrounding area; and

(ix) the report and recommendation of the Board's Inspector.

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 Assessment Report is not, therefore, required.

It is further considered that the likely significant effects on European sites, the likely effects on the environment and the likely consequences for the proper planning and sustainable development of the area can be addressed in an application to the Board for approval under section 177AE of the Planning and Development Act 2000, as amended.

Niall Haverty
Senior Planning Inspector

28th January 2022